

000381

N38
Cont.

according to the DEIR itself, the present size of the Institute parcel is only 26.30 acres (DEIR, page 5-1.3), which means that the Institute is 0.50 acre smaller than when the Community Plan density was assigned. Therefore, the development intensity should be reduced proportionally to 489,211 square feet total, a proportionate reduction of 10,789 feet – nearly the size of the residential component (12,000 square feet) or the daycare facilities (12,000 square feet). The difference of 1,211 square feet could easily be accommodated elsewhere on the property.

These items, taken together, would reduce the total potential area for new development considerably below the 210,200 listed in the DEIR. (DEIR, Table 3-1, page 3-4).

N39

Contrary to assertions by the Institute at recent public meetings, parking is not conservative. According to the Institute's response to questions at public meetings, Salk presently leases 150 spaces offsite from UCSD because it has insufficient onsite parking. Salk has provided no parking for prior and proposed underground facilities, thereby worsening the problem. Moreover, the DEIR fails to analyze the timing of UCSD's proposed academic and other development of the area just north of Torrey Pines Scenic Road where Salk currently rents parking. Therefore, the conclusion that there would be no adverse land use impacts is unsubstantiated (DEIR, page 5.1-22), including those related to the Parking Impact Overlay Zone for beach or campus parking (DEIR, page 5.1-23).

N40

Land Use. The inconsistencies of the proposed master plan with the Kahn/Salk Master Plan are also significant and cannot be mitigated.

N41

Failure to comply with mitigation required for prior projects. The Institute was supposed to remove several temporary buildings as a condition of project approval in 1991. Sixteen years later they remain. (DEIR, page 5.1-24). Also, vernal pool management, fencing and interpretation was supposed to be performed by the Institute as a condition of prior north mesa development. Similar to the situation with the temporary buildings, these past mitigation measures have not been implemented to date. Please indicate why the City

N39

The existing facility is required to provide parking at a ratio of 2.0 spaces per 1,000 sf building area in accordance with its existing permits; it provides approximately 24 mo. spaces than is currently required. All future buildings would be parked at the higher ratio of 2.5 spaces for every 1,000 sf constructed as required by current parking regulations (see Table 5.5-17 in the EIR). In addition, the parking spaces associated with the 29,000 sf to be demolished by the proposed project would be parked at the higher ratio. Therefore, the EIR concludes that sufficient parking would be provided with the proposed project (see page 5.5-20). Underground facilities support the uses that are constructed above ground, as defined in Section 113.0234 of the SDMC, and would not increase demand for parking. The lease agreement with UCSD is recognized as a temporary use and is merely used for visitor overflow by the Institute on an as-needed basis. Employees are not permitted to use the overflow parking area. If UCSD were to develop the area north of Torrey Pines Scenic Drive where the Institute currently leases parking prior to implementation of the proposed project, the Institute would pursue other avenues to accommodate overflow parking.

N40

In accordance with the land use significance criteria stated in the EIR (pages 5.1-20 and 21), the proposed uses are consistent with the *University Community Plan* and other applicable planning documents and would not result in a significant and unmitigable impact. Any inconsistencies with the 1961 Master Plan do not create a significant impact because it not a policy document of the City of San Diego. See response to comment N12.

N41

Removal of the temporary buildings was not a mitigation measure of the current permits, but rather a condition of approval. This past condition of approval has no bearing on the current application or the conclusions reached in the EIR. The applicant has complied with all environmental mitigation measures required of them in the past and has evidence to show compliance on file with the City; the City will enforce the mitigation monitoring and reporting program adopted with this project as applicable building permits are requested for the site in the future.

COMMENTS

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000382

N41
Cont.

mitigation and monitoring program has allowed this nonconformance to persist and indicate why the Institute can now be relied upon to implement the mitigation promised by it in this DEIR.

N42

There are at least four authorities requiring the consideration and minimization of impacts on adjacent residential neighbors: 1) Because the parcel is zoned RS-1-7 residential, a CUP is required (DEIR, page ES-5). As part of the CUP, consistency with adjacent uses must be analyzed and mitigated. The daycare facility is not permitted by right in this zone. (DEIR, page 5.1-20). The DEIR fails to analyze any of the required CUP findings, yet concludes there will be no impact; 2) The City's General Plan and the UC Community Plan both encourage the development of industrial land uses that are compatible with adjacent non-industrial uses; 3) The purpose of RS zones is to promote neighborhood quality, character and livability (DEIR, page 5.1-15); and 4) Master PDP criteria include that the design should demonstrate the relationships of the proposed development onsite with existing development offsite. (DEIR, page 5.1-19). Therefore, the DEIR should show sections of the elevations of the neighbor's residences with the new south mesa developments.

N43

Accordingly, what provisions will be made to safeguard the residential neighbor's properties when the 250-foot long retaining wall is installed along Salk Institute Road? How will this affect the operation of neighbor's gates, the condition of their plantings, fencing, walls, or soil stability? The DEIR is silent on these issues even though we requested that this issue be studied in *scoping comments*. (Tech. App. A NOP, Scoping Letter and Responses, Courtney Coyle letter dated December 7, 2004, page 7). Further, would the 250-foot retaining wall be visible from public views from the north, east, and west, or from the Kahn laboratory buildings, or from new construction on the parcel? Please provide visual simulations from those areas.

N44

Daycare/Fitness/Administrative/Events impacts to residential neighbors were not addressed in DEIR even though the closest offsite residence is just 35 feet south of structural development on the south mesa (DEIR, page 5.7-9). The backyards of the

N42

Under City standards and consistent with the State CEQA Guidelines, an EIR is not required to analyze specific findings. However, the EIR did evaluate potential project impacts to the adjacent residential uses related to visual quality/neighborhood character, air quality and noise. As such, the EIR concludes that the proposed scientific research uses would be compatible with adjacent development (see pages 5.2-19; 5.2-22; 5.6-13; and 5.7-10). The City determined that the proposed project is compatible with adjacent non-industrial uses in the residential zone. The daycare facility and temporary housing quarters are no longer proposed by the applicant (see the Preface to the Final EIR) and the remainder of this comment is not applicable to the Refined Project Design.

N43

The retaining wall mentioned in this comment is no longer proposed by the applicant under the Refined Project Design; therefore, this comment is not applicable.

N44

The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

The EIR concludes there is the potential for significant temporary noise impacts during construction (see pages 5.7-9 to 5.7-10). Despite the elimination of the daycare facility and housing uses, construction on site would still have the potential to cause significant noise impacts to nearby residences and the Draft EIR conclusion is applicable to the Refined Project Design (see the Preface to the Final EIR). Specific noise attenuation measures cannot be developed at this time because construction noise is dependant on the specific type of construction equipment, hours of its operation, location of construction activities relative to sensitive receptors and the construction activities specifically being conducted. Therefore, only once a contractor is selected can the noise control plan be developed as required in mitigation measures 5.7-1 through 5.7-4. Nonetheless, all construction noise must comply with the City noise regulations at the time of construction.

N44
Cont.

residences face the Institute, which means that outdoor patios and recreational areas will have to face construction and operational impacts. Yet no specific mitigation for construction (such as noise, staging areas, lighting, night work, etc.) or operational impacts (such as for deliveries, noise, lighting, events, night uses, etc.) on adjacent homes has been proposed, even though requested during project scoping. (Tech. App. A NOP, Scoping Letter and Responses, Courtney Coyle letter dated December 7, 2004, page 5). Further, no effort has been made in the DEIR to describe the particular uses of these facilities: How many special events will occur at the daycare facility? How many fitness events? What are the proposed times and days for operation of the daycare facility? Without disclosing such operational detail, it is not possible to analyze the level of noise or other impacts expected. Nonetheless, DEIR Table 5.7-4 clearly shows that the residences along Salk Institute Road will be subjected to the greatest project traffic sound increases at 2.1 and 1.9 decibels.

N45

Noise impacts: The Institute is classified as a non-conforming scientific research facility in a residential zone and is classified as a commercial use for purposes of the City's Noise Ordinance. (DEIR, page 5.7.2). The DEIR shows that for single-family residential areas, the daytime, evening, and nighttime sound level limits are 50, 45, and 40 decibels. (DEIR, Table 5.7-1). Yet the project is proposing limits in excess of each of these standards at 57.5, 52.5, and 50 decibels (DEIR, Table 5.7-2). The DEIR provides no authority for these exceedances for a non-conforming use and an expansion of that non-conforming use; one cannot use a blended sound level limit boundary between the Institute and residences to the south because the underlying zone districts are the same— not different. Nor does the DEIR provide a breakdown of what noise can be expected from the construction and operation of the residences or the daycare facilities. This information is relevant to the determination of an environmentally-preferred alternative.

N46

The only such impact even alluded to is construction noise. The DEIR concluded that construction equipment sound levels would range between 68 dBA and an astonishing 98 dBA, admitting that playground and residences may be exposed to unacceptable noise levels. (DEIR, page 5.7-9). Yet even there the proposed mitigation is merely general

000383

N45

The applicable sound level limit at property lines is a function of the land uses (and not zoning) and the time of day. The sound level limits listed in Table 5.7-1 apply when the area surrounding the land use is consistent (e.g., all residential). However, in the case of the proposed project where a variety of land uses occur, the arithmetic mean between two sound level limits is applied (see Table 5.7-2 and page 2-2 of the Noise Technical Appendix) per Section 59.5.0401(a) of the SDMC. Therefore, along the southern boundary noise level where commercial (Salk Institute) and residential limits apply, the arithmetic mean is set at 57.5 dBA, 52.5 dBA and 50 dBA during the daytime, evening and nighttime hours, respectively. These limits apply to stationary sources on site; in the case of proposed project, the existing mechanical tower would be the only stationary source on site since the Refined Project Design eliminates the daycare facility, as described in the Preface to the Final EIR. The Refined Project Design would also eliminate operational noise caused by traffic accessing the daycare and housing, which would no longer be built. For the reasons stated in response to comment N44, construction noise levels cannot be estimated at this time but would be mitigated prior to construction begins.

N46

The EIR concludes that temporary construction noise has the potential to cause significant and mitigable impacts to residences. Implementation of noise mitigation measures listed on pages 5.7-10 and 5.7-11 would reduce the impacts to less than significant levels as stated on page 5.7-10 of the EIR. The phrase "to the extent feasible" refers to operational changes that would reduce construction noise. It may not be feasible to implement certain operational changes (e.g., moving construction equipment away from the southern property boundary or reducing the duration of its use) to achieve the required noise limits, in which case a noise barrier would be needed. Changes have been made to the language of mitigation measure 5.7-1 in the Final EIR to remove the phrase "to the extent feasible" and clarify that noise barriers and/or operational changes would be implemented to achieve the City noise standard for construction.

COMMENTS

RESPONSES

N46
Cont.

operational practices, deferred and only to the extent feasible (DEIR, ES-57, page 5.7-10 - 11; MMRP, page 19), leaving open the possibility that adverse construction noise impacts to residences along Salk Institute Road may not be fully mitigable. Even with the mitigation measures listed, the DEIR fails to draw a conclusion as to whether construction noise impacts would remain significant.

N47

Moreover, the DEIR claims that construction activities would occur between 7:00 am to 7:00 pm Monday to Saturday. (DEIR, page 5.7-4). We believe a more appropriate time frame for the adjacent uses is 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 5:00 pm on Saturday..

N48

Similarly, Salk earlier prepared visual simulations from a few of the homeowner's parcels. Yet these simulations do not appear in the DEIR, even though the DEIR asserts conclusions regarding their significance at page 5.2-4. The Institute must prepare updated visual simulations of its project's impact to residential neighbors and include them in the DEIR, as was specifically requested in scoping comments. (Tech. App. A NOP, Scoping Letter and Responses, Courtney Coyle letter dated December 7, 2004, page 6).

N49

Short term residential uses: The DEIR fails to explain how the research and visiting fellows are presently being accommodated, what is/is not working and a justification for the number of residential units. Also, there are no project conditions to prevent "mini-dorm" abuses which have become a concern in El Cerrito, Pacific Beach, Linda Vista and La Jolla.¹² What is the proposed length of stay? Number of occupants? Vehicles?

¹² See, Attachment 10, La Jolla Village News article, *Mayor searches for end to mini-dorms around colleges*, April 19, 2007 stating it is a particular concern around UCSD; The March 7, 2007 City of San Diego Land Use & Housing Committee meeting heard recommendations for stricter enforcement of current regulations that cover mini-dorms and nuisance rental properties, as well as some other new ideas. This was a follow-up meeting to the November 29, 2006 Committee meeting in which the Committee asked for more detailed methods of enforcing current policies as well as other means to address problems associated with mini-dorms and nuisance rental properties located in single-family home neighborhoods. Recommendations focused on areas including enhancing parking restrictions to prevent multiple bedroom additions in existing structures, enforcing the Community Assisted Party Plan (CAPP) program, implementing the Police Department Administrative Citation pilot program, and encouraging greater

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N47

Construction would be conducted in accordance with the hours stated in the EIR and specified in Section 59.5.04040 of the SDMC.

N48

Visual simulations are not provided in the EIR from the private residences south of the property because the City significance criteria address potential impacts to public viewsheds only and proposed development does not result in a significant impact to such views. Views from those homes are not designated view corridors that are publicly accessible.

N49

The applicant currently leases housing offsite to accommodate visiting and new researchers and will continue to do so under the Refined Project Design; the remainder of these comments are not applicable to the Refine Project Design (see the Preface to the Final EIR) or are speculative, not relevant to the adequacy of the EIR analysis and do not raise significant environmental issues.

N49
Cont.

Type of vehicles? Will they be furnished? Frequency of and parking for moving trucks? We asked that these issues be discussed in the DEIR. (Tech. App. A NOP, Scoping Letter and Responses, Courtney Coyle letter dated December 7, 2004, page 8). How does Salk currently handle temporary housing? Wouldn't it be more cost-effective for the Institute to have a special arrangement for temporary housing at Estancia (immediately across the street) or some other nearby attractive facility?

N50

Insufficient Mitigation Measures: The DEIR states that, "Table ES-1 includes all mitigation measures identified in Section 5.0 that would reduce project impacts, and the level of impact significance following mitigation." (DEIR, page ES-10). However, many mitigation measures represented as part of the project by the applicant in recent public forums are not found within Table ES-1 or the DEIR and its Mitigation Monitoring and Reporting Program. These include supplementing the eucalyptus grove and providing public interpretation panels at and around the vernal pools¹³. Please clarify whether these items are indeed mitigation measures for the project and/or will be made conditions of project approval.

N51

There are also inconsistencies regarding mitigation. At recent public meetings, the Institute has stated it would have a vegetated or green roof for the daycare. Yet, the DEIR calls it a "sustainable roofing system." (DEIR, page 3-9). Please describe what is meant by this; will the daycare roof be vegetated?

community and stakeholder discussions. (Jim Madaffer newsletter, March 20, 2007). The same public relations firm that is handling the Salk Master Plan has been hired to handle the SDSU master plan, in which the mini-dorm issue was of great concern, so this issue should be no surprise to it or its clients. (See, SDUT, 10-story dorms in expansion proposal, April 18, 2007).

¹³ The only potential reference we found in the documents is the placement of one permanent "informational sign" to be placed adjacent to the vernal pools barrier stating, "Sensitive Environmental Resources; Disturbance Beyond this Point is Restricted by Easement." (Tech. App. B, Habitat Management Plan, page 12). An informational sign is not an interpretative panel. Similarly, the HMP states that signs will be posted only during the first year of implementation of the HMP advising visitors not to remove plants, animals, rocks, minerals or other natural resources. Why is it not a requirement to make such signage permanent? Without continuing signage, the public may believe that the restrictions have somehow been lifted once the signs are removed.

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N50

Project design features described by the applicant in presentations are not required to be contained in the EIR mitigation table if they are not CEQA mitigation measures. Supplementing the eucalyptus grove is part of the proposed landscape plan. Installing interpretive panel(s) near the vernal pool area is part of the design guidelines. The informational signage required in the Habitat Management Plan (HMP) would be permanently installed on the barrier along Torrey Pines Scenic Drive (see page 12 of the HMP). They are project design features listed in the permit drawings, and not mitigation or conditions of approval.

N51

One type of sustainable roofing system that has been discussed by the project design team is a green (or landscaped) roof. The vegetated roof is a project design feature of the north mesa parking garage and not a mitigation measure. There are no significant effects associated with green roof construction; in fact, they are more environmentally-friendly than traditional roofing systems.

COMMENTS

RESPONSES

- N52 Mitigation Monitoring and Reporting Program (MMRP). The "General" section must also reference that archaeological and tribal monitors are to attend pre-construction meetings. (MMRP, page 1).
- N53 Further, Table ES-1 is misleading and appears to try to downplay project inconsistencies with codes and policies, as there is no column referring to requested deviations and required findings (i.e., see ES-21).
- N54 Landscaping: The DEIR states that "several existing trees on the north lawn would be relocated to make room for the north lawn core facility." (DEIR, page 3-12). How many trees? What size and type are they? Where will they be replanted? And how will they be stored before replanting?
- N55 Water Quality: Why does the DEIR refer to a "Preliminary" Drainage Study and Water Quality technical report? (DEIR, pages 3-13, 5.8-1). When will the study be "final"?¹⁴ What are the specific construction and post-construction Best Management Practices (BMPs) for the project versus general reliance on outside permits and plans? (see DEIR, page 3-18, 5.8-15). Moreover, the bulk of the materials in the Drainage Study Technical Appendix are merely attached general reports of documents; there is little, if any, project-related analysis or application. It is also unclear what aspects of these general reports the Institute is proposing to integrate here. That the development of a final plan may need to await construction planning serves only to highlight that this DEIR should be a programmatic, not project, EIR. The DEIR must state that the Institute will be responsible for the maintenance of drainage swales, energy dissipaters and related facilities, not just drains. (DEIR, pages 3-10, 5.8-19).¹⁵

¹⁴ Technical Appendix G, Drainage Study, and Technical Appendix H, Water Quality Technical Report, state that final Drainage and Water Quality Studies shall be prepared for approval by the City along with necessary grading and Improvement Plans and permits. (Tech. App. G, page 1; Tech. App. H, page 10).

¹⁵ Technical Appendix H, Water Quality Technical Report, states that the Institute will be responsible for long term maintenance of the private drives, private storm drain facilities, open space areas and amenity/common areas (Tech. App. H, page 8), but this may not fully answer the question.

- N52 Reference to a Native American monitor has been added to the General Items in the introduction of the MMRP in acknowledgement of a Native American monitor being required for certain mitigation measures.
- N53 Pursuant to Section 15123 of the State CEQA Guidelines, the purpose of a summary in an EIR is to provide a brief summary of the proposed project and its consequences. Table ES-1 in the EIR summarizes the impacts and mitigation measures required of the proposed project. Deviations and/or findings thereto are not appropriate topics for the summary table. The height deviation is, however, mentioned in the text of the Executive Summary section (page ES-9), in the project description (pages 3-7 and 3-19) and in the land use policy discussion (page 5.1-22). It is not City policy to discuss permit findings in CEQA documents, as findings relate to project permitting and not the environmental impacts of a project.
- N54 The trees to be removed are landscaped trees and the level of detail requested in this comment is not relevant to the adequacy of the CEQA document. If the commenter wants to determine the number and location of trees to be relocated, she can compare the existing base topography, which shows all existing trees, with the proposed design features that are shown on the project drawings on file with the City. The logistics of their removal is not known at this time nor is it a necessary topic for discussion in the EIR nor is it a significant environmental impact needing to be discussed in the CEQA document.
- N55 As outlined in the conclusion of the project Drainage Study (page 4), the report is labeled "preliminary" because it estimates the quantity of peak runoff anticipated as a result of the proposed project. Actual flows will be calculated when final engineering takes place during the grading permit process, at which time a Final Drainage Study will be prepared as required under Section 3, Grading Permit, of the City's Land Development Manual. *Delaying the finalization of a drainage study until final engineering does not mean that the EIR should be programmatic; on the contrary, it is standard practice for a project of this scale to include a preliminary Drainage Study and Water Quality Technical Report at the EIR stage and to prepare final studies at the time of final engineering. Refer to response to comment N2 regarding the appropriateness of a Project-level EIR for this project.*

As noted in response to comments L3, L4 and L7 from San Diego Coastkeeper regarding surface runoff and short-term construction, descriptions of construction and post-construction best management practices (BMPs) are provided on Pages 5.8-14 through 5.8-19 of the EIR, as well as on pages 8 and 9 of the project Water Quality Technical Report. Pursuant to the referenced discussions, the implementation of identified construction and post-construction measures would avoid or reduce all project-related hydrology and water quality impacts to below a level of significance.

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N55 cont.

Please note that the bulk of the materials in the Drainage Study Technical Appendices are not "attached general reports of documents" as the commenter suggests, and these materials do in fact include project-specific analyses and applications. Specifically, Appendices A and B comprise existing hydrology/hydraulic calculations and developed hydrology/hydraulic calculations, respectively, for the Salk Institute site. Appendix C includes a County of San Diego rainfall hydrograph and City of San Diego standard design guide pages for calculating curb inlet capacities. Such standard City and County sheets are included in the appendix because they were used in the project hydrologic calculations and design.

As noted in response to comment L9 from San Diego Coastkeeper regarding long-term operation and maintenance, the project applicant will be responsible for all long-term maintenance of private facilities/areas within the project, and will enter into a Storm Water Management and Discharge Control Maintenance Agreement with the City of San Diego to ensure the establishment and maintenance of permanent BMPs (e.g., drainage swales, energy dissipators, etc.) within the project site.

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COMMENTS

RESPONSES

N56

Drainage from the site flows to the Pacific Ocean (DEIR, page 5.1-1) and into adjacent open space areas (DEIR, page 5.3-26). Sheet flows over the slopes on the south mesa. (DEIR, page 5.3-26) And runoff from the western, central, and southern portions of the site flows generally to the west, entering an adjacent series of unnamed canyons west of the site. (DEIR, page and Figure 5.8-2). Moreover, overall site runoff levels would increase at several of the individual discharge points in spite of a decrease in impervious surface area (DEIR, page 5.1-24).

The Technical Appendix, but not the DEIR text, mentions the possibility that some of the existing public facilities currently operate in "surcharge condition." (Tech. App. G, Drainage Study, page 1). Please discuss in the DEIR what this condition means and how its resolution might affect how the Institute handles its water runoff, including the necessity for additional detention basins and the sufficiency of proposed project mitigation: As stated in our scoping letter, the LCP states that remedial action for existing development should also be accomplished. (Tech. App. A NOP, Scoping Letter and Responses, Courtney Coyle letter dated December 7, 2004, page 5).

N57

N58

It is evident from the site plans in Technical Appendices H (Water Quality Technical Report), I (Geology Report), and J (Slope Stability Evaluation and Fault Hazard Study) that the consultants were given the prior Institute proposed master plan and not the updated site plan with the current project configuration. The DEIR does not analyze whether these Technical Reports remain valid despite the project revisions. This is particularly relevant where the Geotechnical Technical Report Attachments specifically say that no one – not even the entity commissioning the report – should apply the report to any project except the one originally contemplated..

N59

The DEIR notes that while no known water quality data are available for the site or vicinity, local surface water is expected to be generally moderate to poor (DEIR, page 5.8-3). Moreover, the most recent (2004) annual NPDES report notes that urban runoff, sewage spills, and bacterial contamination have impaired water quality in the applicable Scripps HA watershed management area. (DEIR, page 5.8-4 and 5).

N56

Comment noted; please refer to response to comments L2 and L3 from San Diego Coastkeeper for discussion on the topic.

N57

Comment noted. As indicated in this comment, the project Drainage Study notes "[t]he possibility that some of the existing public facilities currently operate in a surcharge condition." The study goes on to state, however, that "[f]or any respective segment of public storm drain where it has been determined the pipe is in a surcharged condition, no local runoff increase resulting from proposed development will be allowed to enter this respective segment of public storm drain." The EIR discussion on Pages 5.8-11 to 5.8-13 incorporates this conclusion into the assessment of potential impacts related to increased impervious surfaces and runoff, and notes that the majority (7 out of 10) of the existing drainage outlet points from the project site would exhibit either no increase or a reduction in flow after project implementation. Based on this condition, as well as the proposed measures to address flow increases at the remaining three discharge points (refer to the following discussion and response to comments L2 and L3 from San Diego Coastkeeper), the EIR concludes that no associated significant impacts would occur as a result of project implementation.

The LCP reference in this comment apparently refers to the discussion under the heading of LCP Specific Language on Page 198 of that document, which states "Runoff and erosion control, including remedial action for existing developments, should be accomplished by such means as on-site catchment basins, desilting basins, subsurface storm drains and energy dissipating measures at the terminus of the subsurface storm drains." As described in the project Drainage Study and Section 5.8 of the EIR, the proposed design incorporates a number of measures to address potential concerns related to runoff and erosion control, including an overall reduction in on-site impervious surface cover (which would reduce runoff generation and provide infiltration capacity), routing on-site flows through swales and landscaped areas prior to off-site discharge (which would provide both filtration and infiltration of flows, thereby serving to regulate and treat runoff prior to discharge), and use of energy dissipation structures to disseminate and reduce the velocity of flows prior to off-site discharge (thereby reducing downstream erosion potential). Based on these considerations, the EIR notes on Pages 5.8-11 to 5.8-13 that the overall increase in post-development runoff from the project site would be limited to approximately one percent, and that all associated post-development effects related to runoff volumes, velocities and erosion potential would be avoided or reduced below a level of significance by the described measures. Additionally, as noted above in this response, no project-related flows would be discharged into segments of the public storm drain system that are determined to be in a surcharged condition.

N58

The site plan in the Drainage Study and Water Quality Technical report has been updated and no changes to the conclusions reached in those studies or the EIR are warranted. A supplemental review of the site plan was conducted by Kleinfelder to determine whether the existing geotechnical report recommendations would change. No changes were deemed necessary and no changes to the conclusions reached in the EIR are warranted. These updates are provided in the Final EIR technical reports.

000388

N59 No known water quality testing related to impairment listings has been conducted along local beaches, although (as described in response to comment L8 from San Diego Coastkeeper) the 2006 303(d) list identifies a 3.9-mile stretch of Pacific Ocean shoreline within the Scripps Hydrologic Area (HA) as the only downstream impaired water (with identified contaminants limited to bacterial indicators). Children's Pool Beach, located approximately 3 miles south of the project site, is the only area within the noted 3.9-mile stretch specified as impaired in the 2006 list. The impairment is likely due to seal activity at that beach and not human sources of contamination.

As described in the EIR, Water Quality Technical Report and in response to comments L2 and L3 from San Diego Coastkeeper, the proposed project identifies a number of construction and post-construction BMPs to address potential hydrology and water quality concerns, including the location, volume and quality of runoff leaving the site. This discussion and the associated project Water Quality Technical Report conclude that the noted measures would avoid or reduce all associated hydrology and water quality impact below a level of significance.

The EIR does not "...allow for disposal of extracted groundwater into open-space areas...". As described on Page 5.8-18 of the EIR, disposal of extracted groundwater would require conformance with applicable NPDES Permit criteria. Accordingly, any proposed disposal of extracted groundwater associated with the proposed project would entail consultation with the RWQCB to determine the appropriate means of disposal and to identify associated mitigation requirements.

The marine portion of the Scripps Coastal Reserve is located a minimum of approximately 1.1 miles south of the project site, adjacent to and offshore of the Scripps Institution of Oceanography. Due to the project's incorporation of numerous site design, source control and treatment control BMPs (as noted above), runoff from the proposed development (both construction-related and operational) would contain fewer contaminants than current site runoff and would not have a significant cumulative effect on coastal hydrology or water quality in Scripps Coastal Reserve. Furthermore, any potential contaminants contained in runoff from the project site would have to travel a minimum of one mile downstream, and would likely experience significant dilution and/or dissemination, prior to reaching the Scripps Coastal Reserve. Based on the described conditions, no significant direct or cumulative hydrology/water quality impacts to the referenced reserve are anticipated from implementation of the proposed project.

As described in the project Water Quality Technical Report (and referenced on Pages 5.8-18 and 5.8-19 of the EIR), the "Priority Project" designation is based on the inclusion of one or more specific development categories in the project design. The proposed project is designated as a Priority Project based on the inclusion of 10 or more attached residential units, 100,000 or more square feet of commercial development, project discharging to receiving waters within Water Quality Sensitive Areas, more than 5,000 square feet of parking, more than 5,000 square feet of roadways, and more than 5,000 square feet of redevelopment (refer also to response to comment N60 below). The Priority Project designation requires conformance with the "Priority Project Permanent Storm Water

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COMMENTS

RESPONSES

N59 cont.

BMP Requirements" contained in the City Storm Water Standards Manual. The Priority Project BMP requirements have been addressed in the project Water Quality Technical Report, with the resulting measures included in the EIR analysis. As noted therein, all project-related hydrology and water quality impacts would be avoided or reduced below a level of significance through the proposed project design and the implementation of identified BMPs.

Please refer to response to comment L10 from San Diego Coastkeeper for information on the EIR evaluation of cumulative hydrology and water quality impacts.

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N59
Cont.

Runoff into the canyon from the south and northwest portion of the site appears to drain directly into the beach area that is fed by the Ho Chi Minh (Southwest) Trail, a major surf area. Has the ocean water at this surf spot been tested for impairment? What steps can the Institute take to redirect runoff from canyon areas to better protect offsite natural biological habitats of special significance; for rare, threatened, or endangered species (MHPA); and recreational areas (surf area, beach)? Where is the Scripps Coastal Reserve relative to the site, and will runoff cumulatively affect it? Why does the DEIR allow for disposal of extracted groundwater into open-space areas versus other means of disposal? (DEIR, page 5.8-18). Please explain in the DEIR text the significance of the project being designated as a "High Priority Project" based on City storm water criteria. (DEIR, page 5.8-18). Without more specific information, it cannot be concluded that the increase in runoff to these areas is insignificant. Further, the significance criteria stated in the DEIR leave cumulative water impacts unaddressed.

N60

Please explain why the section in the Technical Appendix to determine priority project permit storm water BMP requirements circled six of ten priority project categories, but the subsequent application of the Land Development Code Project & Priority project storm water BLM requirements highlights only two of the eight categories (Tech. App. H, Water Quality Technical Report; Compare pages 11 to pages 13-14).

N61

Finally, please explain whether the water quality conforms to the recent (2007) Regional Water Quality Control Board new regulations. See, Attachment 4, SDUT article, *State: Clean up coastal waters, local governments told to curb bacterial pollution*, April 26, 2007. Unlike the RWQCB's previous permits to reduce contamination that could harm wildlife and aquatic habitats, the new plan is the first aimed at safeguarding people's health by curbing bacterial urban runoff. Is the project consistent with the new plan?

N62

Historic Preservation: The Design Guidelines were not circulated with the DEIR but are crucial for understanding impacts and mitigation for landscape planning, SCR process, and consistency with Kahn design, etc. Substantial problems remain with the DEIR

N60

As indicated in this comment, Section 1 of the Storm Water Requirements Applicability Checklist contained in the project Water Quality Technical Report identifies the following six categories for determining "priority projects" that apply to the proposed project: (1) attached residential development of 10 or more units; (2) commercial development greater than 100,000 square feet; (3) discharge to receiving waters within Water Quality Sensitive Areas; (4) parking lots greater than 5,000 square feet; (5) streets and roadways with more than 5,000 square feet of new paved surface; and (6) significant redevelopment over 5,000 square feet. While the associated Table 1 (Standard Development Project & Priority Project Storm Water BMP Requirements Matrix) in the Water Quality Technical Report identifies only the commercial development and parking lot categories as noted in this comment, the resulting priority project BMPs identified for the proposed project address all applicable requirements in the referenced Table 1 (it should also be noted that the referenced Table 1 does not include categories for discharge to Water Quality Sensitive Areas or redevelopment). Specifically, while this comment is correct in asserting that the attached residential and street/roadways categories in the noted Table 1 could have been specifically marked in the project Water Quality Technical Report, all BMP requirements associated with these additional categories are either included in the commercial and parking lot categories (i.e. site design, source control and treatment control BMPs), or are included in the post-development BMPs identified for the proposed project (i.e., the use of storm drain inlet filters for all roadways, including private roads as specified on the referenced Table 1).

N61

Comment noted; please refer to response to comment L8 from San Diego Coastkeeper.

N62

The Design Guidelines have been on file with the City since before the EIR was released for public review, as discussed in response to comment N8. As detailed in response to comment N75, CEQA analyses and conclusions are wholly independent of the SB 18 consultation process. Refer to responses to comments N63 through N86 for additional discussion on the topics of historical resources and SB-18 consultation.

COMMENTS

RESPONSES

000392

N62
Cont.

analysis, the Page & Turnbull conclusions regarding application of the Secretary of Interior Standards, and the Kyle archaeological report and recommendations, which are at odds with tribal concerns per SB 18 consultation that are required here.

N63

Architecture: The DEIR correctly states that the entire Salk parcel has been determined eligible for listing on the National Register of Historic Places (NRHP) (DEIR, page 5.4-8) and that the City Historic Sites Board recognized that the Institute should be listed on the National Register as early as 1991. (DEIR, page 5.4-10). However, the DEIR misstates several important aspects of the National Register nomination and historical review processes.

First, regarding the nomination, the DEIR incorrectly states that neighbors of the Institute were the preparers of the nomination. (DEIR, pages 5.4-8, 5.4-10). In fact, the nomination was prepared by Professor Jeffrey Shorn and Cultural Landscape Specialist Vonn Marie May (both former members of the City's Historic Sites Board when the prior Salk expansion project came before it around 1991). The nomination was submitted on behalf of the Coalition to Preserve Salk Coastal Canyon, consisting of a number of diverse stakeholders, including environmental, landscape architecture and neighborhood interests. (See in general, Nomination cover sheet and letter to Office of Historic Preservation). Moreover, the nomination nowhere categorizes the property as an historic district, contrary to the assertion in the DEIR. (DEIR, page 5.4-15).

N64

Second, the DEIR correctly observes that processing of the project has involved extensive review by the Historical Resources Board (HRB) and its committees (DEIR, page 5.4-11). However, the DEIR misstates the intention and motion of the HRB. The HRB had not approved of the master plan or its components – including the landscape plan or the Torrey East Building with atrium. (See, Attachment 5, Section of September 28, 2006 HRB Transcript.¹⁶)

¹⁶ It is unfortunate that the tapes of this hearing provided by the City were missing large sections of the meeting, including extensive Board debate on this item.

N63

The National Register nomination may have been prepared by the individuals listed in this comment, however, the applicant understands that the neighbors hired those persons to prepare and submit it on their and others behalf. The EIR does not state on the referenced page that the National Register nomination was the source for categorizing the site as a historic district. In contrast, the historic district statement is taken directly from an observation made by the historical consultant in the historical landscape analysis, as indicated by the parenthetical reference to the historical landscape analysis technical report. See response to comment N85, below, for discussion of the historic district issue. Moreover, no response is needed because the comment does not address significant environmental issues.

N64

The EIR does not state that the HRB approved the Master Plan as suggested by this comment, instead it states on page 5.4-11 that "processing of the proposed project has involved extensive review of the design by HRB and its Design Assistance Subcommittee (DAS)" and on page 5.4-14 that "the HRB 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" and thus a Site Development Permit would be required. The single page of the transcript provided as an attachment to this comment is an incomplete representation of all that was discussed at the HRB hearing in September 2006. However, the entire transcript is on file at the City of San Diego and available for review by interested parties. Any recommendations by the HRB to Planning Commission and City Council would occur in a subsequent hearing(s) on the project.

N65

Third, the DEIR refers to a "100' historical setback" around the Kahn laboratories that never existed. (DEIR, Figure 8-1). The HRB has never applied any boundary other than the parcel itself; the State Historical Resources Board also did not recognize a limited boundary, instead recognizing the entire parcel. In the mid-1990s, staff intervention created a 100-foot buffer in the mitigated negative declaration for the Torrey East buildings, which by its very terms was for the sole purpose of constructing those buildings located to the east of the Kahn laboratories. It was never a boundary around the entire Kahn laboratory structure. The Institute must stop trying to perpetuate something that never existed and that has been repeatedly discredited.

Each of the above corrections must be made to the DEIR.

N66

The Historical Resources Technical Appendix likewise makes several erroneous statements. We will highlight only a few here that are not repetitive of the comments made above, although those corrections should also be made.¹⁷ First, the controversial 1991 East Building was not opposed by neighbors. (Tech. App. C, Historic Resources Technical Report, pages 5, 45). In fact, that addition was opposed by national and international design professionals, Kahn family members, former *New York Times* architectural critic Paul Goldberger, and others for its poor siting and mediocre architecture. The East buildings remain controversial today. Second, the reports assert that property owners to the south have removed trees, "presumably to improve views." (Report, page 67). The consultant does not know if trees were removed or trimmed, whether they were dead and posed a fire or pest hazard, whether the Institute failed to maintain its sprinkler systems in this remote area causing trees to fail, or whether a tree variety inappropriate for the growing conditions was planted. A technical report should be devoid of innuendo and conjecture.

Each of the above corrections must be made to the Technical Appendix.

¹⁷ This includes revising the following erroneous statements: that a neighborhood coalition submitted the National Register nomination (page 7); that the land exchange between the City and Salk in 1985 was an equivalent land exchange (pages 19, 44); that all the new buildings will be placed on sites that Kahn originally selected (page 51); and that 500,000 square feet is the allowable maximum (page 51).

N65

The 100-ft buffer noted in the Alternative Salk Community Center Building Layout (Figure 8-1) was shown on the original application and has been removed from all subsequent applications by the applicant at City staff's request (refer to Figure 3-1, Project Site Plan). Because the original application, shown in Figure 8-1, comprises the Alternative Salk Community Center Building Layout site plan, the defunct 100-foot buffer remains in the EIR. However, although it remains illustrated in Figure 8-1, the buffer is not used in any way to assess project (or alternative) impacts to historical resources.

N66

No response is required because the comment does not address significant environmental issues or the adequacy of the EIR. The requested changes to the technical appendix are not substantive and would not affect the conclusions reached in the analysis. The applicant has documentation from one of the neighbors admitting to removing the trees from the Institute property. The documentation has been provided to the City for its records. Therefore, no changes to the technical appendix will be made in response to this comment because they would not affect the CEQA adequacy of the EIR.

000393

COMMENTS

RESPONSES

N67

We are also concerned that Page & Turnbull's review of the Secretary of Interior Standards is incomplete and contains errors, as we discuss below. An evaluation of the new master plan against the Standards is not just about structures and footprints, but also about Kahn's original design intent, site plan and orientation, components of the designed and natural landscaping and what they have achieved over time. It is our view that the new plan as currently proposed is inconsistent with Standards 1, 2, 8, 9, and 10.

Rehabilitation Standard 1: *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive material, features, spaces and spatial relationships.*

N68

South mesa: The Historic Resources Technical Report erroneously states that daycare uses were anticipated in Kahn's master plan. (Tech. App. C, Historic Resources Technical Report, page 55). No evidence has been produced at any time that the Kahn Plan had daycare buildings or uses. This new use, in its currently proposed location on the south mesa, violates the Kahn Plan design, which showed residential uses separated from all other campus uses. If the daycare facilities were moved elsewhere on campus, the residential units could be returned to more of the Kahn rambling siting and design with a rustic, villa feeling. Moreover, the nature of this use and its siting will change both the onsite and offsite residential character for this area. There is no condition of project approval that the south mesa development will not be visible from points within the laboratory courtyard.

Given these substantial concerns and inadequacies, SOI Rehabilitation Standard 1 has not been met.

N69

Rehabilitation Standard 2: *The historic character of a property will be retained and preserved. The removal of distinctive materials or alternation of features, spaces and spatial relationships that characterize the property will be avoided.*

N67

It is the opinion of the applicant's historical consultant and the City's HRB staff that the proposed project is not consistent with Rehabilitation Standards 2 and 9. It is proper for the HRB to rely on the opinions of experts such as Page & Turnbull, who assisted in preparation of the EIR, rather than conclusory and speculative comments made by the commenter (*Greenbaum v. City of Los Angeles* [1984] 153 CA3d 391). City staff does not agree that the project is inconsistent with any other of the standards, as described in response to comments N68 through N85.

000394

N68

See response to comment N67. Please note that the statement on page 5.4-15 of the EIR which includes the daycare facility as one of the uses anticipated by Kahn has been revised in the Final EIR accordingly; because the daycare facility is no longer proposed, its relationship to the 1961 Master Plan and other related comments are not applicable, as discussed in the Preface to the Final EIR.

N69

See above responses to comments N66 and N67. The comment about reserving the east parking lot for future development is noted. However, the 1962 amendment to Kahn's 1961 Master Plan (Kahn's third and final plan for the Institute, presented to Jonas Salk in July of that year) has been added to the Final EIR (see Figure 5:1-1a); the 1962 amendment to the Master Plan shows that Kahn did anticipate development on the east mesa, including on the location of the east parking lot. See response to comment N15 and responses to comments F5 and F6 from the National Trust for Historic Preservation, for further discussion of this matter. The EIR states that development on the east mesa is not consistent with Rehabilitation Standard 2 with regard to spatial relationships and historic landscaping. The compatibility of the structure with the historic site combined with the atrium design of the Torrey East Building minimizes significant impacts to spatial relationships caused by the removal of the east parking lot. Although separating the Torrey East Building into two wings could accomplish the same result, it would lead to operational inefficiencies, would not provide a secure entrance to the facility and would reduce the amount of scientific research space on site, which would conflict with the basic project objectives. A two-wing building configuration is discussed in the Alternatives section (Section 8.0) of the EIR and was rejected as infeasible. See responses to comments N15 and F5 for further discussion of the atrium component of the proposed Torrey East Building. Although mentioned in the Historic Resources Technical Report, no sculptural element is proposed as part of the project.

000395

N69
Cont.

East mesa: The Historic Resources Technical Report erroneously states that development in the East parking lot is reserved for future development in Kahn's Master Plan. (Tech. App. C, Historic Resources Technical Report, page 56). No evidence has been produced to support this contention. Moreover, the Torrey East Building has no separation, unlike the Kahn and East building. Therefore, the spatial relationships of the laboratory buildings and even the East Buildings will be altered. The preference among the preservation communities appears to be to separate the new Torrey East Building so that the American landmass from the east still can be "pulled" through the courtyard and released to the sea, as opposed to the currently proposed closed-atrium concept. Moreover, concern has been expressed about the placement of a sculptural element, offered to make a "significant artistic statement" at the building's western entrance. (Tech. App. C, Historic Resources Technical Report, page 52). Our concern is that any art components not overwhelm or detract from the historic and iconic architecture. It should also be noted that the sculptural component is not otherwise a part of the environmental document. What public review process is envisioned for any sculptural element?

N70

Further, the mitigation proposed for impacts related to spatial relationship and the removal of the Kahn-designed East parking lot (trees, fixtures, curbs, wheel stops and planters) and its landscaping are not mitigated to below a level of significance by the potential replanting of existing Chinese Fringe Trees. (MMRP, page 5). These other impacts are significant and cannot be mitigated. Infilling of the historic eucalyptus grove should be listed in this section as a mitigation measure, as well as the date when it will occur. Given these substantial concerns and inadequacies, SOI Rehabilitation Standard 2 has not been met.

N71

Rehabilitation Standard 8: *Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

N70

Mitigation measures 5.4-1 and 5.4-2 address impacts to spatial relationships and historic landscape as stated on page 5.4-21 of the EIR. To further clarify that the atrium feature of the Torrey East Building is proposed to mitigate impacts to spatial relationships, mitigation measure 5.4-3 has been added to the Final EIR. As further addressed in response to comment F5 from the National Trust for Historic Preservation, the City asserts that historical resources impacts were sufficiently addressed in the Draft EIR and that proposed mitigation is adequate. Restoration of the historic eucalyptus grove is a project design feature (part of the proposed landscape plan and landscape design guidelines) and not a mitigation measure as suggested in this comment. Restoration of the grove is discussed above in response to comment N50 would occur during construction of the North Core Facility.

N71

The Rehabilitation Standard discussion in the Page & Turnbull technical report was based on the archaeological survey report provided them, which was conducted by the applicant's archaeologist. The archaeology survey was performed in accordance with City guidelines and considered adequate and defensible by the City. The amount of excavation is limited compared to how much of the south mesa could be developed if the applicant had proposed to develop the Kahn residential area. The sloped areas would not be developed but would be placed in open space by the applicant. Therefore, if any unknown sites were to be located on the slopes, they would be avoided by design, which is the first mitigation approach that should be taken when significant archaeological resources occur. Moreover, the City has the discretion to limit the amount of testing done to determine whether archaeological resources exist (*Society for California Archaeology v. County of Butte* (1977) 65 CA3d 832; State CEQA Guidelines Section 15204 (a)), as it did on this site for the sloped areas in the western canyons on site. The issues with the cultural survey raised by the Native American entities were in response to a SB18 consultation, which is independent from CEQA.

COMMENTS

RESPONSES

N71
Cont.

First, the Page & Turnbull report offers no qualifications to analyze impacts related to prehistoric archaeological survey, impacts, or mitigation. Second, the report erroneously asserts that only a "limited amount" of excavation will be on lands previously undeveloped. (Tech. App. C, Historic Resources Technical Report, page 58). Third, there are serious concerns related to the Kyle archaeological survey of 2005; tribal entities have requested that the survey be redone because Kyle did not survey the entire parcel, particularly the site's many sloped areas. (DEIR, page 5.4-6). In many places in San Diego County, cultural resources are found in stashes, including those on slopes and near drainages/canyons.¹⁸

N72

There is no indication that Kyle surveyed for the sites mentioned in our scoping letter: the Local Coastal Plan for the area indicates a site on the west end of the south mesa, and the Torrey Pines City Park Master Plan references a hearth site near the northwest mesa. (Tech. App. A NOP, Scoping Letter and Responses, Courtney Coyle letter dated December 7, 2004, page 4). Yet her report concludes that no cultural resources were identified by the "literature review." (Tech. App. C, Archaeology Study, page ii).

N73

Moreover, Kyle did not have a Native American monitor during her survey. (DEIR, page 5.4-6). The DEIR states that the Native American Heritage Commission (NAHC) stated that no sacred areas were found at that time in its inventory. (DEIR, page 5.4-6). However, it appears that the DEIR is referencing the standard letter from the NAHC, which also advised that: "The absence of specific site information in the Sacred Lands File does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should

¹⁸ For example, the DEIR appears to imply that the recorded five prehistoric sites within a quarter mile radius of the Institute are somehow not significant as they are only lithic scatters and "middens." (DEIR, page 5.4-17). Midden soil is an important component of tribal sites and can be an indicator of intensive human habitation and use, including villages and burials. The DEIR is therefore deficient in concluding that if such resources are found onsite that impacts would be mitigated to below significance and would pose no cumulative impacts (DEIR, page 7-6), particularly given the recent desecration of burial and other sites within La Jolla at Spindrifft (both private and public projects) and during undergrounding projects at Spindrifft and La Rinconada (public projects).

000396

N72

The sites mentioned in the scoping letter and this comment were not identified in the records search conducted for the project and, if present, likely occur off site. Furthermore, the project archaeologist complied with State CEQA Guidelines Section 15204 and the City's Historic Resources Regulations in completing the surveys of the project area. There is no CEQA requirement to conduct every survey suggested in a scoping letter or in comments submitted in response to a project NOP.

N73

It is not standard City procedure at this time to have a Native American monitor present during an archaeological survey. The City subsequently initiated an SB18 consultation with the Native American tribes due to the proposed MHPA boundary adjustment and a site visit was conducted, as described in the comment letter from Carmen Lucas. No specific sacred sites were identified, although a request for a follow-up survey and possible testing was received. As noted above in response to comment N72, it is not necessary to perform every survey suggested. The commenter raises speculative issues in this comment and has failed to provide data or references to support the basis for this comment, as required by State CEQA Guidelines Section 15064 (f)(5). Refer to response to comment H4 from the Kwaaymii, Laguna Band of Indians regarding the adequacy of the survey.

N73
Cont.

also be contacted for information regarding known and recorded sites." (Tech. App. A NOP, Scoping Letter and Responses, NAHC, November 24, 2004 letter). Had Kyle had a native monitor during her survey, the existence of sacred or other areas of tribal concerns might have been better uncovered. But because Kyle didn't ask, she didn't find any.

N74

Tribal entities have also requested archaeological testing, which was not done as part of the DEIR.¹⁹ Without testing, one cannot assess impacts or determine whether mitigation is sufficient. Tribes want testing upfront to determine possible impacts and mitigation measures, particularly in light of the insufficiency of the City's standard archaeological mitigation measures at the nearby Spindrift site in La Jolla, where ancestral burials were desecrated by bulldozer.

N75

Other Current Native American concerns: SB 18 consultation was required because of the MHPA line adjustment. (DEIR, page 5.4-9). By law, this consultation should have been initiated by the City prior to the DEIR and any CEQA process. (State of California, *Tribal Consultation Guidelines: Supplement to General Plan Guidelines*, November 14, 2005, page 12). The City was aware of this based on testimony provided to it at the September, 2006 HRB meeting and the DEIR's referencing of two SB 18-related documents in the References section. (DEIR, page 9-2). We also understand that in January 2007, the NAHC spoke with the City Attorney's office to offer help in developing consultation protocols in general and for projects currently in the pipeline, like Salk. Such activities did not, however, occur.

N76

The DEIR references a provision of the City that allows up to 25 percent encroachment into any important archaeological site. (DEIR, page 5.1-8). Please

¹⁹ The Historical Resources Technical Report mistakenly states that because the north mesa is paved, the feasibility of testing is limited. (Tech. App. C, Historic Resources Technical Report, page 64). It also erroneously refers to "surface testing." (Report, page 66). It is our understanding from the Kyle report that only a partial surface survey was conducted and that no testing was performed.

000597

N74

See above responses to comments N71 through N73. Testing is only conducted if an archaeological site is discovered during survey(s). Testing cannot be arbitrarily conducted on a property when no sites or site boundaries are known to exist, particularly when there is sensitive biological habitat and steep slopes, as is the case with the subject property. To date, the project site or portions thereof have been surveyed five times (Advanced Sciences 1991; RECON 2000; RECON April 2000; RECON November 2000; and Kyle 2005). Subsurface monitoring was conducted in the past during grading operations for the East Building and parking lot expansion (RECON 1993) and during the grading operations for the City's Pump Station 45 (RECON 2005). No sites or pre-historic artifacts were discovered in any of these surveys and monitoring efforts. Although no sites have been observed, the City conservatively assumed that unknown resources could be uncovered during grading operations and included monitoring by an archaeologist and Native American monitor as mitigation measures in the EIR (see page 5.4-29).

N75

The SB 18 Tribal Consultation for this project was initiated by the City in November 2006, prior to the release of the EIR. Preliminary results of the consultation are described in the EIR. It must be noted, however, that SB 18 consultation is an entirely separate process from CEQA. The only mention of CEQA in the *Tribal Consultation Guidelines* highlights the fact that CEQA is a separate process (see page 11 of the Guidelines, noting that CEQA review "continues" during SB 18 consultation). Moreover, the legislative history of SB 18 clearly demonstrates the desire and intent of the California legislature to separate the SB 18 process from CEQA. Earlier attempts to link the SB 18 process to CEQA caused "considerable controversy" during discussion of the bill. An earlier version of SB 18 had created a procedure in CEQA to be followed by the Native American Heritage Commission (NAHC)—however, after a total of six incarnations, and in order to pass the bill, "all references to CEQA [were] eliminated." (Senate Rules Committee, *SB 18 Bill Analysis as Amended Jul. 1, 2004*, August 9, 2004, page 8.) As a result, there is no mention of any timing requirements vis-à-vis the CEQA process in the current SB 18 statute, and the City has complied and will continue to comply with all applicable timing requirements.

N76

Page 5.1-8 of the EIR does not contain any reference to a City provision regarding impacts to archaeological resources. Page 5.1-18 of the EIR, however, does mention the 25 percent encroachment allowed under the Historic Resource Regulations (SDMC Section 143.0201 et seq.). Because no "important archaeological sites" are known to occur on site, this provision of the City regulations would not apply to the proposed project and no violation of local, state or federal laws would occur.

COMMENTS

RESPONSES

N76
Cont. provide the authority for this provision, which on its face appears to violate state and federal law.

N77 The DEIR is inconsistent as to whether both archaeological and tribal monitors will be required during ground-disturbing work. Table ES-1 requires full-time Native American monitors (given the large scale of most of the project's components, it is likely that more than one tribal monitor will be required) but the DEIR text is less clear, stating that a Native American monitor "should" be present on site prior to and during grading. (DEIR, page 5.4-20). The DEIR text must be modified to match the Table summary.

N78 Curation: Table ES-37, 54, the DEIR text, and MMRP must clearly state that the applicant is responsible for the costs of curation for both historic and prehistoric artifacts and collections. Table ES-41 must state that the records search also includes a search of the Native American Heritage Commission's sacred lands files.

N79 Discovery of ancestral human remains. Please verify that Table ES-1, ES-48 -- ES-40, and the DEIR are consistent with AB 2641, the 2006 state bill that has updated the protocol to be followed when ancestral human remains and/or grave goods have been located during project implementation.²⁰

N80 While tribal entities appreciate the statement in the DEIR that the City will continue consultation in an effort to reach mutual agreement, at minimum, the FEIR will be delayed or the DEIR will need to be recirculated to incorporate findings from the requested testing and resurvey of the property. Only through

²⁰ For example, 1) a landowner must now "confer" with the most likely descendants regarding the preservation of any ancestral human remains discovered; 2) the landowner must ensure that the remains are not damaged or disturbed; 3) the landowner must confer with descendants on all reasonable options regarding the descendant's preferences for treatment of human remains and grave goods; and 4) the parties may mutually agree to extend discussions to determine appropriate treatment measures, taking into account the possibility that additional or multiple ancestral human remains may be located in the project area.

N77 Identical mitigation language is used in Table ES-1 (pages ES-39 through ES-55), on pages 5.4-26 through 5.4-33 of the Historical Resources section of the EIR, and on pages 10 through 24 of the MMRP. The reference to "should" is only used in the impact discussion.

N78 Curation is always conducted by the project applicant at their cost, so no change to the EIR text is warranted.

N79 AB 2641 was signed into law on September 30, 2006 and procedurally modified Sections 5097.98 of the Public Resources Code, the already existing process private landowners must follow after discovering Native American human remains. As such, Section 5097.98 of the Public Resources Code is applicable only if human remains are found and determined to be Native American. If this occurs, the following procedures should be followed: 1) the landowner must ensure that the remains are not damaged; 2) the NAHC must notify the most likely descendants; 3) the landowner should grant the most likely descendants access to the site; 4) the most likely descendants have 48 hours from the time they are granted access to inspect the remains and recommend to the owner means for treatment or disposition; 5) the landowner and the most likely descendants must confer regarding the descendants' preferences for treatment; and 6) the parties may mutually agree to extend discussions to determine appropriate treatment measures, taking into account the possibility that additional or multiple ancestral human remains may be located in the project area. The mitigation language in EIR (and MMRP) has been revised to ensure that it is in conform with the foregoing procedures; see mitigation measure 5.4-11 in the Final EIR.

N80 As noted above in response to comment N75, the SB 18 Tribal Consultation is independent by law from the CEQA process and a new survey is not warranted. It is the City's opinion that the proposed project is consistent with Rehabilitation Standard 8; nonetheless, monitoring is required to ensure that unknown resources are not disturbed during grading operations.

CC0598

N80
Cont.

consultation and the measures outlined above can it be determined whether a traditional cultural property exists or whether ancestral burial will be impacted.

Given these substantial concerns and inadequacies, SOI Rehabilitation Standard 8 has not been met.

N81

Rehabilitation Standard 9: *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

See, generally our discussion under Rehabilitation Standard 2 above.

N82

East mesa: Contrary to the report, existing public views of the Kahn buildings will be almost entirely obstructed from North Torrey Pines Road with the current building design. (Tech. App. C, Historic Resources Technical Report, page 59). Moreover, both the massing and orientation of the new building will differ from the Kahn laboratory: the Kahn buildings are vertical to Torrey Pines Road where the new building would be horizontal, running its length. Moreover, the new building has no separation, unlike the Kahn buildings.

N83

South mesa: The Page & Turnbull report has offered no qualifications to analyze impacts related to biological site condition, impacts, or mitigation. Thus, its assertion that the South mesa is "far from pristine" should be disregarded, particularly given its high biological value as stated elsewhere in the DEIR. (Tech. App. C, Historic Resources Technical Report, page 61). Further, the natural vegetated areas on this mesa provide the striking visual context, both looking west from the courtyard and east from public land to the Kahn buildings.

000399

N81

Response would be cumulative to other preceding responses. Refer to responses to comments N69 and N70.

N82

As shown in Figures 5.2-24 through 26 and stated on page 5.2-8 of the EIR, views of the original laboratory buildings do not exist from the travel lanes of North Torrey Pines Road at present, with the exception of a brief glimpse of the north elevation/façade that may be gained by southbound travelers on North Torrey Pines Road. See response to comment F5 from the National Trust for Historic Preservation for a detailed discussion of this issue.

The applicant's historic consultant and City staff concur that development of the east me. would modify spatial relationships, making the project inconsistent with Rehabilitation Standard 9. However, the reasons for the inconsistency are stated on pages 5.4-18 and 19 of the EIR and are not related to potential view blockage, massing or orientation of the building. Rehabilitation Standard 9 calls for the new work to be "differentiated from the old and...compatible with the historic materials, features, size, scale and proportion, and massing..." The City agrees that the massing and orientation of the Torrey East Building would differ from that of the original laboratory building; however, the intention of the proposed development is not to mimic the original building. The proposed atrium component of the building echoes the separation between the two wings of the original laboratory building, and the materials used throughout the building would be compatible with and a reflection of those chosen and implemented by Kahn. Therefore, the Torrey East Building would not and should not be identical to the original building and, as proposed in the Design Guidelines, would be differentiated from, yet similar enough, to be compatible with it. To clarify this requirement, mitigation measure 5.4-3 has been added to the Final EIR.

N83

The statement made in the Page & Turnbull report is simply an observation and not meant to be an assessment of biological resources, but merely reflects the fact that portions of the south mesa were disturbed after 1928, as discussed in Appendix B to the EIR, Biological Technical Report (page 1), and response to comment N107 below. As such, it cannot be said that the south mesa today is "pristine" given the previous impacts, and the statement in the Page & Turnbull report is, therefore, accurate [as confirmed by the project biological consultant, HELIX Environmental Planning]. As shown in Figure 5.2-23a in the EIR and Figure 5.2-23b (which has been added to the Final EIR), development on the south mesa would not be visible from either end of the historic courtyard. The applicant's historic consultant and City staff do not concur that impacts to views from the courtyard and east from trails in Torrey Pines City Park toward the original laboratory building cause an inconsistency with Rehabilitation Standard 9 (as shown in Figure 5.2-30 which was added to the Final EIR in response to this comment). The applicant has chosen to not develop the south mesa, as described in the Preface to the Final EIR and the remainder of these comments are not applicable to the Refined Project Design.

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Given these substantial concerns and inadequacies, SOI Rehabilitation Standard 9 has not been met.

N84

Rehabilitation Standard 10: *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Contrary to the statements in the report, unlike the existing surface parking lot, the development proposed here will be largely irreversible: large amounts of dirt will be graded (11.2 acres) and excavated, land forms will be altered, and natural and designed landscaping will be removed, and conditions possibly impaired. If we make a mistake here, or the development proceeds in an incompatible manner, it will be difficult to restore the property's form and integrity.

Given these facts, it is clear that SOI Standard 10 has not been met.

N85

Finally, the Historical Landscape Report states that, in its opinion, the Institute is not deemed "primarily" as a cultural landscape. (Tech. App. C, Landscape Analysis, page 10). We disagree and believe that the property, for example, is more properly considered a cultural landscape than a historic district.²¹ We also believe that the report's review of *The Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes* fails to adequately address the interrelationships of designed and natural landscape components on the property to each other and to the built environment; instead, it simply repeats aspects of the prior Technical Report. The property meets the National Park Service definition of "a geographic area (including both cultural and natural resources and the wildlife or domestic animals therein) associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values." (Tech. App. C, Landscape Analysis, page 2).

²¹ There is no requirement for eligibility or listing to the National Register that all possible aspects of significance be included in a nomination.

N84

This comment assumes the integrity of the historic property and its environment would be impaired by the proposed development. As discussed on EIR page 5.4-19, it is unlikely that the Institute would remove any of the proposed buildings in the near future; however, in the event that such buildings were removed, the integrity of the property would be restored to its approximate present appearance due to the placement of such buildings relative to the Kahn-designed portions of the campus. Therefore, it is the opinion of the applicant's historic consultant and City staff that the project is consistent with Rehabilitation Standard 10.

N85

A general reading of the National Park Service definition of a cultural landscape is not sufficient for this analysis. As defined by Charles Birbaum, Cultural Landscape Foundation director, a historic designed landscape is "a landscape that was consciously designed or laid out by a landscape architect, master gardener, architect, engineer, or horticulturalist according to design principles..." The majority of the Kahn-designed areas of the Salk Institute comprise a "historic designed landscape;" however, some of the grounds of the Salk campus are not designed landscapes. In particular, the eucalyptus grove is a historic vernacular landscape that pre-dates the Institute. Again, according to Birbaum, a historic vernacular landscape is one "that evolved through use by the people whose activities or occupancy shaped it" such as the eucalyptus grove, which was a remnant of a much larger grove at the time the Institute was designed and constructed. Farms or man-made landforms such as paths, roads, or groves of trees planted for a utilitarian purpose are other examples of historic vernacular landscapes.

It is the opinion of the project historical consultant that the Salk Institute is better defined as a historic district, because the landscape elements within the campus primarily act in a supportive role to the architecture. In fact, the most defining element of the site—the central, iconic court—is, in essence, architecture. Defined by Mexican landscape architect Luis Barragan (who Kahn hand picked to consult with him on the landscape for the central court; see page 41 of the Historic Resources Technical Report) as a "façade that rises to the sky," the landscape-free central court is paved in hardscape and acts as a sculptural element uniting the two laboratory buildings to the natural landscape and ocean to the west. Those areas on the campus that are landscaped are essentially subservient to the buildings, acting as "settings" to the "jewels" of the central court and original laboratory building.

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N86 In our view, because of the many ways in which the project does not currently comply with five of the ten SOI Standards or the Cultural Landscape Rehabilitation Guidelines, the analysis of CEQA project-specific impacts is greater than that analyzed by DEIR and its supporting documents.

N87 Biological: The Biological Technical Appendix states that the last biological survey was performed in 2005. (Tech. App. B, Biological Technical Report, page 3). Why was no survey—particularly a gnatcatcher survey—done in 2006/2007, given that several gnatcatcher pairs have been repeatedly documented both on- and off-site? What analysis has been done, or what literature supports the contention that the existing gnatcatcher and other habitats will not be negatively affected by the "pincher" movement of intensified development on both sides of the finger canyon between the two mesas? Explain how this is not a form of habitat insularization. (Technical Appendix B, Biological Technical Report, page 25).

N88 There is no analysis in the DEIR of whether the project can be approved in light of the federal lawsuit that found the City's Vernal Pool Management Plan insufficient. (See generally, Southwest Center for Biological Diversity, et al., v. Jim Bartel, Anne Badgley and Gale Norton et al., U.S. District Court, Southern District of California, Case NO. 98-CV-2234-B(JMA) October 13, 2006, Decision and Injunction; See also, Attachment 6, Voice of San Diego, *Once a National Model, Habitat Plan Faces Uncertain Future: The promises of San Diego's landmark habitat plan remain unfulfilled 10 years later, and a judge demands answers*, April 15, 2007). The court enjoined any and all pending applications for development of land containing vernal pool habitat and was unable to approve the Incidental Take Permit as to the seven vernal pool species; further, the Court ordered the reinitiation of consultation with the federal agencies.

N89 Moreover, it appears the Vernal Pool Recovery Plan is not even referenced in the DEIR or its Appendices. It is inappropriate to have brush-management zones within the vernal pool complex. (DEIR, Figure 5.3-3). The court decision cited above also makes reference

N86 Comment noted, however, the historical consultant and City staff do not concur with this comment. As discussed in the Historical Resources section of the EIR and in responses to comments N62 through N85 above, the proposed project is consistent with all but two of the Secretary of the Interior's Standards [and the Cultural Landscape Rehabilitation Guidelines] and, therefore, the conclusions reached in the EIR are appropriate and adequate.

N87 The Biological Technical Report was prepared in accordance with the requirements of the City of San Diego Biological Report Guidelines and Biology Regulations. A gnatcatcher survey was not conducted of the property or its surroundings for two reasons: first, the project site is located outside the City's MHPA and any take of individual birds is accounted for in the take authorization issued under the City's Implementing Agreement; and second, the biological report assumes there are gnatcatchers present on and off site based on informal observations and historic surveys, and impacts are analyzed as such in the EIR. An updated survey would not provide additional information nor would it change the conclusions reached in the EIR. If construction would occur during the gnatcatcher breeding season, no clearing or grubbing would occur within 500 feet of the MHPA and a pre-construction survey of the MHPA would be conducted as required by mitigation measure 5.3-7 (refer to pages 5.3-30 to 5.3-32 of the EIR). Preservation of the south mesa in a conservation easement, as proposed under the Refined Project Design, would address the "pincher movement" concerns raised in this comment. The undeveloped habitat on site would not be isolated from a larger block of habitat off site because they are adjacent. For these reasons, impacts from habitat insularization would be less than significant as discussed on page 5.3-25 of the EIR.

N88 On April 17, 2008, the Court in *Southwest Center for Biological Diversity, et al v. Jim Bartel, Anne Badgley and Gale Norton et al.*, U.S. District Court, Southern District of California (Case No. 98-CV-2234-B(JMA)), issued an Order Granting Unopposed Joint Motion for Salk Institute To Obtain Exemption From Injunction and Order Granting Unopposed Joint Motion For Salk Institute To Intervene To Seek An Exemption from Injunction. As such, Salk's application for development is no longer enjoined.

N89 The City notes that in *Southwest Center for Biological Diversity, et al v. Jim Bartel, Anne Badgley and Gale Norton et al.*, the Court requires a discussion about how a project's Incidental Take Permit ("ITP") with its Habitat Management Plan ("HMP") contributes to or is consistent with the goals and standards of the FWS' Vernal Pool Species Recovery Plan (per the Injunction at pages 23 to 25). However, because the applicant's project does not require an ITP and is not subject to the injunction as described above in response to comment N88, there is no need for the EIR to reference the Vernal Pool Recovery Plan. Nevertheless, the City believes the project would be consistent with the Vernal Pool Recovery Plan because it enhances the quality of an existing artificial vernal pool and provides an endowment to maintain it even though the vernal pool is not subject to Army Corps or City regulation. Changes to the Salk Community Center as part of the Refined Project Design have eliminated the need for brush management in the vernal pool area; see revisions to Figures 5.3-2 and 5.3-3 in the Final EIR and to Figures 5 and 6 in the Biological Technical Report. See the Preface to the Final EIR for additional details.

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to fragmentation, edge-effects, and the degradation of associated watersheds, which are impacts that certainly occur with incomplete buffers and brush management within them. Further, the USFWS concluded relative to San Diego, that even if a project avoids all direct impacts to vernal pools, it may still cause significant indirect impacts that will degrade and threaten the long-term viability of preserved pools. See, Attachment 7, USFWS letter to City of San Diego Development Services, January 4, 2005. The proposed master plan violates the principles detailed in the letter including brush management in pools, edge effects and effects to associated watersheds. The required vernal pool buffer must be enlarged or these deviations will be a significant impact that cannot be mitigated.

N90

The DEIR mentions that the canyon bottom/drainage in the southwestern portion of the site, including the mapped areas of southern willow scrub habitat, may be Army Corps (ACOE) and CDFG jurisdictional waters of the United States/streambed or wetlands. (DEIR, page 5.3-6). Yet, the DEIR does not indicate whether a proper wetlands delineation has been completed or whether these agencies or the Regional Water Quality Control Board approve of the project. In fact, the Technical Appendix states that jurisdictional delineations were *not* conducted during the surveys or otherwise by the Institute. (Tech. App. B, Biological Technical Report, page 8). Why then does the Technical Appendix later assume that the vernal pools are Corps/DFG/RWQCB nonjurisdictional, concluding that they are therefore not City jurisdictional and not subject to the City wetland regulations and guidelines, such as those for Environmentally Sensitive Lands—and therefore deserving of a reduced buffer? (Tech. App. B, Biological Technical Report, page 18).²² The Technical Appendix simply lacks logic.

N91

Moreover, it appears inconsistent with the Court's holding in Southwest Center for Biological Diversity, et al., v. Jim Bartel, Anne Badgley and Gale Norton et al., that it is arbitrary to distinguish between vernal pools within or outside the ACOE's jurisdiction as

²² The project proposes only a thirty-foot buffer for the vernal pool complex where a 100-foot buffer minimum is required for those pools in the coastal zone falling under the ESL. Moreover, this is not an absolute buffer, but rather, the buffer from the edge of the nearest pool to structural development; there will also be drainage swale within that 30-foot area and brush management. (DEIR, page 5.3-21).

N90

A wetland delineation was not completed since the proposed project avoids impacts to the potential jurisdictional areas of the Corps and the City on site and wetland permits are not being sought by the applicant. The decision not to complete a wetlands delineation was reached logically because the EIR properly assessed whether the vernal pools were isolated wetlands. As stated on page 5.3-6 of the EIR, the vernal pools are isolated, man-made and not likely regulated by the Corps because of the U.S. Supreme Court decision in *Solid Waste Agency of Northern Cook County (SWANCC) v. Corps*. The recent Rapanos guidance to Corps field staff further clarifies that isolated waters do not have "significant nexus" to regulated waters of the U.S. (http://www.usace.army.mil/cw/cecwo/reg/cwa_guide/rapanos_qa_06-05-07.pdf). The vernal pools are not City jurisdictional because of the definition of wetlands in the ESL regulations and Biology Guidelines. As noted in those regulations, the City does not intend to regulate artificially created wetlands in historically non-wetland areas.

N91

As stated above in response to comment N88, the vernal pool species the court injunction pertains to do not occur on site and the applicant does not need take authorization for vernal pool habitat or species. On April 21, 2008, the court released the Salk Institute project from the injunction.

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N91 Cont. a basis for providing different levels of protection for the endangered species that may inhabit or rely upon those bodies of water.

N92 The DEIR merely proposes an open-space easement for the 3.22 acres to be conveyed to the MHPA. (DEIR, page 3-10). Please describe the nature/history of the existing 0.45-acre open-space easement along the south edge of the north mesa. (Tech. App. B, Biological Technical Report, page 23). That the project is proposing to conduct Zone 2 brush management in an existing easement onsite calls into question how well merely applying a new open-space easement to the MHPA-added lands will work. It should be noted that the majority of this acreage (approximately 2.8 acres) is steep slopes (DEIR, page 5.2-6, DEIR Figure 5.2-20) – not buildable and typically disfavored breeding areas for gnatcatchers. Is there a project alternative that avoids MHPA land removals, apart from the No Project Alternative?

N93 We request that the proposed open-space easement immediately vest and be dedicated and irrevocable to ensure that this mitigation remains in place over time.²³ The MMRP also states that approximately 1.72 of the net 3.22 acres proposed for addition to the NHPA would presumably be used for project mitigation. The DEIR should state clearly that the Institute may not sell the remaining 1.50 acres, as the conveyance of the 3.22 acre easement is mitigation for the master plan project.

N94 The DEIR offers some discussion of what will happen if the California Coastal Commission adopts the City-proposed brush-management regulations. (DEIR, page 5.3-19, 5.3-20; MMRP, page 2). We believe that the City should work with the Commission now, and we conclude that the brush-management impacts as proposed here in the Coastal Zone are significant and require avoidance by project redesign or mitigation as part of this DEIR. Moreover, the DEIR does not fully respond to the requests of the Department of Fish & Game to include a copy of the Fire-Rescue Department's written

²³ It is important to remember that what is now the Institute campus was designated by the City in 1899 as Torrey Pines City Park. (DEIR, page 5.4-2). Moreover, City voters gave the campus to the Institute in 1960 (DEIR, page 5.4-2). It would be only fitting for the Institute to take immediate and appropriate measures to safeguard the public interest in these sensitive lands.

N92 No Zone 1 (i.e., complete vegetation removal) brush management activity would occur in the proposed MHPA. Zone 2 brush management is permitted in the MHPA because the MSCP's EIR determined that Zone 2 brush management was impact neutral and the statute of limitations for challenging the MSCP's EIR has long since expired. The City of San Diego, the CDFG and the U.S. Fish and Wildlife Service were all parties to the MSCP and its Implementing Agreement affirming that Zone 2 was impact neutral. Nevertheless, the applicant has added special fire suppression provisions to its HMP to minimize impact to species in the MHPA during brush management activities as discussed in response to comment N89. Prior to EIR circulation, the HMP was reviewed and approved by the City, USFWS and CDFG. The proposed project would only remove 0.02 acre of sensitive habitat from the MHPA (see Table 5.3-7 in the EIR). An alternative that avoids habitat removal from the MHPA is not warranted because the integrity and quality of the 1.32 acres of habitat being placed in the MHPA far outweighs the 0.05-acre removal, as demonstrated in the analysis contained in the Biological Technical Report appendix to the EIR. Gnatcatchers have been observed in the MHPA addition (as shown on Figure 5.3-3).

N93 A conservation easement will be recorded for the property prior to any impacts to native habitat occurring on site, as required by mitigation measures 5.3-2, 5.3-3 and 5.3-4. The applicant will be conditioned to place the entire 1.27-acre MHPA on site into a conservation easement.

N94 Coastal Commission staff was asked by the City to review the applicant's proposal on numerous occasions and they have not offered any comments to date. The Fire and Rescue Department has not provided comments on the brush management zones. Rather the brush management zones depicted are within the range of zones allowed by the current applicable law, which is the pre-Cedar Fire brush management regulations. Any description in the EIR of the post-Cedar Fire brush management regulations or efforts by the Coastal Commission to further modify the post-Cedar Fire brush management regulations is supplementary and speculative in nature. The EIR's adequacy is judged by its analysis of the effects of the applicable brush management regulation, not the adequacy of efforts to describe the effects of future regulations, which may be subject to further changes.

Nevertheless, it is the City's understanding that the Coastal Commissioners support avoiding Zone 2 brush management within environmentally sensitive habitat areas and favor using alternative compliance techniques to adjust the width of the brush management zones. Likewise, the City supports the use of alternative compliance techniques on a case-by-case basis, but maintains its position that Zone 2 brush management is impact neutral.

Zone 2 brush management is permitted in the MHPA because the MSCP's EIR determined that Zone 2 brush management was impact neutral and the statute of limitations for challenging the MSCP's EIR has long since expired. The City of San Diego, the CDFG and

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USFWS were all parties to the MSCP and its Implementing Agreement. The Coastal Act requires the Coastal Commission to defer to the CDFG regarding the establishment and control of wildlife management programs and prohibits the Commission from imposing any controls that duplicate or exceed the CDFG's regulatory controls. (PRC section 30411(a)). At this time, the City Council has not taken any further action on the recommendations it has received from the Coastal Commission to amend the City's post-Cedar Fire brush management regulations.

Furthermore, an EIR need only address "applicable" plans, which is a plan that has been adopted and legally applies to a proposed project. Draft plans need not be evaluated, as directed by the State CEQA Guidelines (Section 15125(d)) and case law (*Chaparral Green v. City of Chula Vista* [1996] 50 CA4th 1134, 1145, 58 CR2d 152).

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N94 Cont. approval of the proposed brush-management zones (Tech. App. A NOP, Scoping Letter and Responses, DFG letter, dated December 7, 2004). Please provide graphics in the DEIR which clearly show the difference in impacts between the two brush-management regimes.²⁴

N95 The DEIR states that no development would be within the 100-foot required wetland buffer around the two areas of southern willow scrub habitat on the south mesa. (DEIR, page 5.3-30; DEIR Figure 5.3-2). However, Figure 5.3-2 clearly shows that the prior development at the Institute (Kahn laboratory buildings and south core facilities and parking) is within the buffer. How will these impacts be mitigated?

N96 Contrary to the DEIR's assertion, the addition of 3.22 new acres into the MHPA will not in itself improve opportunities for protected nesting, foraging, and movement of wildlife species. (DEIR, page 5.3-18). Rather, an administrative designation of lands would occur, accompanied by a net loss of occupied gnatcatcher habitat caused by the project and interferences with nesting, foraging, and movement. Where would the displaced gnatcatchers go during construction without interfering with another nesting coastal pair's territory?

N97 The DEIR states that losses of sensitive maritime succulent scrub (DEIR, page 5.3-21) and Diegan coastal sage scrub (DEIR, page 5.3-22) will be accommodated offsite within the MHPA. Where will such locations within the coastal MHPA be found? A net and cumulative loss of these habitats will occur because of the project. (DEIR, page 5.3-25).

N98 Exotic Vegetation Removal Plan: We question the sufficiency of a one-time targeted removal of four exotic, invasive species (tamarisk, pampas grass, myoporum and hottentot fig/iceplant). (DEIR, page 3-10). Oftentimes, it takes a recurrent removal effort to successfully remove these stubborn species. Why is it assumed that a one-time effort

²⁴ Please clarify what is shown in the Biological Technical Appendix at Figures 4 and 5. Both figures show unacceptable brush-management Zone 1 and 2 into the vernal pool complex. Figure 5, Alternative Brush Management (City-preferred) shows excessive Zone 2 incursions into much of the complex, as well as into offsite MHPA. Why is the City-preferred graphic not shown in the DEIR and in other graphics? This misleads someone who reads only the DEIR to underestimate the level of impact posed by the project.

N95 The ESL regulations only apply to proposed development. No mitigation is warranted for existing development, particularly when the ESL regulations did not exist when the existing development was constructed. The EIR only evaluates and provides mitigation for project impacts which doesn't including existing buildings.

N96 All of the Salk Institute property, with the exception of a 0.32-acre area partly occupied by the existing parking lot, is located outside the MHPA. The EIR acknowledges (on page 5.3-16) that project construction would permanently impact a portion of one gnatcatcher territory situated outside the City's MHPA. However, the 1.32-acre MHPA addition would permanently protect habitat for wildlife species, such as the gnatcatcher indirectly affected by the project. The City of San Diego MSCP Subarea Plan assumes that MHPA dedications and habitat management elsewhere in the City offset impacts to covered species outside the MHPA. Displaced gnatcatchers would have to establish territories in the onsite MHPA or in the City parkland immediately offsite. Therefore, the proposed project is consistent with the City's MSCP Subarea Plan with regard to direct impacts to covered species.

N97 The Refined Project Design would reduce direct project impacts to maritime succulent scrub and Diegan coastal sage scrub to less than significant levels (i.e., less than 0.1 acre); thus, eliminating the project's need for habitat mitigation (as described in the Preface to the Final EIR and Section 5.3 of the Final EIR). Maritime succulent scrub and Diegan coastal sage scrub habitat would be preserved within the on-site MHPA and the conservation easement on the south mesa. As discussed in Section 7.0 of the EIR, the proposed project would contribute to the cumulative loss of sensitive habitats, but its contribution would be minimal and not cumulatively significant since the removal would occur outside the MHPA. Project compliance with the City's MSCP Subarea Plan would compensate for the incremental loss (see pages 7-5 and 7-6 in the EIR).

N98 The one-time removal of exotic species would be followed up by a 25-month maintenance period and long-term habitat management described in the HMP (see page 8 of the HMP). The length of the maintenance period is defined by the SDMC and long-term monitoring and maintenance for exotics removal would be conducted in perpetuity under the HMP. No success criteria were developed for the exotic species removal plan because the HMP would annually monitor the presence of exotic species and direct removal efforts based on those observations.

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will be successful?²⁵ And why are there no success criteria associated with the removal of invasive species from this property? (Tech. App. B, Biological Technical Report, App. F, Exotic Vegetation Removal Plan, page 8). Without any criteria, how will the City and other entities measure the success of this program and its expected improvement to environmental quality? . Because excavation for the removal of some species, such as

N99

tamarisk, may have to go as deep as six feet, consultations should be undertaken with qualified Native Americans to determine if an archaeologist and/or Native monitor should be present for deep or other removals. (Tech. App. B, Biological Technical Report, App. F, Exotic Vegetation Removal Plan, page 4).

N100

Habitat Management Plan (HMP): Please describe how the funds to meet the HMP endowment were determined (\$44,500 to spin off annual costs estimated at just \$1,900.00) and whether this amount is sufficient to fund long-term HMP implementation.²⁶ Also, please explain how the Exotic Removal Plan and the Habitat Management Plan may interface – i.e., regarding exotic species removal and control, and the duration of those responsibilities. Why is the "education forum" for Institute maintenance staff a one-time event? (Tech. App. B, Habitat Management Plan, page 4). Particularly where it is assumed that the Plan will last in perpetuity? HMP Table 2, Long-Term Management Tasks, refers to "Control of Exotic animal species;" Yet this activity is not described in the text. Please explain. Finally, is trash removal by qualified individuals part of the activity to be performed as baseline inventory, monitoring, or other efforts to improve the environmental quality of these pools?

²⁵ The Plan refers to a 25-month period for removal and maintenance (Tech. App. B, Biological Technical Report, App. F, Exotic Vegetation Removal Plan, page 2); is this the duration of the management period referred to at Plan, page 5? If so, how was this length of time selected and what assures its success? Moreover, the Plan acknowledges that "continued maintenance" will be required to keep iceplant from growing back into open space. (Plan, page 5). How does Salk intend on performing this maintenance and for what length of time?

²⁶ The HMP on its face states that the Institute, USFWS, DFG, the City and the habitat manager will NOT be responsible for any management costs in excess of the annual budget plan or the contingency fund other than those directly caused by the intentional acts [sic] in violation of the requirements of this HMP. (Tech. App. B, Habitat Management Plan, page 6). Please clarify and expand on this limitation and its potential impact to successful implementation of the HMP.

N99

Tamarisk plants on site are relatively small, as described on page 5 of the Exotic Vegetation Removal Plan. Tamarisk removal would be accomplished using chemical herbicides applied directly to the plants that would not harm the native habitat or species that may surround the individuals. No deep excavations would be needed.

N100

The endowment fee was calculated based on the annual costs compounded into the future. The limitation on unanticipated costs is for unforeseen circumstances where others damage biological resources and the cost to remedy the situation would be borne by those causing the damage and not the Institute, USFWS, CDFG or the City. Any such event would have no affect on the Institute's ability to implement the HMP since it would be the responsibility of others to fix any potential damage to the resources. The relationship between the Exotic Vegetation Removal Plan and the HMP is described in Section 5.2 of the HMP. The Habitat Manager would conduct the education forum annually prior to exotic species control activities. The 25-month maintenance period is associated with the Exotic Vegetation Removal Plan. Conversely, the HMP and its associated management activities, including ice plant removal, would be implemented in perpetuity (see page 1 of the HMP and refer to response to comment D7 from the State Department of Parks and Recreation for more information). Exotic animal species control would be conducted on an as-needed basis and the type of control would depend on the type of animal discovered in the MHPA. Trash removal would be conducted in the MHPA (including the vernal pool complex) every other month (see page 12 of the HMP).

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N101 The DEIR states that surveys were done in January 2002, May 2004, and April 2005. (DEIR, page 5.3-1). Figure 5.3-1 itself even notes that site conditions may change. Then why weren't more recent surveys performed? Additionally, the DEIR mentions that gnatcatchers were "confirmed" during the most recent fieldwork and that individuals were "seen and heard" in coastal sage scrub slopes at north mesa (DEIR, page 5.3-10), yet these sightings do not appear to be mapped on DEIR, Figure 5.3-1. Finally, foxes have been seen in the area, but are not discussed in the DEIR.

N102 The DEIR asserts that the area does not function as a large block of habitat. (DEIR, page 5.3-13). What size qualifies as a "large block of habitat" along the coast in urbanized southern California? Are there guidelines that address this? The undeveloped south mesa alone is approximately eight acres and should qualify as a large block of habitat in itself; further, it is directly connected to quality MHPA lands and Torrey Pines City Park, approximately 144 acres in size, which all together form an even larger block of habitat.

N103 Because of the adjacency of the MHPA, there should be a mitigation measure that residents or guests in the temporary housing units be prohibited from having pets, particularly dogs and cats that may cause impacts to sensitive species within the MHPA. (DEIR, page 5.3-28).

N104 DEIR page 5.3-3 asserts there were no requirements to revegetate the south mesa. Please describe prior Citations and Code Violations to the Institute by the City relative to prior development activities on the campus and the remediation required, if any.

N105 The DEIR states that for fire protection, the Institute would be required to implement brush management or alternative compliance measures such as fire-resistant walls and interior sprinklers. (DEIR, page 3-13). To ensure the protection of the MHPA quality open space, we would prefer implementation of alternative compliance measures.

N106 Table ES-1 is unclear as to landscape palette. What is meant by the phrase that all other landscaping shall use the same "palette" of species as that identified on the 1965

N101 Nothing has changed on site to trigger the need for additional biological surveys. The incidental gnatcatcher observations were not noted on the figure because they were not associated with a protocol survey. The biologists who surveyed the site did not observe foxes. Furthermore, none of the seven sensitive fox species found in southern California have a likelihood of occurring on the project site or in La Jolla in general.

N102 The area referred to on page 5.3-13 of the EIR is the existing MHPA which is 0.32 acre in size and not a large block of habitat. The proposed MHPA boundary adjustment would add 1.27 acres of habitat to the City's preserve system, which is geographically connected to the existing MHPA, comprising a large block of MHPA habitat to the west. The expanded MHPA would maintain existing habitat linkages as described on page 24 of the Biological Technical Report.

N103 The housing quarters are no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

N104 As stated in the EIR, there was a requirement to revegetate the area for erosion control but not as mitigation for habitat loss. The City is satisfied that any past code violations have been cleared and have no relevance to the current project or the adequacy of the EIR.

N105 Comment noted. The Refined Project Design would require very limited brush management activity in the MHPA. The applicant is supportive of alternative compliance and will pursue it with the City Fire Marshall at an appropriate time in the future. All available alternative compliance means can be confirmed once final design of the building is complete.

N106 Since the original landscape palette was developed, the City has adopted environmental regulations, such as the MSCP, that restrict the use of invasive species adjacent to native habitat. City MSCP staff will review any future landscape plans based on the palette and make a determination as to their appropriateness given current environmental regulations, as directed in Biological Resources Mitigation Measure 5.3-4 in the Final EIR.

000407

COMMENTS

RESPONSES

N106 Cont. Landscape Plan "to the extent practicable given existing City regulations"? (DEIR, page ES-31). What conflicts are envisioned, and by what process will they be resolved? Will the HRB or Development Services staff be involved in such determinations?

N107 Finally, the Technical Appendix text (Tech. App. B, Biological Technical Report, page 1) and its Attachment 1 (aerial photos) conflict. For example, the text states that in the 1928 photograph, the mesa tops onsite appear to have been leveled and cleared of native vegetation for agricultural use, while an examination of the photo itself shows the south mesa's native vegetation intact. Such conflicts show the bias of the environmental document and must be corrected.

N108 Traffic: Please explain why the freeway impact fee is not either being required upfront in a lump sum or being adjusted upward to reflect inflation and rising construction costs until the time(s) it is fully paid? (DEIR, ES-56, page 5.5-19). Without escalation increases, the rate of \$1,000 per trip after 30 years will not significantly contribute to the needed roadway improvements. (Compare with conceptual costs in 2003 of \$22,500,000 and escalated costs in 2010 of \$28,200,000, where escalation rates are 2.3 percent for support cost and 3.5 percent for capital costs compounded annually to construction year; Tech. App. D, Transportation Analysis, Appendix N). In any case, is the fee in addition to any FBA traffic contribution, and if so, what is that amount, when will it be paid, and will it be adjusted upward until such time(s) it is paid?

N109 It appears that the existing average daily traffic volumes used are figures from 2003 and May 2004 -- four and three years ago. (DEIR, Figure 5.5-2). Are there no more recent traffic figures? Why wasn't Salk required to perform updated traffic counts, particularly where residents have observed the progressive worsening of traffic and increased length of time to make local trips? Notes to the Transportation Technical Appendix itself state that, "This report is site and time specific and is intended for a one-time use for this intended project . . . Any changes or delay in implementation may require re-analysis and re-consideration by the public agency granting approvals." (Tech. App. D, Transportation Analysis, page 13-1). The Institute may be trying to rely on an impermissible plan-to-

N107 Comment noted. Review of the 1928 photograph does indicate that the majority of the south mesa had not yet been leveled or disturbed. However, disturbances are clearly evident in subsequent photographs.

N108 The mitigation fees for traffic are not escalated and are collected by the City at a time permits are issued and the impacts would occur. Due to the length of Master Plan buildout, programmed improvements at the I-5/Genesee Avenue interchange will likely be in place before all traffic mitigation fees are collected. Nonetheless, the applicant will still be required to pay their fair share based on the MMRP. In contrast, FBA fees are escalated and paid in "today's" dollars at the time building permits are issued that would cause an impact.

N109 The traffic counts in the technical appendix provide an adequate description of existing traffic conditions near the project site at the time the application was deemed complete and the NOP was circulated. However, the traffic analysis does not rely on those counts to conduct its impact analysis, but rather it evaluates project impacts in the near-term with and without the project using computer model forecasts as its basis. For example, Table 5.5-8 is a summary of the Near-Term street segment analysis and shows that the impact is based on a comparison of the "with" and "without project" conditions. Therefore, updated counts are not warranted and the EIR analysis is adequate.

000408

COMMENTS

RESPONSES

N109
Cont. plan analysis by not assessing actual near-term traffic counts. Without actual and updated data, it cannot be concluded that all but one aspect of the project's traffic impacts are insignificant.

N110 Further, it appears that the Transportation Technical Appendix is not conservative and may underestimate trips. (Tech. App. D, Transportation Analysis, page 2-3). Tables 2-1, and 9-9 state, among other things, that the daycare facility would generate no new trips because it would be utilized by employees already on the Institute campus. But what about the day care providers? What about the trips parents will make from their work parking on the north or east mesas to drop off and pick up their children? What about the trips to the multi-purpose room? Or for other events? Will spouses of employees be dropping off and picking up children? Attending fitness or other classes or events at the new south mesa facilities? Won't at least some of these additional trips be made during peak hours? Factoring in these trips would increase the overall trip number, worsen impacts and might thereby trigger additional master fee fair share contributions or other mitigation.

N111 Existing onsite parking is insufficient: The DEIR is misleading when it states that a total of 604 surface parking spaces are currently provided on the Institute's campus while only 580 are required. (DEIR, page 5.5-6). The real issue is whether the Institute is able to satisfy its existing parking needs onsite – and the answer is: It cannot. According to the applicant, the Institute currently rents and uses 150 additional offsite parking spaces from UCSD. (UCPG, April 11, 2007). The revised DEIR must also analyze all the Institute's existing and planned parking needs, including events, not just what they provide onsite. Without such information, it is not possible to conclude that the project will not have significant impacts to the availability of public parking or the accessibility of public facilities such as the nearby public park and beaches. Please explain why approximately one-half of the development intensity of the property is being grandfathered from current parking requirements of 2.5 spaces per 1,000 square feet? (DEIR, Table 5.5-17). Without making up for the existing parking deficiency, how can the DEIR conclude there would be no parking deficiency?

N110 The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

N111 The Institute's ability to satisfy its existing parking needs is not an issue associated with the proposed project, and therefore does not require consideration or analysis under CEQA. Proposed parking to meet the needs of the future project would be constructed at a higher parking ratio than the current permits require, therefore, all future parking needs would be satisfied by the proposed parking structures and lots. Refer to response to comment N39 for additional discussion on the topic of parking.

000409

COMMENTS

RESPONSES

N112

Traffic and classification of use: The traffic figures appear to assume that the project uses will be "Scientific Research." (i.e., DEIR, Table 5.5-7). Please explain what the allowable uses are for scientific research and how the figures might differ if the uses are broken down into administrative/events/research/etc., which more accurately describe the planned activities for the campus.²⁷

N113

Near Term Scenario assumptions are outdated because they refer to year 2005-2006 activities and conditions. Since the DEIR was published in 2007, shouldn't the DEIR analyze, at least, the 2006-2007 or 2007-2008 school year instead? Also in addition to the 2004 UCSD Long Range Development Plan, other proposed or approved projects, such as Hillel (which is mentioned elsewhere as a private proposed project at DEIR, pages 2-6), should be factored into the traffic analysis, but it is not clear that they are. (DEIR, page 5.5-9). Even so, with the project, the street segments between La Jolla Shores Drive and North Torrey Pines Road and their intersection in the near term would drop from level C to D, and by 2030 would be further compromised at level E for the street segment operations. (DEIR, Tables 5.5-8 and 5.5-12). The street segments by I-5 by 2030 would deteriorate to D, F and E (DEIR, Table 5.5-14), with net changes from the project greater than the maximum allowable change in seconds. (DEIR, page 5.5-16). These are impacts that members of both the La Jolla and University City Planning Groups might find significant. Yet, no mitigation is required or proposed.

N114

Near Term Scenario assumptions are outdated because they refer to year 2005-2006 activities and conditions. Since the DEIR was published in 2007, shouldn't the DEIR analyze, at least, the 2006-2007 or 2007-2008 school year instead? Also in addition to the 2004 UCSD Long Range Development Plan, other proposed or approved projects, such as Hillel (which is mentioned elsewhere as a private proposed project at DEIR, pages 2-6), should be factored into the traffic analysis, but it is not clear that they are. (DEIR, page 5.5-9). Even so, with the project, the street segments between La Jolla Shores Drive and North Torrey Pines Road and their intersection in the near term would drop from level C to D, and by 2030 would be further compromised at level E for the street segment operations. (DEIR, Tables 5.5-8 and 5.5-12). The street segments by I-5 by 2030 would deteriorate to D, F and E (DEIR, Table 5.5-14), with net changes from the project greater than the maximum allowable change in seconds. (DEIR, page 5.5-16). These are impacts that members of both the La Jolla and University City Planning Groups might find significant. Yet, no mitigation is required or proposed.

N115

Public Views: There are many insufficiencies regarding public views, a key issue. First, the DEIR does not include visual simulations of identified views in the La Jolla Community Plan from La Jolla Farms/Blackgold Road looking north and west over private properties to the Pacific Ocean as described at DEIR, page 5.1-2. (Compare DEIR Figure 5.2-22 to Potential View Location Graphic at DEIR, Figure 5.2-1). Merely stating that someone drove the road and had no views is insufficient. Nor does it include a visual simulation taken between Photos Locations 14 and 15, where the Kahn structure is visible

²⁷ The DEIR states that no new laboratory hoods are proposed as part of the project nor is the amount of chemicals used in the existing hoods expected to increase. (DEIR, page 5.6-12). Please explain whether new lab space is proposed by the project. And if so, what will be used in place of hoods?

N112

Table 2-1 in the traffic technical report shows trip generation broken down by the various uses proposed on site and by the maximum trip generation rate contained in the City's Trip Generation Manual. The analysis used the latter trip generation rate which is 128 daily trips higher, and thus more conservative, than the average daily trip volume if each use were calculated separately. Given that the proposed uses are already broken down, the request for an explanation of the allowable uses for scientific research is not applicable. No specific plans for the Torrey East Building have been developed at this time, however, no new fume hoods are anticipated. The number of fume hoods in use at the Institute has significantly decreased in the years since the Institute's inception, and the amount of chemicals used in the existing hoods are not expected to increase substantially with implementation of the proposed project (as stated on EIR page 5.6-12). In the event that new hoods would be needed in the future, the amount of hazardous materials stored on site would remain below the threshold planning levels and would not produce significant impacts, as discussed in response to comment N113 below.

N113

The Near Term traffic analysis used the 2005-06 school year traffic projections for UCSD for consistency with the LRDP EIR analysis. According to UCSD, it has not achieved the projected buildout associated with traffic volumes for the 2005-06 school year; therefore, the cumulative analysis is conservative without adjustments. Although the Hillel project was listed in the cumulative impact analysis of the EIR, its traffic was not included in the near-term traffic analysis because the City did not anticipate it would be operational this year due to pending lawsuits. Otherwise, the cumulative impact analysis and the resulting cumulative traffic calculations include all current and proposed development and transportation projects in the western portion of the University Community Plan area, which represents an adequate analysis for CEQA purposes, as further discussed in response to comment N134, below. In particular, the list of cumulative projects includes all projects likely to provide additional traffic impacts on the roadway segments analyzed in the Traffic/Circulation section of the EIR.

N114

Based on the City's significance criteria listed in Table 5.5-6 in the EIR, changes in traffic associated with the project would not be significant. The significance criteria are not exceeded as shown in Tables 5.5-8, 5.5-9, 5.5-12 and 5.5-13 in the EIR and the project's potential impacts are overstated in this comment. In the Near-Term scenario, no changes in roadway LOS would occur due to project traffic (see Table 5.5-8) and the delay change at North Torrey Pines Road/La Jolla Shores Drive would be less than 2.0 seconds (see Table 5.5-9). In 2030, no changes to roadway LOS are predicted and the North Torrey Pines Road/La Jolla Shore Drive intersection would be LOS D without project traffic. Mitigation is not required where impacts are not significant.

N115

Page 5.1-2 in the EIR does not discuss views. The scope of the visual analysis is sufficient for the purposes of disclosing project impacts and does not warrant additional simulations; however, two more simulations have been added to the Final EIR to further illustrate the conclusions reached in the EIR. Relevant policies in the Community Plan, LCP and SDMC protect designated scenic vistas and views of the ocean, not of the historic buildings such as the Kahn laboratory structure. The fact that drivers can briefly catch a partially obstructed glimpse of the northern edge of the Kahn building from one point along North Torrey Pines Road has no bearing on the visual impact analysis.

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N115 Cont. by vehicles heading southbound. (See photo taken from southbound vehicle, Attachment 8).

N116 Second, most identified views do not have corresponding simulations (of the sixteen identified view locations, only six simulations were made). The reason given in the DEIR, that the others did not have the potential to be affected, is flawed. (DEIR, page 5.2-14). The DEIR excludes analysis of important areas such as Locations 6 and 7 (easterly views from the public coastal trail, which was specifically requested to be simulated during DEIR scoping).

N117 Additionally, the DEIR states that City staff say that they completed a Torrey Pines City Park Plan (in the 1980s) but that it was not adopted by the City Council. (DEIR, page 5.2-9). Regardless of whether it was formally adopted, the Plan exists, is complete, and is the only plan for the area. The views identified within it are relevant and must be analyzed in the DEIR. There should be an accompanying visual simulation from each of the identified public view locations described above.

N118 Third, some of the provided simulations are inadequate. For example, Photo Location 13 (courtyard view) is taken from the most easterly point; to be meaningful, photo simulation should include one from the westerly edge of the courtyard, which was identified as significant in the National Register nomination²⁸. Photo Location 8 (from top of public trail) does not appear to show Community Center development and in any case, it introduces buildings into the rustic beach and surfing access view area. (DEIR, Figure 5.2-29).

N119 Fourth, the applicants in recent public meetings have been heralding an asserted unobstructed 360-foot view from Torrey Pines Scenic Road over the north mesa. However, upon closer examination, the line of the ocean and visual access will be significantly disrupted by several buildings, an above-ground parking ramp, a wall near

²⁸ The Institute does have some additional courtyard view impact graphics that it has shown in public meetings; however, they are curiously excluded from the DEIR.

N116 Locations 6 and 7 are along trails within Torrey Pines City Park. Those trails are used to access the bluff above the ocean. Views from those locations are primarily west-facing and dominated by the ocean. As stated on page 5.2-14, the Pacific Ocean is the "primary public resource" recognized in the policy language of the General Plan, Urban Design Element of the Community Plan, the North City LCP and the Coastal Overlay Zone. Furthermore, visual simulations are not required by CEQA, but are generally used as an aid to assist in the evaluation of possible project-related visual impacts. For these reasons, the City did not request that visual simulations be prepared by the applicant from those western vantage points because the proposed project would not obstruct views of the ocean. Nonetheless, an analysis of visual impacts from public parks/trails is provided on page 5.2-16 on the EIR.

N117 Because the Torrey Pines City Park Plan was never adopted, its draft policies are not enforced nor are they relevant to the compliance discussion in the EIR. Under the Section 15125(d) of the State CEQA Guidelines and related case law, a plan is "applicable" and must be analyzed only when it has been adopted and the project is subject to it. (See Public Research Code Section 21083.1; *Chaparral Greens v. City of Chula Vista* [1996] 50 CA4th 1134, 1145, 58 CR2d 152.) As such, compliance of the project with the draft Torrey Pines City Park Plan need not be evaluated in the EIR. See response to comment N116 regarding visual simulations.

N118 The visual simulations in the EIR are considered adequate by City staff because they provide a computer-generated portrayal of the proposed project from various publicly accessible locations. To further demonstrate the project's visibility from the west end of the historic courtyard, Figure 5.2-23b has been added to the Final EIR. Only the upper floor of the southern elevation for Salk Community Center Building would be visible as shown in the "Proposed View" portion of Figure 5.2-29. Introducing buildings into views of a "rustic beach and surfing access view area" is not a significant impact under the City's CEQA significance criteria or the Coastal Act.

N119 The visual simulation contained in Figure 5.2-27 provides an adequate portrayal of the project site from the perspective of motorists and pedestrians using Torrey Pines Scenic Drive. The simulation shows the proposed buildings, walls and landscaping associated with the proposed project. The MHPA barrier along the road would not be visible from this location. Walls and fencing would be consistent with the Design Guidelines, and would be partially screened from view. Therefore, additional visual simulations are not appropriate or necessary.

000411

COMMENTS

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N119 Cont. the sidewalk, and a 220-foot long, 4-foot high barrier between the vernal pools and the sidewalk (Tech. App. B, Biological Technical Report, page 28).²⁹ Please provide visual simulations running the length of the total visual impact of these measures on pedestrian and car travel.

N120 Finally, views from scientists' studies in the Kahn laboratory buildings are an important aspect of the design of those buildings and were part of the National Register nomination.³⁰ Please provide representative visual simulations of current and proposed views from the scientists' studies.

N121 Without the simulations identified above, the DEIR's conclusions regarding significance cannot be substantiated. In any case, the statement that visual impacts have been mitigated to insignificance cannot be supported.

N122 Neighborhood Character: The DEIR should be updated to reflect that the City's construction of the subterranean Pump Station 45 is completed (DEIR, page 5.2-5), thereby restoring much of the natural character of the area on the south mesa.

N123 Because the Residential and Community Center components are so conceptual at this time, there is no substantial evidence in the record to support whether the project will have an architectural style compatible with adjacent development for a project level EIR.

N124 Please provide a detailed graphic or simulation showing the proposed type and location of lighting on the south mesa, where no light now exists. Please be sure to include any lighting for parking and security, and indicate how this may affect adjacent existing

²⁹ The document is unclear as to the fence materials, i.e., concrete wall, brick walls, or split rail fence. (Tech. App. B, Habitat Management Plan, page 12). The selected material must not diminish visual resources or natural aesthetics. Please provide a visual rendering of the proposed fencing and its location.

³⁰ The Historical Resources Technical report admits that the daycare rooftop and playground will be visible from the "upper floors" of the Laboratory complex. (Tech. App. C, Historic Resources Technical Report, page 61). From which floors would this new development be visible?

N120 Views from the scientists' studies are not publicly accessible locations. Simulations from those private locations are not required by City staff, nor is any further analysis of such views required by CEQA. The daycare facility is no longer proposed by the applicant (see the Preface to the Final EIR) and these comments are not applicable to the Refined Project Design.

N121 The City EIR Guidelines do not require the use of visual simulations and those provided are appropriate as discussed in response to comments N115 through N120. Making the determination of a significant impact on visual quality is subjective. The City has adopted significance thresholds to assist in the determination of potential impacts, and those thresholds were used in the EIR analysis. As the project does not exceed the City's significance thresholds, and private views are not recognized in the City's EIR significance thresholds, the EIR concludes that impacts to views would be less than significant, not significant as suggested by the commenter (see page 5.2-17).

N122 The EIR acknowledges that once the pump station is constructed the area would be paved and revegetated. The description is accurate and does not need updating. It will take several years for the areas disturbed by construction to be restored to their natural character.

N123 The grading, footprint and massing for the Salk Community Center Building have been described in the EIR. The specific architecture details will be controlled by the project Design Guidelines (Section 5 of the document) on file with the City, and the project must go through substantial conformance review prior to implementation of this component of the proposed project. The level of information and description provided is adequate for a project EIR.

N124 An analysis of lighting impacts was provided on pages 5.2-21 and 5.2-22 of the EIR. An absolute change in lighting is only significant if a substantial amount of light is shed onto adjacent light-sensitive properties (per the City's significance criteria listed in Table 5.2-2 of the EIR). Lighting would be consistent with the SDMC outdoor lighting regulations and project Design Guidelines (Sections 5 and 6 of the document) on file with the City. Shielding of light is required by the SDMC and MHPA Land Use Adjacency Guidelines. Installation of perimeter landscaping along the southern property boundary would also help shield outdoor lighting.

000012

COMMENTS

RESPONSES

N124
Cont.

residences.³¹ While it may be true that the proposed project would produce less ambient light overall than exists on the entire site today, it is relevant to show the absolute change in light on various parts of the campus, particularly those that have no lighting at present, such as the South mesa. (DEIR, page 5.2-22). Otherwise, it is impossible to determine the level of change or significance.

N125

Please add a graphic indicating the existing and proposed setbacks for the entire parcel.

N126

The DEIR merely states that, "Construction staging would occur on the subject property and would be located as far away as possible from existing residences and biologically sensitive areas." (DEIR, page 3-18). Please identify the specific staging needs/sizes and the potential areas proposed for each phase of development.

N127

How successful are the existing campus public transportation, ride-sharing and bikeshare programs, and the Transportation Demand Management Plan (DEIR, page ES-9 and Tech. App. D, Transportation Analysis, Appendix P)? Does the Institute have any numbers or quantified goals to measure success?

N128

The DEIR sections on library and park resources/impacts do not reach any conclusions of significance.

N129

Air Quality: The model used in the DEIR to gauge fugitive dust emissions assumes watering of active grade surfaces twice daily. (DEIR, page 5.6-7). This condition should appear in the mitigation summary table and MMRP. How might the prevailing winds (westerly to northwesterly, DEIR, page 5.6-1) affect residences to the south and southwest of the project in spite of watering?

³¹ The DEIR states that final building plans for development adjacent to open-space areas would depict the shielded light fixtures or other mechanisms. (DEIR, page 5.3-27). Because of the many permits and findings required for this project, including those respecting neighborhood quality of life, we request that a schematic of the placement of the lighting be provided during the EIR, which is supposed to be a project level environmental document. We previously requested this in our NOP scoping comments. (Tech. App. A NOP, Scoping Letter and Responses, Courtney Coyle letter dated December 7, 2004, page 3).

N125

Setbacks can be seen in Figure 3-1. A scale has been added to the graphic for the Final EIR.

N126

Staging area(s) cannot be defined at this time because each component of the project would require a different staging area, the location(s) of which would depend on the sequence of construction of the various project components, which the applicant has not yet determined.

N127

The applicant does not measure the success of its TDM program quantitatively, nor is it required to, but is aware that employees do take advantage of its various programs.

N128

The library and park/recreation discussion in the Project Description is provided for background only. An analysis of these issues is provided in Section 6.0 of the EIR under Effects Found Not to be Significant. In both cases, the project would not have significant impacts on these public services.

N129

Watering is assumed part of the project construction since that is standard practice in the construction industry; however, if watering were not conducted, total construction emissions would still be below the San Diego Air Pollution Control District (SDAPCD) significance criteria as shown in EIR Table 5.6-4. No fugitive dust mitigation is necessary because the impacts would not be significant.

000413

N130 The DEIR lists the types and quantity of hazardous materials stored at the Institute. (DEIR, Table 5.6-8). Yet there is no analysis of San Diego Municipal Code section 141.0606(c) (1) (A), which states that childcare facilities are not permitted within 1,000 feet of any known business that has or is required to have a permit from the County of San Diego Hazardous Materials Division (which handles regulated substances above the threshold quantity, as listed in CCR, Title 19, Section 2770.5). Is the proposed daycare facility within 1,000 feet of any lab space?²² Does the Institute handle any regulated substances? Are those substances above the threshold quantity? What does it mean that it is "unlikely" that the proposed project would expose sensitive receptors, such as daycare and residences, to "substantial" emissions of hazardous contaminants? (Tech. App. E, Air Quality Technical Report, page 15). Without more specific information, the DEIR cannot conclude that there will be no significant impacts to health and safety. (DEIR, page 6-3).

N131 The DEIR dismisses the diesel exhaust particulate matter that will occur eight to ten hours a day, six days a week, because it will only occur in the "short term" and not for 70 years. (DEIR, page 6.5-8). Given the close proximity of the residences to development on the south mesa and the proposed daycare's close proximity to future proposed residential development, what analysis has been done for odor or illness that might be caused by the diesel operations? What literature review has been done for short-term impacts of diesel exposure on residential uses and children? Does the Environmental Health Coalition have information on these effects?

N132 Regarding schools, the DEIR is unclear as to whether the Institute will be paying any school, library, or recreational impact fees in relation to the twelve residences it proposes. (DEIR, page 6-5).

N133 Why is there no estimate of the size of the demolition debris expected? (DEIR, page 6-6). What steps will the Institute take to minimize the amount of debris heading to the landfill?

²² The Historical Resources Technical Report states that the daycare facilities will be approximately 400' from the Kahn Laboratories. (Tech. App. C, Historic Resources Technical Report, page 61).

N130 The quantity of hazardous materials currently stored on site and anticipated on site as a result of the proposed project is below the threshold planning levels and does not require a permit from the County Hazardous Materials Division. As such, several of the questions contained in this comment are not applicable. The quantities are so small that should an accidental release occur, the emissions would not be substantial or result in an unhealthy condition; therefore, the statement referenced in Technical Appendix E is correct.

N131 An analysis of diesel exhaust is provided on page 5.6-8 of the EIR. No illnesses are predicted from short-term diesel exhaust because it would not result in a chronic lifetime exposure. As mentioned by the commenter in comment N129, prevailing winds in the area would help dissipate diesel particulates. Odors would be a nuisance but not a health hazard. The EIR's conclusions on pages 5.6-6 through 5.6-8 show that the project's impacts are below the thresholds set by the SDAPCD's significance criteria and the City of San Diego's Significance Threshold Guidelines for short-term air quality impacts, including with respect to diesel particulate matter. Temporary diesel exhaust emissions during construction would not lead to chronic exposure (i.e., 24 hours per day, 7 days per week, 365 days per year for 70 years) of on-site sensitive receptors (see page 5.6-8 of the EIR).

N132 Payment of mandatory school fees for industrial development is noted on page 6-5 of the EIR. No other public facility impact fees are assessed to the proposed project. Although no significant impacts to libraries or recreation facilities are identified in the EIR, the project would pay approximately \$2,000,000 into the City's Facilities Benefit Assessment (FBA).

N133 Quantifying the amount of demolition debris would not change the conclusions reached in the EIR. The applicant will work with the contractor during the building permit phase of the project to minimize the amount of construction and demolition debris destined for the landfill. Each contractor would be required to comply with any rules or regulations regarding the disposal of construction and demolition debris.

000414

COMMENTS

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- N134 Why is the UCSD proposed development of University House not listed within Cumulative Impacts Table 7-1? Is it included within the UCSD Long Range Development Plan (LRDP)? The DEIR does not explain the rationale behind how it defined the cumulative impacts study area for each impact or how it determined which projects would be included in the cumulative analysis.
- N135 Is the Pavilion still part of the development proposed for the south mesa and if so, why was it not discussed in the DEIR?³¹
- N136 Based on the foregoing, it is clear that the DEIR's brief two paragraph Area of Controversy Section is incomplete. (DEIS, ES-19).
- N137 In summary, it is clear that all the permit findings cannot be made, impact and significance conclusions have not been substantiated, important information is missing from the DEIR, and internal inconsistencies must be corrected. Based on the expected evolution of traffic, water quality, and energy regulations, among others, as well as the lack of construction and design detail for several campus components, the EIR approach should have been programmatic – not project. We believe that all of these deficiencies cannot be satisfied in an FEIR alone and that the DEIR must be recirculated with new and revised information in it.

Please provide my office with any supplemental, additional, or final documents in this matter.

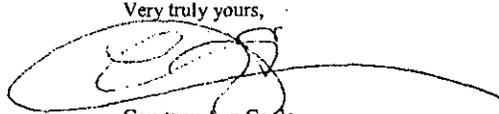
(signature page and cc's on following page)

³¹ See, Urban Systems Associates' scoping letter, dated May 18, 2004, in the Transportation Analysis Appendix, which refers to a Pavilion (a 1,250 foot gathering area for employees and staff on campus). Please state whether this is still a project component; if not, then any revision to include it should be considered a significant project change warranting additional environmental and public review, including traffic analysis.

- N134 The University House project is a component of the Long Range Development Plan (LRDP) for the UCSD campus, the first cumulative project listed in Table 7-1; University House does not, therefore, warrant its own listing. The cumulative impacts study area was defined by the City based on the scope of the impacts anticipated for the proposed project. CEQA Guidelines Section 15130 provides detailed guidance for selection of projects, which the City complied with. As noted on page 7-3 of the EIR, the analysis of cumulative impacts associated with regional issues is based on regional plans and policies. Otherwise, the cumulative impact analysis and the resulting cumulative traffic calculations include all current and proposed development and transportation projects in the western portion of the University Community Plan area, which is an adequate analysis for CEQA purposes, under established CEQA case law. For purposes of determining the appropriate geographic scope of cumulative impact analysis, no fixed standards apply and each lead agency has discretion to determine an appropriate geographic scope for its analysis. See *East Bay Mun. Util. Dist. v. Department of Forestry & Fire Protection* (1996) 43 CA4th 1113, 1128, 51 CR2d 299. Courts will defer to the agency's definition of an appropriate area for assessing cumulative impacts if the record shows a reasonable basis for the scope of analysis used. See also *Ebbetts Pass Forest Watch v. Department of Forestry & Fire Protection* (2004) 123 CA4th 1331, 1352, 20 CR3d 808. Section 7.0 of the EIR sets forth a reasonable basis for the geographic scope of the cumulative impacts analysis by describing the rationale for the areas that were included and excluded. Finally, those projects not identified had not proceeded to CEQA review at the time the EIR was circulated for public review and thus are not "foreseeable."
- N135 The daycare facility analyzed in the Draft EIR did not contain a pavilion and is no longer proposed by the applicant (see the Preface to the Final EIR); this comment is not applicable to the Refined Project Design.
- N136 The Areas of Controversy section in the Executive Summary is sufficient because it is intended as a summary of the issues known to the City at the time the EIR was circulated for public review (in accordance with Section 15123 of the State CEQA Guidelines).
- N137 Comment noted. Refer to responses to comments N2 through N136. No new significant environmental impacts have been identified, no increase in the severity of project impacts has been determined, no new feasible alternatives or mitigation measures have been identified and the EIR is fundamentally adequate as a project-level information document for the public and decision-makers. As specifically detailed above in responses to comments N2 and N3, the City determined that a Project EIR approach was appropriate for this project, rather than a Program EIR. Therefore, there is no evidence in the administrative record that would trigger recirculation of the EIR before certification of the Final EIR (per Section 15088.5 of the State CEQA Guidelines).

000415

Very truly yours,



Courtney Ann Coyle
Attorney at Law

Cc: Hon. Scott Peters, District 1
Jim Waring, Director of Land Use & Economic Development
Linda Colley, University City Planning Group
Laurinda Owens, California Coastal Commission
Mike Aguirre, City Attorney
Cathy Winterrowd, City HRB
DFG/USFWS
Interested Parties
Client file

000416

DSDEAS DSDEAS - Project No. 44675 - Salk Institute Master Plan

From: "Gary Fogel" <gfogel@natural-selection.com>
To: <DSDEAS@sandiego.gov>
Date: Mon, May 7, 2007 3:59 PM
Subject: Project No. 44675 - Salk Institute Master Plan

P.O. Box 12339
La Jolla, CA 92029
May 7, 2007

Dear Mrs. Sherwood,

I appreciate the opportunity to review the Salk Institute Master Plan (Project No. 44675, SCH No. 2004111049). I also appreciated the opportunity to discuss this master plan during the preparation process with Salk Institute staff and those in charge of developing the master plan, especially regarding the historic Torrey Pines Gliderport located adjacent to the Salk Institute property.

I would like to take this time to bring to your attention some important shortcomings of this document.

The Torrey Pines Gliderport has two property owners. The City owns the western half of the gliderport (Torrey Pines City Park), and the Regents of the University of California own the eastern half of the gliderport (the vacant area and glider runway situated directly north of the Salk Institute, across Torrey Pines Scenic Drive). The Master Plan continually refers to the Torrey Pines Gliderport as being only the City-owned portion but this is not the case. Indeed the entire gliderport (both the City and UCSD portions) are currently listed in the National and California Registers of Historic Places. So for instance on page 2-4 when the document refers to the City Park "encompasses the Torrey Pines Gliderport" it is actually the gliderport that encompasses both the City Park and the UCSD gliderport parcel located directly adjacent to the north of the Salk Institute. A similar mistake is made on page 3-15 referring to the "Torrey Pines Gliderport (Gliderport) within Torrey Pines City Park..." It is actually the Torrey Pines City Park that is a portion of the Torrey Pines Gliderport. The remaining portion of the gliderport that is directly adjacent to the Salk Institute on the northern side of Torrey Pines Scenic Drive and controlled by UCSD is forgotten as if it is not a portion of the airport.

Section 5.1-4 indicates that FAA regulations pertain to the gliderport. This is correct. In addition, CalTrans regulations also pertain to the gliderport and were not mentioned at all within the Master Plan. I encourage you to contact Kurt Haukohl (916) 654-5284 at the CalTrans Department of Aeronautics in Sacramento for additional details.

Section 5.1-14 notes the FAA regulations regarding the Torrey Pines Gliderport. It does not mention any other regulations by CalTrans. In addition the section suggests that the gliderport is approximately 450 feet northwest of the project site. Indeed while this is the main office for the gliderport, the entire gliderport property is not located 450 feet northwest of the Salk Institute. Half of the gliderport (the UCSD portion) is located directly across the street to the north. The Master Plan mentions this as "a runway associated with the Gliderport" but does not include it as part of the "Torrey Pines Gliderport" by name. No mention is

O1

O2

000417

O1 The City agrees that the western portion of the Torrey Pines Gliderport is City property, that the eastern portion is owned by the University of California Regents (UCSD), and that the entire Gliderport is listed in both the National Register of Historic Places (NRHP) and the California Register of Historic Resources. The City also acknowledges that, while the Gliderport does encompass a portion of Torrey Pines City Park, the park also extends south of both the Gliderport and the Salk Institute campus and thus the Gliderport does not encompass the entirety of Torrey Pines City Park (please refer to Figure 5.2-22 of tl. EIR, which illustrates the southern extent of the park in relation to the Salk Institute).

O2 In response to this comment, the Caltrans Division of Aeronautics was contacted by the applicant to review the site plan and landscape plan for the proposed Salk Institute Master Plan. According to the Caltrans Aviation Safety Officer review, none of the proposed Master Plan construction or landscaping pose any immediate concern to the Gliderport with respect to Federal Aviation Regulation (FAR) Part 77 (Caltrans Division of Aeronautics 2007). Specifically, the Salk Institute is located far enough south of the Gliderport that it does not underlie the Gliderport's FAR Part 77 approach surface. Furthermore, while the Salk Community Center Building and the north wing of the Torrey East Building were the only two proposed buildings either tall enough or close enough to the Gliderport runway to warrant further review, neither was found to potentially penetrate the FAR Part 77 transitional surface of the Gliderport assuming they rise 30 feet above ground level. Although portions of the Salk Community Center Building would be taller than 30 feet, the rooftop of the facility would be level and only rise 30 feet above the eastern grade of the parking lot, closest to the Gliderport property. The trees proposed for the lawn above the North Lawn Core Facility (i.e., Torrey Pines and eucalyptus varieties) have the potential to grow tall enough to eventually penetrate the FAR Part 77 transition surface; however, Caltrans Division of Aeronautics is not presently concerned about the trees and will monitor their height over time. The letter from Caltrans documenting its review of the proposed project is on file with the City.

The runway located on the UCSD portion of the Gliderport—the part of the Gliderport directly across the street from Salk—is recognized by the City as being part of the Torrey Pines Gliderport, not merely "associated with" the Gliderport. Furthermore, while the main Gliderport office is approximately 450 feet northwest of the project site, other portions (i.e., the UCSD-controlled portion) are nearer to the project site.

COMMENTS

RESPONSES

DSDEAS DSDEAS - Project No. 44675 - Salk Institute Master Plan

O2
Cont.

made of the northwest-southeast diagonal runway which still exists on the border of the City and UCSD properties. The gliderport is used for motorless flight as mentioned on pg 5.1-15, however, the listed activities (hang gliding, paragliding, radio-controlled scale models) do not include the primary historic activity of launching/landing manned sailplanes from the UCSD portion of the gliderport, which does require the use of defined approach and departure surfaces under strict regulation and annual inspection by CalTrans. These surfaces do require the use of a runway surface area and height restrictions on neighboring property, including the golf course and Salk Institute. While it is encouraging that the project will not generate a structure higher than 200 feet in altitude, and while I applaud the use of underground parking to as much a degree as possible, the runway surface area does require a height restriction, as noted in prior documents of the UCSD Real Estate Development Office and by CalTrans. I tried to make this point clear to the folks at Salk during the development of the Master Plan and I recall having a discussion with them about the maximum height for street lights, trees, and other buildings on the south side of Torrey Pines Scenic Drive. Unfortunately, few of these comments made it into the current Master Plan, so I ask for your review of these important FAA and CalTrans restrictions as they may impinge upon the very historic nature of the gliderport situated next door. I am happy to assist you in finding the correct connections at CalTrans.

O3

Appendix pg 31 describes the Torrey Pines Gliderport. While it is true that Charles Lindbergh first utilized the lift at Torrey Pines, he did so on a soaring flight from Mt. Soledad to Del Mar in February of 1930, not in the mid-1920s as suggested. Additionally, students from San Diego High School used auto-tows along the beach near what is now Torrey Pines State Park to launch and land gliders in 1930-1935, soaring in the lift of the cliffs between the Scripps Institution and Del Mar. The establishment of the Torrey Pines Gliderport property occurred in the mid-1930s and was formally dedicated to the youth of California by then San Diego City Mayor P.J. Benbough on Jan 1, 1939. The gliderport property encompassed portions of what is now both the Salk Institute property and southern end of the Torrey Pines Golf Course. Initially the gliderport consisted of three runways: one east-west runway, one diagonal runway to the northwest and a third runway running north-south. Pictures and maps of these runways are available and were published in *Soaring magazine* as early as 1937 and are reprinted in Fogel, G.B. (2001) *Wind and Wings: the History of Soaring in San Diego*. Manned sailplane operations continued at Torrey Pines since that time, with the exception of a hiatus for the time of operation of Camp Callan. The earliest record of radio-controlled model gliding activity at the Torrey Pines Gliderport was in 1950. The earliest record of hang gliding activity at the Torrey Pines Gliderport was in 1969. Paragliding started at Torrey Pines in 1989. The Torrey Pines Gliderport was listed in the State and National Register of Historic Places primarily for the contributions to aviation made by enthusiasts of four light disciplines: sailplanes, radio-controlled sailplanes, hang gliders, and paragliders. The association with Charles Lindbergh is correct but is also ancillary to many other glider pioneers such as Wm. Hawley Bowlus, Woody Brown, John Robinson, Dick Essery, Bud Perf, Bob Fronius, Paul MacCready and others who used Torrey Pines as an outdoor wind tunnel for the advancement of silent flight. The entire gliderport property (including both the City and UCSD portions) is listed on the National Register of Historic Places and on the California Register. The entire gliderport is also considered to be a National Soaring Landmark of the Soaring Society

O3 Comment noted.

817000

DSDEAS DSDEAS - Project No. 44675 - Salk Institute Master Plan

O3
Cont.

of America and a Model Aviation Landmark of the Academy of Model Aeronautics. Only the City-owned Torrey Pines City Park portion of the gliderport is listed as a San Diego City Historic Site.

O4

The postwar development section of the Appendix regarding Camp Callan further omits that the City of San Diego leased the gliderport back to the Associated Glider Clubs of Southern California in 1948, immediately after the close of Camp Callan for the purpose of renewed gliding operations, which continue to the present, despite having portions of the gliderport later deeded for a golf course, the Salk Institute, and UCSD. It is of interest to note that the historical artifacts found on the gliderport property were considered to also be part of the National Register of Historic Places documentation, whereas similar items on Salk property are thought to be less important.

In closing I would like to state that I am amazed at the amount of detail contained in the Master Plan and the level of work that must have gone into generating such a document. I was also encouraged by the interest of the Salk community on working together with the gliderport users through the Torrey Pines Soaring Council to determine any land use issues and I hope that this letter serves to further assist in this process and generates additional benefit for both Salk and the Gliderport for years to come.

Respectfully submitted,

Gary B. Fogel, Ph.D.

CC: <gfogel@natural-selection.com>

O4

The City notes that historical artifacts associated with Camp Callan found on the Gliderport property may have been considered in the Gliderport's NRHP nomination. It is important to note the distinction between the Gliderport's NRHP nomination, which is due to its status as a resource that is 1) associated with events that have made a significant contribution to the broad patterns of our history and 2) associated with the life of a person significant in our past (i.e., the 1930 Charles Lindbergh soaring flight : Del Mar); and the Salk Institute's NRHP nomination, which is based not on the physical history of the site or activities associated with it, but instead is based on its architecture, which represents the "work of a master" (i.e., Louis Kahn). Please see pages 5.4-6 and 5.4-7 of the EIR for discussion.

000419

COMMENTS

RESPONSES

000420

>Ian-
 >Thank you for your comments. With this reply I am forwarding your
 >comments to Allison Sherwood, the Environmental Analyst on my staff who
 >is working on the project. You state that these are "preliminary" so
 >please let Allison know if you don't want these submitted as comments
 >on the EIR (In case you want to submit more or revise these). Any
 >future comments should be addressed to her.

>
 >Regards,
 >Bob

>
 >Robert Manis
 >Deputy Director
 >Entitlements Division/ Development Services City of San Diego
 >619-446-5354
 >rmanis@sandiego.gov

>
 >>>> "iantrowbridge" <chris70@cox.net> 4/25/2007 4:58 PM >>>
 >DearBob:

>
 >These are my initial comments on the EIR submitted as a preliminary
 >before application by the Salk Institute for approval of a new Master
 >plan for their campus.

P1 >1. The Salk Institute is a working scientific institution and this
 >should be weighed against a desire to maintain the Institute as an
 >architectural icon designed by Luis Kahn. Nevertheless the Institute
 >is subject to the same rules as any developer. All their plans impact
 >the Kahn vision.

P2 >2. The Institute asserts it needs to expand to maintain its role as a
 >leading biomedical institution with a worldwide reputation for
 >scientific excellence. There is no evidence to support that contention.

P3 >3. The Institute leans heavily on the 1960's concept of Jonas'
 >vision of the Institute and Kahn's original plans. Salk's vision of an
 >Institute of the arts and sciences died years ago and Kahn's vision of
 >invading a pristine coastal canyon is no longer acceptable.
 >The manner in which science is conducted has also changed, so for
 >example, the Fellows' study rooms are attractive but unnecessary.

P4 >4. The Institute talks about a phasing plan but gives no details. At
 >each phase will a sufficient increase in parking precede addition of
 >staff?

P5 >5. The Institute has failed in the past to honor its commitments to
 >the public. The temporary buildings should have been removed last
 >year based on a letter by then President Francis Crick in 1995. The
 >Institute has never provided sufficient parking or other traffic
 >techniques to reduce the impact on traffic in the area.

P6 >6. The EIR lists alternatives as required by CEQA but the Salk
 >administration failed to consider real alternatives. UCSF outgrew

P1 The proposed Master Plan was developed to accomplish both goals. It respects the historic on-site architecture and implements a portion of the tri-partite design scheme proposed by Kahn while expanding its scientific facilities needed to satisfy its growth as a research institution.

P2 The project applicant asserts in the project objectives that it needs to expand its facilities to remain competitive with other biomedical research institutions in the nation (see page 3-2 of the EIR). This is one of several statements of objectives made by the applicant to describe the underlying purpose of the proposed project (per Section 15124 of the State CEQA Guidelines); no evidence is needed to support the objectives.

P3 Comment noted. The applicant has indicated that Kahn's vision for the property is still relevant.

P4 Phasing is described on page 3-17 of the EIR; parking would be implemented in phases as stated on page 5.5-20 of the EIR.

P5 Removal of the temporary buildings is discussed on page 5.1-3 of the EIR. Their removal is pending resolution of the current application. With regard to parking, the facility currently has 24 more spaces than is required under its existing permits with the City (see page 5.5-6 of the EIR). The Institute currently implements a Transportation Demand Management Plan (contained in Appendix Q of the Transportation Analysis), which is focused on decreasing vehicles trips during the peak commute periods of the day. The transportation program includes a transportation spending account providing pre-tax benefits to employees who take public transportation; free shuttle service to the Sorrento Valley Coaster station; a bike share program with UCSD and other incentives. The Institute would continue the program in the future.

P6 The EIR sets forth five different alternatives, two that analyzed the project with no development on the south mesa and three others that analyzed a reduced and/or reconfigured project, as well as the No Project alternative and an analysis of potential alternative locations for the project. This wide-ranging analysis is more than sufficient to satisfy the alternatives standard under CEQA as described in response to comment N34 from Courtney Coyle. The applicant's reasons for gathering all its functions on one site are described on page 8-3 of the EIR, under Alternative Location. The applicant has subsequently decided to eliminate daycare and housing uses from the site and pursue off-site options for these facility needs, as described in the Preface to the Final EIR.

COMMENTS

RESPONSES

P6
Cont.

- >their campus in the 1990's and are a model the Salk Institute should
- >have considered. I will provide detailed material if you request it.
- >In brief , there is no reason for the Salk to gather all its functions
- >on one site.
- >
- >7. Given these comments , I reserve the right to challenge details of
- >the EIR in the future.
- >
- >Sincerely,
- >
- > Ian

060421

COMMENTS

RESPONSES

>So Allison: Let me rply incrementally.

P7

7. THE MOST IMPORTANT REQUEST IN THIS EIR FOR A PROJECT FIVE DECADES LONG IS THAT AFTER THIS DECISION ALL OTHER DEVELOPMENT PLANS WILL BE SUBJECT TO A PROCESS TWO DETERMINATION. THAT IS TOTALLY UNACCEPTABLE FOR THE SALK INSTITUTE BASED ON ITS HISTORICAL AND SCIENTIFIC SIGNIFICANCE.

Add this to the list.

Ian

> Ian - please take a look at the public notice of the Draft EIR. ALL >comments have to be received by 5:00 p.m. on May 7, 2007. Once public >review is closed, the City will prepare responses to the comments. >Allison > >>>> "iantrowbridge" <chris70@cox.net> 4/26/2007 1:34 PM >>> >>Allison: > > >Bob misunderstood me. I want these comments included in the response >to the EIR. I have other comments that will probably be complete >before the public comment period expires. However, I still reserve the >right to expand on my broad criticisms of the EIR after the public >comment period expires. That is because the Salk Institute needs to >respond before I complete my comments. > >Ian Trowbridge

P7

Comment noted; Process Two is an application review procedure that is permitted under the City's Land Development Code. Please refer to response to comment E6 from the University Community Planning Group for additional discussion on the topic of Substantial Conformance Review (SCR).

060422

COMMENTS

RESPONSES

P8 >>> "iantrowbridge" <chris70@cox.net> 4/26/2007 3:14 PM >>>
>8. Every important project these days provide 3-D RENDERINGS OF THE
>PROPOSED PROJECT. Why should the Salk Institute be the exception when
>the Salk is such an icon?

P9 9. The legal entitlements of the Salk are incompatible with are incompatible with current development laws.

P10 10. The tentative vesting map is unacceptable for a 50 year project.

P11 11. The traffic studies are flawed. The idea of 6 am to begin studies may work for LA not San Diego.

P12 12. More details need to be provided about the " temporary housing "
and a written commitment from the applicant to adhere to their commitments in this regard.

P13 13. Given overhead requirements and major funding from NIH, I just don't believe the Institute can add the
buildings they ask for with an increase of only 115 employees.

Ian Trowbridge

>So Allison: Let me reply incrementally.

P14 7. THE MOST IMPORTANT REQUEST IN THIS EIR FOR A PROJECT FIVE DECADES LONG IS THAT
AFTER THIS DECISION ALL OTHER DEVELOPMENT PLANS WILL BE SUBJECT TO A PROCESS
TWO DETERMINATION. THAT IS TOTALLY UNACCEPTABLE FOR THE SALK INSTITUTE BASED
ON ITS HISTORICAL AND SCIENTIFIC SIGNIFICANCE.

Add this to the list.

Ian

P8 Comment noted; the visual simulations provided in the EIR are computer-generated
three-dimensional renderings.

P9 Comment noted; however, the City recognizes as valid the legal entitlements on site.

P10 Comment noted; the tentative map is a valid instrument for dividing the property into
discrete units for construction financing purposes.

P11 Comment noted; the methodology used to define peak hour was based on the City of San
Diego Traffic Impact Study Manual.

P12 Comment noted; the applicant has eliminated the housing use from the project as describe
in the Preface to the Final EIR.

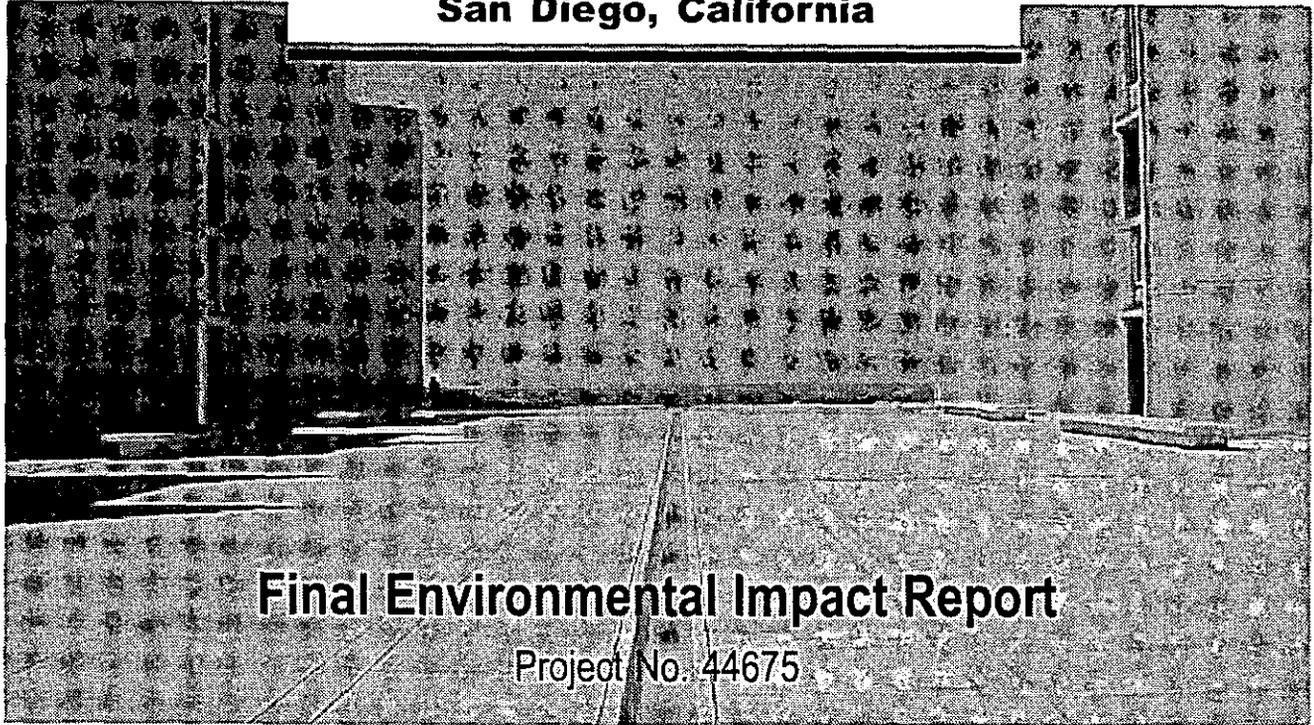
P13 Comment noted; the number of employees was provided by the applicant.

P14 Comment noted; Process Two is an application review procedure that is permitted under
the City's Land Development Code. Please refer to response to comment E6 from the
University Community Planning Group.

000423

000424

**Salk Institute Master Plan
San Diego, California**



Final Environmental Impact Report

Project No. 44675

Volume 1 of 3

June 2008

Prepared for:

The Salk Institute for Biological Studies
10010 North Torrey Pines Road
La Jolla, California 92037-1099

Prepared by:

HELIX Environmental Planning, Inc.
7578 El Cajon Boulevard, Suite 200
La Mesa, California 91941-6476
(619) 462-1515

000425

SALK INSTITUTE MASTER PLAN
SAN DIEGO, CALIFORNIA

FINAL ENVIRONMENTAL IMPACT REPORT

SCH NO. 2004111049

PROJECT NO. 44675

JUNE 2008

Prepared for:

The Salk Institute for Biological Studies
10010 North Torrey Pines Road
La Jolla, California 92037-1099

Prepared by:

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**SALK INSTITUTE MASTER PLAN
FINAL ENVIRONMENTAL IMPACT REPORT**

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MITIGATION MONITORING AND REPORTING PROGRAM

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ACRONYMS AND ABBREVIATIONS

ADD	Assistant Deputy Director of Land Development Review
ADT	Average daily traffic
AIA	Airport Influence Area
ALUCP	<i>Airport Land Use Compatibility Plan</i>
amsl	Above mean seal level
APZ	Accident Potential Zone
AQIA	Air Quality Impact Analysis
AQUA	Aquaculture
ARB	California Air Resources Board
AT&SF	Atchison, Topeka and Santa Fe
B	Boron
Basin Plan	Water Quality Control Plan for the San Diego Basin
BAT	Best available technology
BCT	Best conventional pollutant control technology
BI	Building Inspector
BIOL	Preservation of Biological Habitats of Special Significance
BMPs	Best Management Practices
BOD	Biochemical Oxygen Demand
CAAQS	California Ambient Air Quality Standards
Cal CAA	California Clean Air Act of 1988
CalEPA	California Environmental Protection Agency
Cal-IPC	California Invasive Plant Council
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CDP	Coastal Development Permit
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
cfs	Cubic feet per second
CHLOZ	Coastal Height Limit Overlay Zone
City	City of San Diego
Cl	Chlorides
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
COD	Chemical Oxygen Demand
COMM	Commercial and Sport Fishing
Community Plan	<i>University Community Plan</i>
COZ	Coastal Overlay Zone
CPIOZ	Community Plan Implementation Overlay Zone
CRHR	California Register of Historic Resources
Cu	Copper
CUP	Conditional Use Permit
CWA	Clean Water Act
cy	Cubic yards

ACRONYMS AND ABBREVIATIONS

dB	Decibel
EIR	Environmental Impact Report
ESL	Environmentally Sensitive Lands
F	Fluoride
FAA	Federal Aviation Administration
Fe	Iron
federal CAA	Federal Clean Air Act of 1970 and its 1977 and 1990 amendments
FEMA	Federal Emergency Management Agency
Form	Consultant Site Visit Record
General Plan	City of San Diego <i>Progress Guide and General Plan</i> (1989)
gsf	Gross square foot/feet
H ₂ S	Hydrogen Sulfide
HA	Hydrologic Area
HABS	Historic American Buildings Survey
HCM	Highway Capacity Manual
HDR	High Density Residential
HMD	San Diego County Department of Environmental Health, Hazardous Materials Division
HR	Hillside Review
HU	Hydrologic Unit
I-5	Interstate-5
ICBO	International Conference of Building Officials
IND	Industrial Service Supply
Institute	Salk Institute of Biological Studies
IPM	Integrated Pest Management
Lb(s)/day	Pound(s) per day
Lb(s)/hr	Pound(s) per hour
LCP	<i>North City Local Coastal Program/Land Use Plan</i>
LDR	Land Development Review, Low Density Residential
LOS	Level of service
LRDP	<i>University of California, San Diego 2004 Long Range Development Plan</i>
MAR	Marine Habitat
MBAS	Methylene Blue-Activated Substances (anionic surfactant or commercial detergent)
MCAS	Marine Corps Air Station
MDR	Medium Density Residential
MEC	MEC Analytical Systems
MEP	Maximum extent practicable
mg/l	Milligrams per liter
mg/m ₃	Milligrams per cubic meter
µg/m ₃	Micrograms per cubic meter
MHPA	Multi-Habitat Planning Area
MIGR	Migration of Aquatic Organisms
Min	Minutes
MMC	Mitigation Monitoring Coordinator
Mn	Manganese
mph	Miles per hour

ACRONYMS AND ABBREVIATIONS

MSCP	Multiple Species Conservation Program
N	Nitrogen
N/A	Not available; insufficient data to characterize
Na	Sodium
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NAS	Naval Air Station
NAV	Navigation
NB	Northbound
NCCPA	Natural Communities Conservation Planning Act of 1991
NDIR	Non-Dispersive Infrared Spectroscopy
NH ₃	Ammonia
NO ₂	Nitrogen Dioxide, Nitrite
NO ₃	Nitrate
NO _x	Oxides of nitrogen
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NTP	Notice to Proceed
NTU	Nephelometric Turbidity Units
O ₃	Ozone
OEHHA	California Office of Environmental Health Hazard Assessment
P	Phosphorus
Pb	Lead
PDP	Planned Development Permit
PI	Principal Investigator
PIOZ	Parking Impact Overlay Zone
PM _{2.5}	Particulate matter less than 2.5 microns in diameter, fine particulate matter
PM ₁₀	Particulate matter less than 10 microns in diameter, respirable particulate matter
ppm	Parts per million
project applicant	Salk Institute
proposed project	Salk Institute Master Plan
PSR	Project study report
RAQS	San Diego Regional Air Quality Strategy
RARE	Rare, Threatened or Endangered Species
RCRA	Resource Conservation and Recovery Act
RE	Resident Engineer
REC-1	Contact Water Recreation
REC-2	Non-Contact Water Recreation
ROCs	Reactive organic compounds
RWQCB	Regional Water Quality Control Board
SANDAG	San Diego Association of Governments
SB	Southbound
SCAQMD	South Coast Air Quality Management District
SCR	Substantial conformance review
SDAB	San Diego Air Basin

ACRONYMS AND ABBREVIATIONS

SDAPCD	San Diego County Air Pollution Control District
SDCWA	San Diego County Water Authority
SDG&E	San Diego Gas and Electric
SDMC	San Diego Municipal Code
SDP	Site Development Plan/Permit
Sec.	Second
sf	Square foot/feet
SHELL	Shellfish Harvesting
SHPO	State Historic Preservation Officer
SHRC	State Historic Resources Commission
SIP	State Implementation Plan
SO _x	Oxides of sulfur
SO ₂	Sulfur dioxide
SO ₄	Sulfate
SPWN	Spawning Reproduction and/or Early Development
SRA	Scientific Resources Associated
SUSMP	Standard Urban Stormwater Mitigation Plan
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
SWSAS	Storm Water Sampling and Analysis Strategy
TACs	Toxic air contaminants
TDM	Transportation Demand Management Plan
TDS	Total dissolved solids
TKN	Total Kjeldahl Nitrogen
TMDL	Total maximum daily load
Tons/yr	Tons per year
TP	Total Phosphorus
TSS	Total suspended solids
Turb	Turbidity
UBC	Uniform Building Code
UCSD	University of California, San Diego
URMP/WURMP(s)	(Watershed) Urban Runoff Management Program(s)
US	United States
USAI	Urban Systems Associates, Inc.
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USMC	United States Marine Corps
V/C	Volume-to-capacity ratio
Veh/Hr	Vehicles per hour
WARM	Warm Freshwater Habitat
WILD	Wildlife Habitat
WQTR	Water Quality Technical Report
Zn	Zinc

EXECUTIVE SUMMARY

ES-1 INTRODUCTION

This ~~Draft~~ Environmental Impact Report (EIR) addresses the proposed Salk Institute Master Plan project (proposed project) located in the northwestern portion of the City of San Diego (City) within the northwestern University Community Planning area, and immediately north of the La Jolla Community Planning Area. Situated on a mesa immediately east of the bluffs overlooking the Pacific Ocean and inside the coastal zone, the 26.3-acre project site is also located south and west of land owned by the University of California, San Diego (UCSD). The proposed project involves entitlements for the expansion of the existing Salk Institute for Biological Studies (Institute), which would require the approval of a Site Development Permit (SDP), Coastal Development Permit (CDP), Master Planned Development Permit (Master PDP), Vesting Tentative Map (VTM), design guidelines and amendments to Conditional Use Permit (CUP) No. 3841 and Coastal Development/Conditional Use/Hillside Review permits No. 90-1140. A sewer easement vacation and Multiple Habitat Planning Area (MHPA) boundary adjustment are also proposed. A deviation from the San Diego Municipal Code (SDMC) residential zone development regulations is being requested. The proposed project would allow for the phased development of approximately ~~239~~215,200 square feet (sf) of new scientific research space, including new scientific research building(s); an administrative/support building; ~~an employee daycare facility; temporary housing quarters; and greenhouses; and surface parking.~~ Also included in the proposed project but, due to their location below grade, not included in the additional square footage, are a facility to house specialized research equipment, research space, equipment shops and a mechanical room, and ~~the~~ underground parking. These uses and facilities could be constructed over a period of several decades. In response to certain economic and environmental constraints, and as further explained in the Preface to this Final EIR, the applicant has decided to eliminate the employee daycare facility and temporary housing quarters from the proposed Salk Institute Master Plan. Although the daycare and housing uses are no longer a part of the proposed project (now referred to as the Refined Project Design), the environmental analyses of these components remain for informational purposes since their removal from the project has little bearing on significance conclusions reached in the EIR, with the exception of biological resources where impacts are significantly improved. References to these uses have, however, been struck from the overall description of the proposed project contained in this Executive Summary, the Project Description contained in Section 3.0 of the EIR, and the History of Project Changes contained in Section 4.0. In addition, the biological resources analysis has been substantially revised in Section 5.3 of the EIR. All other sections of the EIR remain unchanged since the conclusions would not be affected by the Refined Project Design.

The purpose of an EIR is to inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project (State California Environmental Quality Act [CEQA] Guidelines Section 15121). This EIR is an informational document for use by the City of San

Diego (the lead agency), decision-makers and members of the general public to evaluate the environmental effects of the proposed Salk Institute Master Plan project.

This EIR contains a project-specific analysis of the proposed project and serves as a Project EIR pursuant to Section 15161 of the State CEQA Guidelines. It has been prepared in accordance with the guidelines for the preparation of EIRs issued by the City of San Diego (2002c) and complies with all criteria, standards and procedures of CEQA (California Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines (California Administrative Code 15000 et seq.), as amended.

The City concluded that the proposed project could result in potentially significant environmental impacts. A public scoping meeting was conducted, in accordance with Section 21083.9 of CEQA, and a Scoping Letter was prepared. The public scoping meeting was held on November 30, 2004 in the Trustee Room at the Salk Institute East Building and was attended by interested individuals from local organizations, public and other entities. The meeting was recorded and a written transcript of the event was prepared. After the scoping meeting was held, the Scoping Letter was distributed with the Notice of Preparation (NOP) to all responsible and trustee agencies, as well as various governmental agencies including the Office of Planning and Research's State Clearinghouse. Comments on the NOP were received from the U.S. Army Corps of Engineers, California Department of Fish and Game, U.S. Marine Corps, California Department of Transportation (Caltrans), Native American Heritage Commission, San Diego County Archaeological Society, Sierra Club, Friends of Rose Canyon, Friends of Salk Coastal Canyon, and various members of the public. Verbal and written comments received by the City during the scoping process have been taken into consideration during the preparation of this EIR. Issues raised during the scoping process are summarized in this section of the EIR under *Areas of Controversy/Issues to be Resolved*.

ES-2 ENVIRONMENTAL SETTING

The project site is partially developed with scientific research and support facilities, including two main research buildings constructed in 1965 (original laboratory building) and 1995 (East Building); several smaller, ancillary buildings also from 1965; and an underground storage facility completed in 2001. Two surface parking lots on site provide primary parking for the Institute, while overflow parking is provided in a dirt lot north of the site on land leased from UCSD. An approximately eight-acre undeveloped area occurs on site to the west and northwest of the original laboratory building; these undeveloped areas surround an off-site coastal finger canyon that is part of Torrey Pines City Park. In 1991, the Salk Institute (Institute) campus was included 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." In 2005, the property was determined by the California State Historical Resources Commission to be eligible for listing on the National Register of Historic Resources, and was placed on the California Register of Historic Resources.

The property is flanked by a number of public roads, including North Torrey Pines Road, Torrey Pines Scenic Drive and Salk Institute Road. Vehicular access to the project site is gained from private driveways connecting to Torrey Pines Scenic Drive and Salk Institute Road, with traffic signals situated at the intersections of each of these roads with North Torrey Pines Road. Pedestrian access to and within the site is available along sidewalks within the adjacent public rights-of-way and internal, private walkways through the campus.

The project site is surrounded by urban development to the east and south, including housing and parking facilities associated with the UCSD campus, a commercial conference center, single-family residential homes and City Pump Station No. 45. To the north is the eastern end of the Torrey Pines Gliderport (Gliderport) and undeveloped land owned by UCSD. Facilities and parking for the Gliderport are situated northwest of the Institute property near the western terminus of Torrey Pines Scenic Drive. West of the site is undeveloped land owned by the City for habitat preservation (i.e., MHPA) and access to the undeveloped Torrey Pines City Park. The airfield for Marine Corps Air Station (MCAS) Miramar is situated approximately five miles east of the Institute site along Miramar Road.

The majority of the site (i.e., approximately 18.4 acres) is developed with approximately 260,800 sf of scientific research-based facilities, temporary, ancillary structures and surface parking facilities. The existing Institute operates under CUP No. 3841 and CDP/HRP/CUP 90-1140. Public water and sewer mains and easements exist on site and generally traverse around buildings and adjacent to the existing surface east parking lot.

The topography of the site ranges in elevation from a high of approximately 375 feet above mean sea level (amsl) on the top of the north mesa to a low of approximately 230 feet amsl in the western portion of the site. Approximately 8.0 acres of the site, largely on the south mesa, are undeveloped and contain native habitat, including Diegan coastal sage scrub, southern mixed chaparral, maritime succulent scrub, southern willow scrub and vernal pools. A small amount (i.e., 0.32 acre) of MHPA native habitat occurs on site, with additional MHPA acreage occurring immediately west of the Institute property boundaries. Drainage from the project site flows north, south and west into two unnamed off-site coastal canyons and into the Pacific Ocean.

The site is subject to the planning guidelines and policies of the City of San Diego *Progress Guide and General Plan*, including the *University Community Plan* (Community Plan), the *North City Local Coastal Program Land Use Plan* (LCP) and the SDMC.

ES-3 PROJECT DESCRIPTION

The Salk Institute Master Plan project is the proposed expansion of a private, non-profit scientific research institution that was originally constructed in the City of San Diego in the early-to-mid 1960s, opened in 1965, and has undergone previous permanent expansions in 1991 and 1995 through the

construction of the research-based East Building and south lawn underground facility, respectively. 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. The proposed project would be implemented in phases, possibly over a period of several decades, and includes expansion of the existing laboratory space on the campus through the construction of new scientific research building(s); creation of the Salk Community Center Building, ~~housing,~~ administrative and support space, dining facilities, and an auditorium, to serve the Institute community; construction of an underground core facility, equipment shops and mechanical room to house research space and shared equipment space; and development of three new greenhouses to replace those existing on site. The proposed project also ~~includes construction of a new on-site daycare facility for employees' children and temporary housing quarters to be utilized by visiting researchers or new faculty/staff until permanent off-site housing can be secured. Finally, the proposed project would~~ provide more on-site parking through the construction of two new underground parking garages near the locations of the existing on-site surface lots, ~~and minimal new surface parking at key areas on the campus.~~ The basic objectives include developing a project that:

- Is compatible with the primary goals and objectives of the University Community Plan, the North City Local Coastal Program (LCP) and applicable sections of the City of San Diego Municipal Code (SDMC).
- Is consistent, in terms of general scope, planning and architectural theme, with Jonas Salk's original vision for the research institute property embodied in the ~~tri-partite scheme developed by Jonas Salk and Louis Kahn in the 1961 Master Plan and CUP No. 3841, which precludes urban densities in any one area, places housing and related accessory facilities on the south mesa, places scientific research space on the east mesa, constructs a community center for the Institute on the north mesa,~~ maintains access to the natural setting and avoids inappropriate land use adjacencies.
- Allows the Institute to develop new and expanded scientific research facilities ~~and reach its 500,000-sf capacity on site as provided for in the *University Community Plan*,~~ while using the Institute's funds in the most cost-effective manner possible and retaining the maximum possible funds for its core scientific mission.
- Helps the Institute remain competitive with other national research institutions in attracting and retaining top researchers by providing on-site amenities, such as an employee community center, daycare facility and temporary housing quarters, and state-of-the-art scientific research facilities that are respectful of the historic architecture and integrated with the surrounding open space.

- Provides state-of-the-art scientific research space that will help attract new research funding and train the best and brightest scientists in the world in an inspiring and collaborative setting with exceptional faculty and staff, and will house the latest equipment technology that will allow Institute employees to fulfill their institutional missions of fundamental discoveries in the life sciences, the improvement of human health and conditions, and the training of future generations of scientists.
- Provides centralized support facilities (i.e., the Salk Community Center Building) for the Institute that will be placed on site in a manner that balances the sensitive natural and historic resources with the need for adequate site security.
- ~~Provides a private daycare facility on site that will educate and care for children of Institute personnel, while providing opportunities for outdoor learning, in a safe location that is both internally and externally secure, away from public roads, in close proximity to those employees and integrated into the natural landscape.~~
- ~~Develops temporary housing quarters in a location on site that is physically separate from the scientific research work environment, is integrated into the natural landscape, and would provide visiting and new faculty/employees a temporary place to live while they attempt to secure permanent off-campus housing, as an alternative to the Institute paying market rates for off-site housing arrangements.~~
- Creates new underground parking areas on site that sufficiently satisfy the parking needs of the entire facility and minimizes surface parking.
- Enhances and expands environmental protection for environmentally sensitive areas on site by adding land to the City's MHPA.
- Provides landscaping plans and architectural and landscape design guidelines to ensure creation of an aesthetically pleasing development 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.
- Allows for the removal of all temporary buildings on the property.

Project Characteristics

The project applicant is requesting City approval of development permits, including an SDP, CDP, Master PDP, VTM, and design guidelines, and amendments to CUP No. 3841 and CDP/HRP/CUP

No. 90-1140 to implement the proposed project. A sewer easement vacation and MHPA boundary line adjustment are also proposed. Proposed uses on site include the approximately 117,000-sf administrative/support building (referred to as the Salk Community Center Building), the approximately 94,200-sf scientific research building (referred to as the Torrey East Building), ~~12,000 sf of temporary housing quarters, a 12,000-sf private daycare facility and 4,000 sf of greenhouses.~~ Other proposed uses, which would not contribute additional square footage to the campus, include an underground research facility, adjacent equipment shops and mechanical room, two underground parking structures and limited surface parking. While the base zone of the project site under the SDMC is single-unit residential (RS-1-7), the Community Plan further designates the site as being within the Torrey Pines Subarea and classifies its use as scientific research within the subarea plan. The existing CUP and CDP/HRP/CUP have been implemented to allow the Community Plan-defined scientific research uses within the RS-1-7 zone. Therefore, all uses would be consistent with the development regulations for the residential designation. A SDP is necessary for impacts to Environmentally Sensitive Lands (ESL), ~~specifically upland biological habitat~~ including direct and indirect biological resources impacts, and historic resources as defined by the SDMC. Additionally, a Master PDP is necessary for the proposed project to allow construction of the proposed new campus facilities, expansion of the previously approved conforming uses under the site's scientific research land use designation, ~~to permit the construction of temporary housing quarters as an accessory use pursuant to SDMC Section 143.0402(a)(2),~~ and to allow for limited deviation from the development regulations of the underlying zone related to maximum structure height. The amendments to existing permits No. 3841 and 90-1140 would also include those proposed uses and allow for the construction of each proposed new building. The project site is within the Coastal Overlay Zone; thus, approval of a CDP is required for the proposed project. A VTM is required to subdivide the property into four legal parcels and to vest certain project approvals for future facilitation of the development of proposed facilities over the length of the project buildout period (i.e., several decades).

Discretionary Actions/Approvals

This EIR is intended to provide documentation pursuant to CEQA to cover all local, regional, state and federal permits and/or approvals which may be needed to construct or implement the proposed project, whether or not each approval is explicitly listed below or elsewhere in this EIR.

Amendments to Conditional Use Permit and Coastal Development Permit/Hillside Review Permit/Conditional Use Permit

The proposed project would be implemented in phases, with the initial development phases to involve construction of the ~~daycare facility,~~ Torrey East Building (and associated underground parking garage), greenhouses and the north lawn core facility and associated underground shops; (which would be built in a basement configuration). As the proposed north lawn core facility and underground equipment shops and mechanical room would be constructed completely below grade, their square footage would not be included in the amount of new square footage that is proposed in the Master

Plan. The proposed underground parking structures on the north (future phase) and east mesas would also be excluded from the additional proposed Master Plan square footage. Therefore, the facilities included in the initial phase(s) of development would add approximately ~~110~~98,200 sf to the existing campus building square footage. ~~Future~~The future phases of the proposed project would include approximately ~~129~~117,000 additional sf, in the form of the Salk Community Center Building ~~and temporary housing quarters~~, with the proposed new square footage therefore totaling approximately ~~239~~215,200 sf. The planned demolition of 29,000 sf of temporary buildings would result in a project gross floor area totaling ~~210~~186,200 sf (~~239~~215,200 minus 29,000), and a grand total of ~~500~~476,000 sf of gross floor area at campus buildout.

Design guidelines are proposed for the portions of the project whose design is still conceptual in nature, including the Salk Community Center Building, greenhouses, north mesa parking structure landscaping and the historic perimeter landscaping that would be restored along a portion of the southern property boundary~~temporary housing quarters~~. The design guidelines are proposed to provide a comprehensive framework for the architectural and landscape design for the conceptual phases of the project, whose order would be implemented depending on the needs of the Institute, advances in technology and availability of capital funding. The guidelines address various general details of the design, such as the building height, bulk and massing; site orientation; architecture; building materials; and landscape layout, features and materials.

Master Planned Development Permit

A Master PDP is required for the proposed project to permit the construction of the proposed new campus facilities, to allow expansion of previously determined conforming uses under the University Community Plan scientific research land use designation, pursuant to Section 143.0403 of the SDMC; ~~to permit the construction of temporary housing quarters as an accessory use pursuant to SDMC Section 143.0402(a)(2);~~ and to allow for limited deviation from the development regulations of the underlying zone related to maximum structure height (as defined under the SDMC). A Master PDP, as opposed to a PDP, is necessary due to the phased nature of the project.

Site Development Permit

A Site Development Permit (SDP) is required for the project as proposed in accordance with the City's Environmentally Sensitive Lands (ESL) regulations in the SDMC, as the project would result in limited encroachment into sensitive upland habitats. Under the ESL portion of the SDP, the applicant would be provided authorization for impacts to ~~0.04~~0.03 acre of Tier I habitat, and 1.540.05 acre of Tier II habitat ~~and 0.25 acre of Tier III habitat~~ and to covered species under the Multiple Species Conservation Program (MSCP), via the Implementing Agreement entered into by the City, USFWS and CDFG. All Direct impacts to native habitats would not be considered significant as they would amount to less than 0.1 acre; however, other direct and indirect impacts to biological resources would be mitigated to below a level of significance in conformance with ESL regulations. A SDP is also

required in accordance with the City's Historical Resources Regulations for the proposed project because the Salk Institute was designated as Historic Site No. 304 in 1991 and said regulations require a SDP for development on sites where historic resources (defined as such under the SDMC) are located.

Coastal Development Permit

A CDP is needed because the project site is located in the California Coastal Zone and within the Coastal Overlay Zone for the City. City approval of the proposed CDP is appealable to the California Coastal Commission pursuant to Section 126.0710 of the SDMC.

Vesting Tentative Map

A VTM is required to subdivide the property into four legal parcels to allow construction financing for different stages of the proposed project. The VTM would also vest certain project approvals to facilitate development of proposed facilities over the length of the project buildout period (i.e., several decades).

MHPA Boundary Line Adjustment

The project applicant is proposing an MHPA boundary line adjustment which would add ~~3-221.27~~ net acres to the City's MHPA. The City received concurrence from the U.S. Fish and Wildlife Service (USFWS) regarding the proposed boundary adjustment in ~~November 2006~~ May 2008; concurrence from the California Department of Fish and Game (CDFG) was also received in ~~January 2007~~ May 2008.

Easement Vacation

The proposed project would vacate right-of-way associated with existing utility easements as described in Section 3.0, *Project Description*. Any electrical easement vacation would require concurrence from San Diego Gas & Electric (SDG&E).

Other Approvals

Discretionary actions required by other agencies include a National Pollutant Discharge Elimination System (NPDES) General Construction Activity Permit from the Regional Water Quality Control Board.

Ministerial approvals would also be sought by the project applicant via the SCR Process of Grading Permit(s), Building Permits, Stormwater Infrastructure, Water Infrastructure and Sewer Infrastructure from the City; an encroachment permit for construction of the various roadway/circulation

improvements, also from the City; and a determination from the San Diego County Airport Authority that the proposed project is consistent with the current and/or proposed airport land use plan for Marine Corps Air Station (MCAS) Miramar.

Project Implementation

Development Regulations

As noted above, the proposed project would incorporate the City of San Diego *Land Development Code* regulations for the single-unit residential base zone (RS-1-7), although the scientific research uses defined in the Community Plan would be allowed through the amendments to existing permits and the proposed new permits. These development regulations govern lot area, setbacks, structure height, floor area ratio, parking, landscaping, and building articulation, among other factors. The proposed project would be consistent with the majority of the SDMC development regulations applicable to the project site, *except for the maximum structure height limit of the RS-1-7 base zone (for which a deviation is proposed)*. Approval of the proposed Master PDP would ensure the project's consistency with such regulations throughout each development phase.

Grading Plan

Overall site grading is anticipated to require approximately ~~30,000~~20,000 cubic yards (cy) of cut, ~~5,000~~2,300 cy of fill and 200,000 cy of basement/garage excavation for a total export of ~~225,000~~217,000 cy over the buildout of the proposed project. Each development phase of the project would require some export of material, which would be properly disposed of at an approved disposal location(s). Slopes generally would be constructed at a maximum grade of 2:1 (horizontal to vertical), resulting in maximum cut and fill slopes up to ~~12 and 15~~eight feet tall, ~~respectively~~. None of the existing natural slopes over 25 percent grade (i.e., steep hillsides) would be impacted by ~~the~~ proposed grading. ~~A 250-foot long retaining wall averaging five feet in height would be installed parallel to the private extension of Salk Institute Road along the southern property boundary (all other Project retaining walls would be structural in nature and used to support building foundations).~~

Circulation Improvements

The proposed project would enhance the existing vehicular and pedestrian circulation patterns on and around the Institute campus to access the new structures. ~~A westerly extension of the private access road west of the terminus of Salk Institute Road would be constructed to provide access to the proposed daycare facility and temporary housing quarters. Reconstructed and/or new driveways would be installed along Salk Institute Road and Torrey Pines Scenic Drive to access the proposed Torrey East Building and the Salk Community Center Building, respectively, and their associated underground parking areas. A new pedestrian walkway would be installed between the daycare facility and the main buildings.~~ A new 5-foot wide sidewalk extension is proposed within the

right-of-way for Torrey Pines Scenic Drive to the western property boundary, and informal pedestrian walkways would be located throughout the site, with linkages to existing and new facilities.

The Institute campus currently implements an extensive public transportation and ride-sharing program for the purpose of minimizing trips to/from the site. The Institute also maintains a bikeshare program between its campus and UCSD, wherein employees can check out bikes and helmets when traveling between the two campuses. These programs, among others, would continue as the Institute builds the various project components described herein.

Parking

The parking requirements for the proposed project were determined based on SDMC Section 142.0530 and CDP 90-1140. The campus currently features 604 surface parking spaces. This number exceeds the minimum requirement of 580 spaces under CDP 90-1140. The ~~1,125~~1,086 proposed spaces would exceed the minimum number of total spaces required by the City (i.e., ~~1,120~~1,046) to accommodate the ~~500,000~~476,000 total sf to be implemented under buildout of the proposed project. The project design includes the provision of two, multi-level, underground parking structures and limited retention of existing surface parking lot spaces. As new buildings are built out on the campus in phases, parking would be provided and maintained based on a ratio of 2.5 spaces per 1,000 sf, as directed by the SDMC. All ~~1,120~~1,046 required spaces would be built by the time the proposed project has reached the ~~500,000~~476,000-sf maximum.

Subsequent Discretionary Review

At a point in time when detailed building and landscape drawings for the future-phase components of the project (i.e., the Salk Community Center Building, north peninsula parking structure, and greenhouses—and temporary housing quarters) are submitted to the City for approval, the project applicant would submit the plans for Substantial Conformance Review (SCR), which is a Process Two review for projects in the Coastal Zone (as outlined in Section 126.0112 of the SDMC), prior to applying for grading and building permits. Should City staff determine that any future development is not consistent with (i.e., in substantial conformance with) the proposed design guidelines, the proposed development permits, the Historic Resource Regulations in the SDMC and/or the certified EIR, the project applicant could appeal the consistency determination to the Planning Commission, apply for an amendment to those development permits, as needed, or modify the application to be consistent with the approved entitlements.

ES-4 SUMMARY OF ENVIRONMENTAL EFFECTS AND MITIGATION

The proposed project EIR addresses project impacts to land use, visual quality/neighborhood character, biological resources, historical resources, traffic/circulation, air quality, noise, hydrology/water quality, geology and paleontological resources. The analyses and conclusions for each

environmental issue are found in Sections 5.1 through 5.9. As noted above, the applicant has decided to no longer pursue development of the daycare and temporary housing facilities; as such, these facilities and their associated effects are not a part of the Refined Project Design that the applicant is proposing for approval by the City decision-makers. However, the environmental analysis of these former components of the Salk Institute Master Plan remains in the text of this Final EIR for informational purposes. While the Refined Project Design, as explained in the Preface to this Final EIR, would reduce or avoid the significant impacts identified in the Draft EIR, some of those significant impacts identified in the Draft EIR would still occur. The environmental effects discussed in Section 5.0 of the EIR also are summarized in Table ES-1, which now reflects only those impacts that would result from implementation of the Refined Project Design. In addition, Table ES-1 includes all mitigation measures identified in Section 5.0 that would reduce project impacts associated with the Refined Project Design, and the level of impact significance following mitigation. Project-specific significant environmental effects to all areas, except traffic/circulation, would be mitigated to below a level of significance. The project also would contribute incrementally to cumulatively significant unmitigable impacts to traffic/circulation. No new significant impacts would occur under the Refined Project Design.

ES-5 EFFECTS FOUND NOT TO BE SIGNIFICANT

Based on initial environmental review of the project, the City of San Diego determined that the proposed project would not have the potential to cause significant adverse effects associated with the following issue areas: agricultural resources, health and safety, mineral resources, public services and facilities, and utilities. These topics are not, therefore, addressed in detail in this EIR (refer to Section 6.0).

ES-6 ALTERNATIVES

As noted in the Preface to the Final EIR, the applicant has chosen to modify the proposed project and its objectives by eliminating the daycare facility and housing quarters, which were both considered ancillary uses to the overall scientific research use. These alternatives to the originally proposed project (i.e., Draft EIR Project) are still appropriate under CEQA, despite changes to the proposed project (i.e., Refined Project Design), because they represent the range and configuration of uses that could be considered ancillary to the scientific research mission for the Institute. In addition, some of the alternatives are comparable in configuration to the Refined Project Design (i.e., no development on the south mesa). A comparative analysis of these alternatives with the Refined Project Design is provided in the Preface to the Final EIR and summarized herein and in Section 8.0 of the EIR.

No Project Alternative

The No Project Alternative assumes that the Salk Institute Master Plan would not be adopted, the existing permits would not be amended, no expansion of the scientific research space would be

implemented, no new parking facilities would be built and no support facilities, such as dining facilities, administrative support uses, temporary residential quarters and a daycare facility, would be developed on site. None of the existing biological resources in the western portion of the site would be dedicated to the City for the MHPA.

The No Project Alternative would avoid certain significant project-related impacts to biological resources, historical resources, transportation/circulation (direct impacts), noise (construction-related), and paleontological resources. Although this alternative would not produce additional traffic or parking demands, the Institute's existing traffic would continue to contribute to degraded conditions at the I-5/Genesee Avenue interchange; thus, cumulatively significant traffic impacts would still occur.

The No Project Alternative would not achieve any of the basic project objectives including allowing the Institute to: expand its existing on-site facilities to 500,000 sf; implement the Kahn-Salk 1961 Master Plan; provide much-needed scientific research space in a collaborative setting; centralize support uses; provide underground parking areas; enhance views of the ocean and scenic coastal areas; expand protection for environmentally sensitive areas on site through a MHPA dedication; and provide landscape plans that would enhance the existing landscape and publicly accessible views in the project area.

Alternative Salk Community Center Building Layout

Under this alternative, the project would be constructed in a manner similar in scale and layout to the proposed project, with the exception of the design and layout of the Salk Community Center Building, the size of the Torrey East Building and the daycare facility, and the orientation of the temporary housing quarters. This alternative would implement the Salk Community Center Building in four separate sections, with two pairs of two internally connected buildings constructed in a northwest-to southeast-oriented row atop the north underground parking garage, covering most of the north mesa and paralleling Torrey Pines Scenic Drive. The alternative Salk Community Center Building would house administrative space, dining facilities, meeting rooms and an auditorium, and would be used for dining and social gatherings by Institute employees. The rooflines of the Salk Community Center Building under this alternative would descend from the easternmost to the westernmost section, rising no more than 30 feet above grade (thus avoiding the need for a deviation from the maximum structure height regulations required for the proposed project). A two-level parking structure would be constructed beneath each pair of the Salk Community Center Building under this alternative, with pedestrian and vehicular access to the building and parking structures provided through new pathways and via new driveways off Torrey Pines Scenic Drive. As with the proposed project, all parking would be accommodated on site under the Alternative Salk Community Center Building Layout. The Alternative Salk Community Center Building Layout would also feature a smaller Torrey East Building that would be constructed as two wings separated by an internal courtyard open on the east and west elevations; a slightly larger and more easterly located daycare facility; and a slightly

more easterly located housing quarters, with a north-south orientation rather than the proposed east-west orientation. This alternative would not allow the project applicant to construct the entitled 500,000 sq of scientific research space, because it does not account for the square footage lost by the demolition of existing research space within temporary buildings on site (i.e., 29,000 sf). The Salk Institute would be 471,000 sf in size upon adoption and implementation of the Alternative Salk Community Center Building Layout.

This alternative would create potentially significant and unmitigable project impacts to visual quality/neighborhood character that would not exist for the proposed project, due to the inconsistency with SDMC implementing regulations and land use policy protecting visual resources resulting from the construction of multiple building sections (i.e., the Salk Community Center Building) that would wall off views of the ocean and scenic coastal areas along Torrey Pines Scenic Drive. Direct impacts to biological resources would be limited to removal of upland habitats and be less than the proposed project in terms of acreage, but would still be considered significant due to the sensitivity of the habitat impacted; indirect biological resources impacts would occur at approximately the same levels as the proposed project. Direct and indirect impacts to biological resources would, however, be mitigable under this alternative. Impacts to land use, historic resources, traffic/circulation, air quality, noise, hydrology/water quality, geology and paleontology would be similar to those anticipated for the proposed project. In summary, although the Alternative Salk Community Center Building Layout would be consistent with most of the basic objectives of the proposed project and the scope and architectural theme envisioned for the site by Jonas Salk and Louis Kahn, it would not satisfy the Institute's goal of building up to 500,000 sf on site, would not stay true to the 1961 Master Plan tripartite arrangement for the site, would create significant and unmitigable project impacts to visual quality/neighborhood resources due to non-compliance with land use policies that would not be expected under the proposed project, and would not reduce or avoid significant and unmitigable project and cumulative impacts to traffic/circulation at the intersections of the I-5/Genesee Avenue interchange.

As noted in the Preface to the Final EIR, although the Alternative Salk Community Center Building Layout would be consistent with many of the project objectives for the Refined Project Design, it would incorporate daycare and housing uses that would cause greater impacts to biological resources, worsen construction noise impacts, and eliminate (and not enhance) the public view corridor across the north mesa to the ocean and scenic coastal resources nearby, resulting in a new significant and unmitigable impact. Similar to conclusions reached in the Draft EIR, this alternative would not avoid significant and unmitigable traffic impacts (as noted in the Preface to the Final EIR).

North Mesa Intensified Development Alternative

Under the North Mesa Intensified Development Alternative, the project applicant would modify the proposed project design and eliminate development on the south mesa by shifting the daycare facility and temporary housing quarters to a location atop the underground parking structure on the north

mesa. The purpose of this alternative would be to minimize direct project impacts to sensitive biological (upland) habitat. Similar to the proposed project, no steep slopes or floodplains would be impacted by this alternative. No changes in the location of the Salk Community Center Building or the parking structure would occur to accommodate the shifted uses, although the addition of a partial fourth underground parking level and upgrading of the parking structure itself to accommodate the structural loads of the proposed buildings would be necessary under this alternative. Additionally, utilities for the daycare facility and housing quarters would have to be branched across the underground parking structure, which would require deeper floor heights and excavations. Similar to the proposed project, the daycare facility would be one-story, while the housing would comprise two- to three-story structures under this alternative, although in a different location on site. The south mesa would remain undeveloped under this alternative. The existing pavement area on the north mesa would be removed, and a portion of it would be recontoured and revegetated with native species similar to the proposed project. Otherwise, the Torrey East Building, north lawn core facility and greenhouses would be constructed as described for the proposed project. This alternative would allow for the maximum buildout of 500,000 sf, and would require City approval of all the same permits as the proposed project; however, the MHPA boundary line adjustment would be much smaller in size and would only involve land on the north mesa.

In addition to design concerns surrounding the North Mesa Intensified Development Alternative discussed in Section 8.0, *Alternatives*, (including those daycare issues related to safety/security, air quality, noise and reduced square footage of play yard and environmental education space) development of the daycare facility and housing on the roof-top of the parking structure would eliminate the park-like landscaped open space envisioned for the view corridor on the north mesa that would be preserved and enhanced by the proposed project. Furthermore, the alternative housing would be located in a less aesthetically appealing site atop the parking structure and would not be separated from the scientific research uses on campus nor integrated with the natural landscape, the landscape buffer around the units would be substantially smaller than required by the SDMC and no accessible pathways or tree buffers would be provided amongst the units. Surface parking adjacent to the proposed housing quarters would also be shifted to the underground parking structure, making it less convenient than under the proposed project configuration. Similar to the daycare facility under this alternative, the units would be exposed to 24-hour parking garage effects and a constant flow of pedestrian traffic between the Salk Community Center Building and the scientific buildings on campus. In conjunction with these potential effects, any future development along Torrey Pines Scenic Drive by UCSD could result in increased traffic, lighting and pedestrian activity, further degrading the quality, aesthetics and privacy of the housing quarters and potentially diminishing their appeal to visiting and new scientists.

This alternative would change project phasing and substantially increase the front-end costs of implementing the daycare facility and housing quarters due to the need to construct the entire underground parking garage prior to constructing those uses, possibly making them infeasible to construct prior to the Salk Community Center Building and diverting much-needed research funding

from the Institute's core scientific mission. In addition, the North Mesa Intensified Development Alternative would not implement the phased, tri-partite design scheme envisioned for the property by Louis Kahn wherein the scientific research space, meeting/dining space and housing needs of the Institute are met in three distinct geographic locations on the Institute's campus. As described in Section 3.0, *Project Description*, of this report, the tri-partite scheme is recognized in the design community as an important element of realizing the long-term plans of the original Institute architect.

The North Mesa Intensified Development Alternative would result in a new and significant unmitigable project impact to visual quality/neighborhood character related to non-compliance with land use policies and SDMC implementing regulations protecting views of the ocean and scenic coastal areas from public roadways. Although this alternative would reduce direct project impacts to biological resources (upland habitat) to less than significant levels due to the elimination of grading on the south mesa, significant indirect impacts on the MHPA would still occur, while no increased protection of sensitive upland habitat on the south mesa or vernal pools on the north mesa would occur. Indirect biological impacts would be mitigable under this alternative. Impacts in the areas of land use, traffic/circulation (significant and unmitigable), air quality, hydrology/water quality, geology, noise (construction-related) and paleontology would remain the same as or slightly less than anticipated with the proposed project. Significant impacts to historical resources caused by changes in spatial relationships would be far greater than the proposed project, due to the much greater development intensity on the north and east mesas and the resultant lack of a sufficient buffer between the original laboratory buildings (i.e., existing historic architecture) and the new development. Potentially significant impacts to unknown (buried) historic and prehistoric archaeological resources would be slightly less than the proposed project due to the elimination of grading on the south mesa. The potential for land use conflict would arise since sensitive land uses would be exposed to indirect or secondary environmental impacts caused by their proximity to the parking garage, scientific research facilities and public roadway. In summary, the North Mesa Intensified Development Alternative would create a new significant and unmitigable project impact (visual quality/neighborhood character) and new significant impacts to the daycare and housing facilities related to construction of the Salk Community Center Building, would not avoid any of the significant project impacts (including the significant and unmitigable impact identified for traffic/circulation), and would not achieve many of the basic project objectives.

With regard to the objectives of the Refined Project Design, the North Mesa Intensified Development Alternative would not be consistent with the scope and general intent of the planning and architectural theme envisioned for the site, would result in inappropriate land use adjacencies on the north mesa, would eliminate the public view corridor across the north mesa and would not enhance existing landscape and structures. Similar to conclusions reached in the Draft EIR, this alternative would also create a new significant and unmitigable visual quality impact, would not avoid the significant and unmitigable traffic impacts and would not achieve many of the basic project objectives.

Neighborhood Proposed Alternative

Under this alternative, the project applicant would construct the alternative design scheme (site plan) requested by the residential neighbors to the south of the project site during the EIR scoping process. This alternative would eliminate development of the south mesa, shift development to the parking lot on the north mesa away from areas visible to the private residences to the south, and avoid perceived effects on land use compatibility and sensitive habitat. The proposed daycare facility and temporary housing quarters would be shifted to the western end of the north mesa and a portion of the proposed Salk Community Center Building would be eliminated. No development would be constructed on the south mesa. This alternative would reduce the amount of support uses and increase slightly the amount of scientific research uses developed on site, resulting in a net reduction of approximately 34,000 sf, and a maximum buildout of 465,000 sf.

As compared to the North Mesa Intensified Development Alternative, analyzed above, this alternative would reduce the height and overall size of the Salk Community Center Building and shift it to a higher elevation on the east end of the parking lot; increase the size of the Torrey East Building, eliminate the transparent central atrium, and locate it immediately adjacent to Torrey Pines Road thus removing the landscape buffer along the eastern elevation; and substantially modify the arrangement of uses on the north mesa as compared to the proposed project design. This alternative would also place the daycare facility and housing on the west end of the parking lot, at a lower elevation than the Salk Community Center Building and spread out over a greater horizontal area than under the proposed project, as the housing quarters would be reduced in height to single-story structures under this alternative.

Those reasons which render the North Mesa Intensified Development Alternative less desirable also apply to the location of the daycare facility under this alternative, including the lack of security for the children, the omission of an at-grade drop-off area, the lack of a natural setting, and inappropriate land use adjacencies. The temporary housing location under this alternative would not be separated from the scientific research uses or integrated into the natural landscape, would have compromised security and privacy issues due to land uses adjacencies and would not feature the necessary landscape buffers. Overall, the Neighborhood Proposed Alternative would not implement the phased, tri-partite design scheme envisioned for the property by Louis Kahn wherein the scientific research space, meeting/dining space and housing needs of the facility are met in three distinct geographic locations on the Institute's campus.

The Neighborhood Proposed Alternative would create a new significant and unmitigable project impact to visual quality/neighborhood character that would not exist for the proposed project through the siting and massing of multiple buildings that would wall off views of the ocean and scenic coastal areas along Torrey Pines Scenic Drive, causing an inconsistency with multiple land use policies and implementing regulations in the SDMC pertaining to the protection of visual resources. Direct and indirect impacts to those biological resources on the south mesa would be less than the proposed

project; although indirect impacts due to human intrusion and drainage toxins in the MHPA would be worse on the north mesa and still be significant, they would remain mitigable under the Neighborhood Proposed Alternative. As compared to the proposed project, this alternative would cause Zone 1 brush management impacts to vernal pool habitat and a gnatcatcher territory on the north mesa, and the amount of habitat shifted into the MHPA would be less than under the proposed project, due to the likely exclusion of any south mesa habitat and vernal pool habitat from the north mesa. Indirect impacts to breeding gnatcatchers and raptors would be similar to the proposed project.

Traffic/circulation impacts would be less than the proposed project, but still significant and unmitigable at the intersections of the I-5/Genesee Avenue interchange. Temporary construction noise impacts would be relocated from nearby residences to the daycare and housing facilities, and would be worse under this alternative than the proposed project. Impacts to land use, air quality, hydrology/water quality, geology and paleontology would be similar to or slightly less than those anticipated for the proposed project. In contrast, the impact of this alternative on some historic resources (i.e., spatial associations on the east mesa) would be greater than that of the proposed project due to the intensification of development on the north mesa. The placement of most of the development on the north parking lot would render this alternative inconsistent with the historic tri-partite scheme and would have a greater impact on-site spatial relationships, relative to the proposed project, due to its inconsistency with the Secretary of the Interior's Rehabilitation Standard indicating that all new construction should be distanced and differentiated from the existing historic resources via sufficient observance of a buffer around the existing historic architecture (i.e., the original laboratory buildings). Impacts to historic and unknown (buried) prehistoric archaeological resources with the potential to exist on site would be slightly less than the proposed project. This alternative would potentially create a land use conflict since sensitive land uses would be exposed to indirect or secondary environmental impacts caused by their proximity to the parking garage, public roadway and scientific research facilities.

In conclusion, the Neighborhood Proposed Alternative would not be consistent with the scope, planning and architectural theme (i.e., tri-partite scheme) envisioned for the site by Jonas Salk and Louis Kahn and would inappropriately mix land uses proposed for the north mesa. This alternative would not achieve the basic project objectives of allowing the Institute to reach its 500,000 sf capacity and placing the daycare facility in a location that is safe and secure and away from public roads. Furthermore, this alternative would compromise the design scheme of the daycare facility and housing quarters by removing them from their proposed natural setting, would eliminate the view corridor that would be preserved and enhanced by the proposed project, and would not implement a development that enhances the existing landscape and surrounding structures. Finally, this alternative would worsen the historical resources (e.g., spatial associations) impacts of the proposed project, would not reduce the significant and unmitigable impacts identified for the proposed project (traffic/circulation), and would create new significant and unmitigable impacts to visual quality/neighborhood character due to inconsistencies with land use policy and implementing regulations of the SDMC.

With regard to the objectives of the Refined Project Design, the Neighborhood Proposed Alternative would not be consistent with the scope and general intent of the planning and architectural theme envisioned for the site, would result in inappropriate land use adjacencies on the north mesa, would eliminate the public view corridor across the north mesa and would not enhance existing landscape and structures. Similar to conclusions reached in the Draft EIR, this alternative would create a new significant and unmitigable visual quality impact, would not avoid the significant and unmitigable traffic impacts and would not achieve many of the basic project objectives.

Reduced Project Alternative

The Reduced Project Alternative would involve scaling back the proposed project to a development level that would reduce direct project traffic impacts to less than significant levels. Based on input from the project traffic engineer, it was determined that the Reduced Project Alternative would restrict the project applicant to constructing up to 40,000 additional sf of new scientific research building(s) instead of the 239,000 sf contained in the proposed project (resulting in an approximately 200,000-sf reduction in total space on site). The proposed daycare facility, north lawn core facility, equipment shops and mechanical room and greenhouses could be constructed since those uses would not generate new off-campus trips. The Reduced Project Alternative would generate approximately 320 average daily trips (ADT), which would reduce peak hour trips to below significance thresholds for the affected intersection, thus avoiding direct impacts. Adoption of the Reduced Project Alternative would restrict the campus to approximately 300,000 sf total (including existing space). This alternative would allow the Institute to demolish and construct replacement space for the 29,000 sf of existing temporary buildings. This alternative would substantially reduce the parking requirements (by approximately 500 spaces) of the proposed project and would eliminate one of the underground parking garages.

The Reduced Project Alternative would not avoid significant project impacts to historical resources, including known historic and unknown (buried) prehistoric archaeological resources on site. It would, however, allow the Institute the option to avoid disturbing known historical resources in the east parking lot associated with historically significant landscaping and spatial associations. Traffic/circulation levels would be substantially less than the proposed project and significant and unmitigable project impacts at the intersections of the I-5/Genesee Avenue interchange would be avoided. Cumulative traffic impacts would still occur under this alternative due to the degraded condition of the interchange. Direct impacts to biological resources would be less than those resulting from the proposed project; however, potentially significant and mitigable indirect impacts to habitat and species in the MHPA would be similar to that of the proposed project. Impacts to land use, air quality, noise, hydrology/water quality, geology and paleontology would be similar to or less than those anticipated for the proposed project.

The Reduced Project Alternative would be consistent with the scope, planning and architectural theme envisioned for the site and would substantially avoid significant and unmitigable direct traffic

impacts of the proposed project, but would not accomplish the basic project objectives of allowing the campus to reach its 500,000 sf capacity, implementing the tri-partite scheme, providing centralized facilities for the Institute, and developing temporary housing. The amount of new scientific research space allowed by the Reduced Project Alternative would be insufficient for the Institute's needs, and the campus would not realize its expansion goals or provide adequate space to house the scientific research and support needs of the campus.

With regard to the Refined Project Design, the Reduced Project Alternative would be consistent with the planning and architectural theme envisioned for the site, would allow for the removal of temporary buildings and would substantially avoid significant traffic impacts of the Refined Project Design, it would not accomplish the basic project objectives of providing as much state of the art scientific research space as possible on site, centralized facilities for the institute and it would not enhance or expand environmental protection on sensitive resources on site as much as the Refined Project Design would.

East Parking Lot Impact Avoidance Alternative

The East Parking Lot Impact Avoidance Alternative would involve scaling back the proposed project to a development level that would reduce project impacts to historical resources; while impacts to historic and unknown (buried) prehistoric archaeological resources would remain significant, the existing east parking lot would not be developed and significant impacts to east mesa historic landscaping and spatial associations would therefore be avoided. The East Parking Lot Impact Avoidance Alternative would eliminate the proposed Torrey East Building and its associated underground parking structure; leave the existing surface east parking lot (and historically significant landscaping) and utilities in the southeast corner of the site in tact; and eliminate the sewer and water connections proposed to serve the Torrey East Building under the proposed project. All other elements of the proposed project would remain the same under this alternative. The East Parking Lot Avoidance Alternative would generate fewer ADT than the proposed project, with a related reduction in peak hour trips. Adoption of the East Parking Lot Impact Avoidance Alternative would limit the Institute to 144,800 sf of new space, for a total of 405,600 sf (including 260,800 sf of existing space), and also would allow the Institute to demolish and construct replacement space for the 29,000 sf of temporary buildings. This alternative would substantially reduce the parking requirements (by approximately 300 spaces) of the proposed project (due to the lack of new laboratory space), and would eliminate the approximately 480-space Torrey East underground parking garage. This alternative would reduce the amount of parking provided on campus and, even with the retention of the existing east parking lot, would not meet the parking requirements of the 405,600-sf East Parking Lot Impact Avoidance Alternative.

The East Parking Lot Impact Avoidance Alternative would avoid significant project impacts to known historical resources, as it would avoid disturbing the historically significant landscaping and spatial associations in the east parking lot area. Significant impacts to known historic-era and unknown

prehistoric archaeological resources would still occur under this alternative. As there would be fewer employees on site under this alternative due to the lack of new laboratory space, traffic/circulation levels would be less than under the proposed project; however, significant and unmitigable project and cumulative impacts at the intersections of the I-5/Genesee Avenue interchange would still occur. Direct impacts to biological resources and potentially significant indirect impacts to habitat and species in the MHPA would be the same as those resulting from the proposed project, since the reduction in development would take place on a previously developed portion of the site. Impacts to land use, visual quality/neighborhood character, air quality, noise, hydrology/water quality, geology and paleontology would be similar to or less than those anticipated for the proposed project.

The East Parking Lot Impact Avoidance Alternative would be consistent with the scope, planning and architectural theme envisioned for the site and would substantially avoid some of the historical resources impacts (i.e., spatial relationships and historic landscaping) of the proposed project. This alternative would not accomplish the basic project objectives of allowing the campus to reach its 500,000 sf capacity, providing additional centralized research facilities for the Institute and satisfying the parking needs of the entire facility on site. The amount of new scientific research space allowed by the East Parking Lot Impact Avoidance Alternative would be insufficient for the Institute's expansion goals, would not provide adequate space to house the support needs of the campus, and would substantially reduce the Institute's ability to attract talented researchers and research funding due to the elimination of the scientific research space inside the proposed Torrey East Building.

With regard to the Refined Project Design, the East Parking Lot Impact Avoidance Alternative would be consistent with the scope of the design scheme envisioned for the site but would not accomplish the basic project objectives of the Refined Project Design, including developing new scientific research facilities, providing centralized facilities, satisfying the parking needs of the site, and allowing for the removal of all temporary buildings on campus. In addition, it would not enhance or expand environmental protection of sensitive areas to the degree that the Refined Project Design would.

Summary of Project Alternatives

Although the No Project Alternative would result in minimal environmental impacts, the State CEQA Guidelines require identification of an alternative other than the No Project Alternative as Environmentally Superior. Because it would reduce the severity of significant and unmitigable traffic impacts identified for the proposed project relative to the other project alternatives, the Reduced Project Alternative is considered to be the Environmentally Superior Alternative.

ES-7 AREAS OF CONTROVERSY/ISSUES TO BE RESOLVED

Comments on the NOP were received from five public agencies (the U.S. Army Corps of Engineers, CDFG, U.S. Marine Corps, Caltrans and the Native American Heritage Commission), four private/non-profit organizations (San Diego County Archaeological Society, Sierra Club, Friends of

Rose Canyon, Friends of Salk Coastal Canyon), and various interested citizens in the La Jolla area. Pursuant to §15123 of the State CEQA Guidelines, a discussion of general areas of controversy raised by these agencies, organizations and members of the public are considered herein.

There were three main areas of controversy raised by those commenting on the NOP. First, concern was raised over the possible impacts of the proposed project on the visual quality and neighborhood character in the area immediately surrounding the site (i.e., La Jolla area) and the University Community Planning area as a whole. This issue is addressed in Section 5.2, *Visual Quality/Neighborhood Character*. Second, concern was raised over the potential effects of the project on the existing historical resources of the Institute campus. This issue is addressed in Section 5.1, *Land Use*, and Section 5.4, *Historical Resources*. Finally, the issue of the proposed project's consistency with the Jonas Salk and Louis Kahn 1961 Master Plan was a recurring concern for those commenting on the NOP. Concerns centered on the visual and historic resources within and surrounding the site, and their relationship to the original vision for the campus developed in the 1961 Master Plan. The layout of the proposed new buildings within the project site was the primary concern of the commenting parties, as some fear that the layout would not stay true to Kahn's vision for the site, including his tri-partite scheme. Since the NOP was circulated, the project applicant modified the site plan design and the proposed project evaluated in this EIR ~~reflects~~ implements the general intent of the tri-partite scheme. These design-related issues have been addressed in Section 3.0, *Project Description*, Section 5.1, *Land Use*, and Section 5.4, *Historical Resources*.

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Table ES-1 IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
LAND USE		
Proposed project would not adversely affect the Community Plan land use designation for the site or conflict with any applicable land use plan of any agency with jurisdiction over the project. Proposed project would be inconsistent with the development regulations of the underlying zone related to maximum building height limits and with two of the Secretary of the Interior's Standards pertaining to historical resources and cause the project to be inconsistent with the City of San Diego's Historical Resources Regulations. Deviations from the regulations are requested via the PDP and SDP processes and supplemental findings would be required for SDP approval.	None Required	Not Applicable
Proposed project would not result in a conflict with the environmental goals, objectives and recommendations of the Community Plan.	None Required	Not Applicable
Proposed project would not conflict with any provisions of the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan or other approved local, regional or state habitat conservation plan.	None Required	Not Applicable
Proposed project would be compatible with the applicable MCAS Miramar ALUCP.	None Required	Not Applicable
VISUAL QUALITY/NEIGHBORHOOD CHARACTER		
Proposed project would not result in a substantial obstruction of any vista or scenic view of the ocean or scenic coastal areas from a public viewing area as identified in the Community Plan.	None Required	Not Applicable
Proposed project would not result in the creation of a negative aesthetic site or project.	None Required	Not Applicable
Proposed project would not result in project bulk, scale, materials, or style which would be incompatible with surrounding development, nor would it result in the substantial alteration of the existing or planned character of the area.	None Required	Not Applicable

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
VISUAL QUALITY/NEIGHBORHOOD CHARACTER (cont.)		
Proposed project would not result in the loss of any distinctive or landmark tree(s) or stand of mature trees as identified in the Community Plan.	None Required	Not Applicable
Proposed project would not result in a substantial change in existing or planned surface relief features.	None Required	Not Applicable
Proposed project would not result in substantial light and glare which would adversely affect daytime or nighttime views in the area.	None Required	Not Applicable
BIOLOGICAL RESOURCES		
<p><u>Sensitive Animals</u> Proposed project would directly impact coastal California gnatcatcher territories outside the MHPA. Incidental take of the gnatcatcher is covered by the MSCP Implementing Agreement and is permitted outside the Multiple Habitat Planning Area (MHPA). <u>Impacts to 0.05 acre of gnatcatcher habitat are not considered significant based on the City's significance guidelines. No impacts to MSCP-covered animal species in vernal pools are anticipated.</u></p> <p>Proposed project has the potential to directly impact nesting raptors through removal of eucalyptus trees on site.</p> <p><u>Sensitive Plants</u> Less than significant impacts to Nuttall's scrub oak. Proposed project would not have significant direct impacts to unique, rare, endangered, sensitive, fully protected, listed or narrow endemic plant species. No impacts to MSCP-covered plant or animal species in vernal pools are anticipated.</p>	<p><u>Sensitive Animals</u> Mitigation for coastal California gnatcatcher impacts satisfied by mitigation for Diegan coastal sage scrub impacts.</p> <p>The following mitigation measure is required to reduce impacts to nesting raptors:</p> <ol style="list-style-type: none"> If removal of any eucalyptus trees or other trees used by raptors for nesting within the development area for the Torrey East Building and greenhouses is proposed during the raptor breeding season (February 1 through September 15), a qualified biologist shall ensure that no raptors are nesting in such trees, to the satisfaction of the Mayor/Environmental Designee. If construction occurs during the raptor breeding season, a preconstruction survey shall be conducted and no construction shall occur within 300 to 500 feet of any occupied nest(s) until the young fledge. Should the biologist determine that raptors are nesting, the trees shall not be removed until after the breeding season. <p><u>Sensitive Plants</u> None required.</p>	Less Than Significant
Proposed project would <u>not</u> affect the nesting/foraging/movement of any resident or migratory fish or wildlife species; direct impacts would not be significant, however, because the project would comply with the MSCP Subarea Plan.	None Required	Not Applicable

Table ES-1 (cont.)
 IMPACTS AND PROPOSED MITIGATION

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
<p>Proposed project would directly impact 1-830.08 acres of sensitive upland habitats, including maritime succulent scrub; and Diegan coastal sage scrub (including disturbed) and southern mixed chaparral. These impacts are under 0.1 acre and thus not considered significant based on the City's significance guidelines. The proposed project would not impact wetland or riparian habitats, southern willow scrub or vernal pools. Additional habitat impacts could arise should the brush management ordinance revisions be approved by the California Coastal Commission prior to project approval.</p>	<ol style="list-style-type: none"> 2. Prior to issuance of any grading permit which would allow the disturbance of maritime succulent scrub, the project applicant shall preserve, to the satisfaction of the Mayor/Environmental Designee, 0.01 acre of maritime succulent scrub and 0.01 acre of southern maritime chaparral on site within the proposed MHPA, and contribute to the Habitat Acquisition Fund equivalent to 0.03 acre of Tier 1 habitat (\$750). 3. Prior to issuance of any grading permit disturbing Diegan coastal sage scrub, the project applicant shall preserve, to the satisfaction of the Mayor/Environmental Designee, a total of 1.54 acres of Diegan coastal sage scrub (including disturbed) within the proposed MHPA. 4. Prior to issuance of any grading permit, which would allow the disturbance of southern mixed chaparral, the project applicant shall preserve, to the satisfaction of the Mayor/Environmental Designee, 0.13 acre of southern mixed chaparral on site within the proposed MHPA. 5. Should the California Coastal Commission adopt the City-proposed brush management ordinance revisions prior to project approval, the project applicant shall compensate for Zone 1 impacts by preserving an additional 0.05 acre of Diegan coastal sage scrub and 0.01 acre of southern mixed chaparral on site within the proposed MHPA and shall contribute to the City's Habitat Acquisition Fund equivalent to 0.01 acre of Tier 1 habitat (\$250) prior to issuance of any grading permit for buildings requiring brush management. If deemed appropriate by the City and applicable to the proposed project, compensation for Zone 2 impacts shall be determined by the City based on agreements made during the LGP Amendment process. 6. Prior to issuance of the first grading permit which would allow the disturbance of native habitat, the project applicant shall fully fund the Habitat Management Plan endowment of \$44,500. 	<p>Less Than Significant</p>

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
Proposed project would not conflict with the long-term conservation goals or provisions of the MSCP or other local, regional or state conservation plans; <u>however, to ensure implementation of the Habitat Management Plan, a measure that requires applicant funding for its endowment is provided.</u>	2. <u>Prior to issuance of the first grading permit which would allow the disturbance of native habitat, the project applicant shall fully fund the Habitat Management Plan endowment of \$44,500. None Required</u>	Not Applicable
Indirect impacts due to noise, brush management/invasive species intrusion, and grading/land development would occur as a result of the proposed project implementation with the MHPA Land Use Adjacency Guidelines.	<p>The following mitigation measures are required to reduce impacts due to noise, brush management/invasive species intrusion, and grading/land development:</p> <p>73. Prior to the first pre-construction meeting for the daycare facility, Salk Community Center Building, north lawn core facility, housing and northern parking structure, the Mayor/ Environmental Designee shall verify that the MHPA boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:</p> <ul style="list-style-type: none"> • No clearing, grubbing, grading, or other construction activities shall occur within 500 feet of the MHPA between March 1 and August 15, the breeding season of the coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the Mayor/Environmental Designee: 	Less Than Significant

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<p>A. A qualified biologist (possessing a valid ESA Section 10(a)(1)(A) Recovery Permit) shall survey appropriate habitat (coastal sage scrub) areas within the off-site MHPA that lie within 500 feet of the project footprint and would be subject to construction noise levels exceeding 60 dB(A) hourly average for the presence of the coastal California gnatcatcher. If no appropriate habitat is present then the surveys will not be required. If appropriate habitat is present, surveys for the coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of any construction. If gnatcatchers are present within the MHPA, then the following conditions must be met:</p> <p>I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted within the MHPA. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and</p>	

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**Table ES-1 (cont.)
 IMPACTS AND PROPOSED MITIGATION**

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<p>II. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied gnatcatcher habitat within the MHPA. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the Mayor/Environmental Designee at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or</p>	

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Table ES-1 (cont.)
 IMPACTS AND PROPOSED MITIGATION

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<p>III. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat (within the MHPA) occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area within the MHPA to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).</p>	

Table ES-1 (cont.)
 IMPACTS AND PROPOSED MITIGATION

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<p>*Construction noise shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat within the MHPA are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the Mayor/Environmental Designee, as necessary, to reduce noise levels within occupied MHPA habitat to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.</p> <p>If coastal California gnatcatchers are not detected within the MHPA during the protocol survey, the qualified biologist shall submit substantial evidence to the Mayor/Environmental Designee and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:</p>	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<ul style="list-style-type: none"> If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then Condition A.III shall be adhered to as specified above. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary. <p>84. Prior to the issuance of any grading permits for projects adjacent to the MHPA, the City shall review the final landscaping plan(s) for the Salk Community Center Building and housing units to ensure that plants in any category of the California Invasive Plant Council (Cal-IPC) 2006 list, or otherwise known to the City to be invasive species, are not being used.</p> <p>95. Prior to grubbing, clearing and/or grading for the daycare facility, housing units, Salk Community Center Building and northern parking garage, a preconstruction meeting shall be conducted with the project biologist and the construction supervisors. All sensitive areas to be avoided shall be flagged, and the contractors shall be informed regarding no-entry areas.</p>	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<p>H6. Prior to grubbing, clearing, and/or grading for the daycare facility, housing units, Salk Community Center Building and northern parking garage, the entire limits of grading shall be fenced with silt fencing and orange construction fencing to preclude entry into sensitive MHPA or other preserved areas.</p> <p>H7. During grading for the daycare facility, housing units, Salk Community Center Building and northern parking garage, a biological monitor shall conduct site visits to assure that construction personnel and equipment do not encroach upon any sensitive areas.</p>	
HISTORICAL RESOURCES		
<p>Proposed project would result in an alteration to and/or destruction of an historic building, structure, object or site: although minimized through various siting and design considerations, project impacts would occur to the historically significant east parking lot landscaping and associated spatial relationships between the parking lot and the original laboratory building. In addition, the project potentially would impact the historic-era subsurface remains of Camp Callan and unknown prehistoric archaeological resources on site.</p>	<p>The following measures would reduce historical resource impacts related to spatial relationships and the east parking lot landscaping:</p> <ol style="list-style-type: none"> All healthy Chinese fringe trees shall be carefully removed from the planting beds within the existing east parking lot and replanted as part of the landscaping for the proposed Torrey East Building. The trees shall remain in proximity to their original location and provide a tangible link to the history of the site. 	<p>Less Than Significant</p>

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>2. The landscape concept plan shall restore as much of the Institute's original perimeter plantings as possible, <u>as shown in the Landscape Design Guidelines</u>. The Institute shall inventory its existing perimeter plantings, assess the health of individual specimens and replant as necessary. Replanted trees, especially those surrounding the Louis Kahn-designed portions of the Institute campus, shall be identical to those species originally planted and identified on the 1965 Landscape Plan, and other landscaping shall use the same "palette" of species as that identified on the 1965 Landscape Plan, to the extent practicable given existing City regulations.</p> <p>3. <u>The final design for 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, in accordance with the Architectural Design Guidelines.</u></p> <p>The following measures would avoid or reduce potential impacts to Camp Callan-related historic-era archaeological resources on the north mesa:</p> <p>4. <i>Prior to Permit Issuance</i></p> <p>A. <u>Entitlements Plan Check</u></p> <p>1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for archaeological monitoring have been noted on the appropriate construction documents.</p>	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>B. <u>Letters of Qualification have been submitted to ADD</u></p> <ol style="list-style-type: none"> 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation. 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project. 3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program. 	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>5. <i>Prior to Start of Construction</i></p> <p>A. <u>Verification of Records Search</u></p> <ol style="list-style-type: none"> 1. The PI shall provide verification to MMC that a site specific records search (¼ mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed. 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. 3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius. <p>B. <u>PI Shall Attend Precon Meetings</u></p> <ol style="list-style-type: none"> 1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor. 	

000473

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<ul style="list-style-type: none"> a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring. 2. Identify Areas to be Monitored <ul style="list-style-type: none"> a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation). 3. When Monitoring Will Occur <ul style="list-style-type: none"> a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur. b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present. 	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>6. <i>During Construction</i></p> <p>A. <u>The Monitor Shall Be Present During Grading/Excavation/Trenching</u></p> <ol style="list-style-type: none"> 1. The Archaeological Monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities. 2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC. 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present. 	

060475

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>B. <u>Discovery Notification Process</u></p> <ol style="list-style-type: none"> 1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate. 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery. 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible. <p>C. <u>Determination of Significance</u></p> <ol style="list-style-type: none"> 1. The PI shall evaluate the significance of the resource. <ol style="list-style-type: none"> a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. 	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.</p> <p>7. <i>Night and/or Weekend Work</i></p> <p>A. <u>If night and/or weekend work is included in the contract</u></p> <p>1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon Meeting.</p> <p>2. The following procedures shall be followed.</p> <p>a. No Discoveries In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8AM of the next business day.</p> <p>b. Discoveries All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.</p>	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>c. Potentially Significant Discoveries If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.</p> <p>d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.</p> <p>B. <u>If night and/or weekend work becomes necessary during the course of construction</u></p> <ol style="list-style-type: none"> 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin. 2. The RE, or BI, as appropriate, shall notify MMC immediately. <p>C. <u>All other procedures described above shall apply, as appropriate.</u></p>	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>8. <i>Post-Construction</i></p> <p>A. <u>Preparation and Submittal of Draft Monitoring Report</u></p> <p>1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,</p> <p>a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.</p> <p>b. Recording Sites with State of California Department of Parks and Recreation The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.</p>	

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**Table ES-1 (cont.)
 IMPACTS AND PROPOSED MITIGATION**

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<ol style="list-style-type: none"> 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report. 3. The PI shall submit revised Draft Monitoring Report to MMC for approval. 4. MMC shall provide written verification to the PI of the approved report. 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals. <p>B. <u>Handling of Artifacts</u></p> <ol style="list-style-type: none"> 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate. 3. The cost for curation is the responsibility of the property owner. 	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p><u>C. Curation of artifacts: Accession Agreement and Acceptance Verification</u></p> <ol style="list-style-type: none"> 1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable. 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC. <p><u>D. Final Monitoring Report(s)</u></p> <ol style="list-style-type: none"> 1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved. 2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution. 	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>The following measures would avoid or reduce potential impacts to unknown prehistoric archaeological resources on the project site to below a level of significance.</p> <p>9. <i>Prior to Permit Issuance</i></p> <p>A. <u>Entitlements Plan Check</u></p> <p>1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for archaeological monitoring and Native American monitoring have been noted on the appropriate construction documents.</p> <p>B. <u>Letters of Qualification have been submitted to ADD</u></p> <p>1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.</p>	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.</p> <p>3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.</p> <p>10. <i>Prior to Start of Construction</i></p> <p>A. <u>Verification of Records Search</u></p> <p>1. The PI shall provide verification to MMC that a site specific records search (¼ mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.</p>	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. 3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius. B. <u>PI Shall Attend Precon Meetings</u> 1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor. a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>2. Identify Areas to be Monitored</p> <p>a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.</p> <p>b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).</p> <p>3. When Monitoring Will Occur</p> <p>a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.</p> <p>b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.</p>	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>11. <i>During Construction</i></p> <p>A. <u>The Monitor Shall Be Present During Grading/Excavation/Trenching</u></p> <ol style="list-style-type: none"> 1. The Archaeological Monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities. 2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC. 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present. 	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>B. <u>Discovery Notification Process</u></p> <ol style="list-style-type: none"> 1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate. 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery. 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible. <p>C. <u>Determination of Significance</u></p> <ol style="list-style-type: none"> 1. The PI AND Native American Monitor shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in MM 5.4-11 below. <ol style="list-style-type: none"> a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. 	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.</p> <p>c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.</p> <p><i>12. Discovery of Human Remains</i></p> <p>If human remains are discovered, work shall halt in that area and the following procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:</p> <p>A. Notification</p> <p>1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).</p> <p>2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.</p>	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>B. <u>Isolate discovery site</u></p> <ol style="list-style-type: none"> 1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains. 2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience. 3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin. <p>C. <u>If Human Remains ARE determined to be Native American</u></p> <ol style="list-style-type: none"> 1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call. 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information. 	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<ol style="list-style-type: none"> 3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with the California Public Resource and Health & Safety Codes. 4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods. 5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF: <ol style="list-style-type: none"> a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR; b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner. c. In order to protect these sites, the Landowner shall do one or more of the following: <ol style="list-style-type: none"> (1) Record the site with the NAHC; (2) Record an open space or conservation easement on the site; (3) Record a document with the County. 	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.</p> <p>D. If Human Remains are NOT Native American</p> <ol style="list-style-type: none"> 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial. 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98). 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man. 	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>13. <i>Night and/or Weekend Work</i></p> <p>A. <u>If night and/or weekend work is included in the contract</u></p> <ol style="list-style-type: none"> 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon Meeting. 2. The following procedures shall be followed. <ol style="list-style-type: none"> a. No Discoveries In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVr and submit to MMC via fax by 8AM of the next business day. b. Discoveries All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. c. Potentially Significant Discoveries If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed. 	

Table ES-1 (cont.)
 IMPACTS AND PROPOSED MITIGATION

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.</p> <p>b. Recording Sites with State of California Department of Parks and Recreation The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.</p> <p>2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.</p> <p>3. The PI shall submit revised Draft Monitoring Report to MMC for approval.</p> <p>4. MMC shall provide written verification to the PI of the approved report.</p> <p>5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.</p>	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>B. Handling of Artifacts</p> <ol style="list-style-type: none"> 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate. 3. The cost for curation is the responsibility of the property owner. <p>C. Curation of artifacts: Accession Agreement and Acceptance Verification</p> <ol style="list-style-type: none"> 1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable. 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC. 	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>D. <u>Final Monitoring Report(s)</u></p> <ol style="list-style-type: none"> 1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved. 2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution. 	
Proposed project would not result in any impacts to existing religious or sacred uses within the potential impact area.	No mitigation beyond that identified in measures 8 through 13 is required	Not Applicable
Proposed project has the potential to result in the disturbance of human remains, including those interred outside of formal cemeteries.	No additional mitigation beyond that identified in measures 8 through 13 is required	Not Applicable

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
TRAFFIC/CIRCULATION		
Proposed project would not result in traffic generation in excess of the specific allocations identified in the University Community Plan.	None Required	Not Applicable
Proposed project would not result in an increase in projected traffic that is substantial in relation to the existing traffic load and capacity of the street system.	None Required	Not Applicable
Proposed project would have direct and cumulative traffic impacts on the existing and planned community and regional circulation networks, specifically at the intersections of the I-5/Genesee Avenue Interchange.	<ol style="list-style-type: none"> 1. Prior to issuance of a certificate of occupancy on project buildings that would produce new traffic, the project applicant shall contribute funds at a rate of \$1,000.00 per trip impacting the freeway, up to \$353,000.00 (see Table 9-9 in Appendix D), for regional improvements at the intersection of the I-5/Genesee Avenue interchange, to the satisfaction of the City Engineer. This contribution will be paid as certificate of occupancy permit(s) are issued during the phased project buildout. 2. The project applicant shall continue to participate in the current TDM shuttle arrangement. Prior to certificate of occupancy on buildings that would create new traffic, the applicant shall determine whether it will continue to participate in the current arrangement or begin to provide a private shuttle service for its employees between the project site and the regional transit centers. Regardless of which shuttle arrangement is chosen, the applicant shall provide transit pass subsidies for its employees and provide a kiosk or bulletin board on the campus displaying information on transit uses, carpooling, and other forms of ridesharing. 	Significant and Unmitigable
Proposed project would provide more parking than is required under the SDMC. Impacts to parking on site, therefore, would be precluded by the provision of additional spaces and no off-site parking deficiencies would arise as a result of the proposed project.	None Required	Not Applicable

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
AIR QUALITY		
Proposed project would not result in a violation of any air quality standard or contribute substantially to an existing or projected air quality violation.	None Required	Not Applicable
Proposed project would not expose sensitive receptors to substantial pollutant concentrations relating to carbon monoxide 'hot spots' or to hazardous emissions through an accidental spill of hazardous contaminants.	None Required	Not Applicable
Proposed project would not emit 100 pounds per day or more of particulate matter (dust).	None Required	Not Applicable
NOISE		
Proposed project would not result or create a significant increase in the existing ambient noise environment.	None Required	Not Applicable
<p><u>Transportation and Stationary Noise</u> Long-term operations of the proposed project would not expose people to noise levels which exceed the City's adopted noise ordinance or are incompatible with the City's noise land use compatibility chart.</p> <p><u>Construction Noise</u> Short-term construction-related impacts would occur, however, as periodic construction noise could exceed the City's noise threshold of 75 dBA L_{eq} averaged over 12 hours. Significant, temporary impacts could occur at the south property line from construction of the daycare facility; housing; greenhouses and Torrey East Building.</p>	<p><u>Transportation and Stationary Noise</u> None Required</p> <p><u>Construction Noise</u> 1. Prior to the commencement of construction, the construction contractor shall contact a qualified acoustician to prepare a construction noise control plan(s). The plan(s) shall evaluate noise levels based on actual sound levels and acoustic heights of equipment proposed for use. The plan(s) shall identify appropriate methods for achieving the 75 dB L_{eq} threshold averaged over 12 hours. Methods could include the use of noise barriers <u>and/or</u> operational adjustments; to the extent feasible.</p>	Less Than Significant

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
NOISE (cont.)		
	2. Only equipment capable of performing necessary tasks with the lowest possible sound level and acoustic height shall be used. 3. All construction equipment shall be operated and maintained so as to minimize noise generation. Equipment and vehicles shall be kept in good repair and fitted with manufacturer- recommended mufflers. 4. If deemed necessary by an acoustical consultant, shielding in the form of temporary barriers shall be provided for standard activity, and portable noise screens or enclosures shall be utilized for high-noise activities/with equipment. The noise barriers used must block line-of-sight between source and receiver, be constructed of solid material and be long enough to prevent sound from flanking around the end of the barrier.	
Proposed project and its land uses would be compatible with aircraft noise levels as defined by the current (i.e., adopted) Airport Land Use Compatibility Plan (ALUCP).	None Required	Not Applicable
HYDROLOGY/WATER QUALITY		
Proposed project would not result in an increase in impervious surfaces and associated increased runoff. Conversely, while the proposed project would result in a net decrease in impervious cover within the project site, it would result in a slight net increase in runoff generation (i.e., 0.9 cubic feet per second) within the site. No significant increase in downstream erosion potential would occur and related impacts would not be significant due to the fact that existing and proposed velocity-reducing devices would be adequately sized to manage projected peak flows.	None Required	Not Applicable

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HYDROLOGY/WATER QUALITY (cont.)		
Project implementation would not result in significant impacts associated with changes in runoff flow rates or volumes and would not substantially alter on- or off-site drainage patterns.	None Required	Not Applicable
<u>Short-term Construction</u> Due to the incorporation of appropriate Best Management Practices (BMPs), the proposed project would not result in an increase in pollutant discharges, including sediment, hazardous materials, urban pollutants or other contaminants, to downstream receiving waters during construction.	None Required	Not Applicable
<u>Long-term Site Operation and Maintenance</u> Although the proposed project has the potential to generate contaminants during long-term site operations and maintenance, and is located within close proximity to sensitive receiving waters (i.e., the Pacific Ocean), significant operational impacts would be precluded through compliance with the City's Storm Water Standards.	None Required	Not Applicable
GEOLOGY		
Project implementation would not be subject to significant impacts related to fault rupture, slope instability, tsunamis and seiches, and is not considered subject to liquefaction effects. The project could be subject to potentially significant impacts related to seismic ground acceleration, and if unanticipated conditions such as shallow groundwater are encountered, could potentially be subject to significant liquefaction effects. These anticipated and potential effects would be avoided or reduced, however, through implementation of standard design, engineering and construction practices in conformance with existing regulatory requirements and industry guidelines.	None Required	Not Applicable

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
GEOLOGY (cont.)		
Project implementation would not be subject to significant impacts related to fault rupture, slope instability, tsunamis and seiches, and is not considered subject to liquefaction effects. The project could be subject to potentially significant impacts related to seismic ground acceleration, and if unanticipated conditions such as shallow groundwater are encountered, could potentially be subject to significant liquefaction effects. These anticipated and potential effects would be avoided or reduced, however, through implementation of standard design, engineering and construction practices in conformance with existing regulatory requirements and industry guidelines.	None Required	Not Applicable
Based on the required conformance with existing regulatory standards and industry guidelines outlined in Section 5.8, <i>Hydrology/Water Quality</i> , of this EIR, significant project-related erosion and sedimentation impacts would not occur.	None Required	Not Applicable
Proposed project may be subject to potential impacts related to expansive soils and oversize materials; however, due to the implementation of standard design, engineering and construction practices in conformance with existing regulatory requirements and industry guidelines, these potential effects would be less than significant.	None Required	Not Applicable

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGICAL RESOURCES		
<p>Due to the on-site occurrence and high resource sensitivity of the Scripps and Lindavista Formations, implementation of the proposed project could result in significant impacts to paleontological resources. No unique geologic features are known or expected to occur on site, and no associated project-related impacts are anticipated.</p>	<p><i>1. Prior to Permit Issuance</i></p> <p>A. <u>Entitlements Plan Check</u></p> <p>1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.</p> <p>B. <u>Letters of Qualification have been submitted to ADD</u></p> <p>1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.</p> <p>2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.</p> <p>3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.</p>	<p>Less than Significant</p>

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGICAL RESOURCES (cont.)		
	<p>2. <i>Prior to Start of Construction</i></p> <p>A. <u>Verification of Records Search</u></p> <p>1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.</p> <p>2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.</p> <p>B. <u>PI Shall Attend Precon Meetings</u></p> <p>1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.</p>	

000503

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGICAL RESOURCES (cont.)		
	<p>a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.</p> <p>2. Identify Areas to be Monitored Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).</p> <p>3. When Monitoring Will Occur</p> <p>a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.</p> <p>b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.</p>	

000504

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGICAL RESOURCES (cont.)		
	<p>3. <i>During Construction</i></p> <p>A. <u>Monitor Shall be Present During Grading/Excavation/Trenching</u></p> <ol style="list-style-type: none"> 1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities. 2. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC. 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present. 	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGICAL RESOURCES (cont.)		
	<p>B. <u>Discovery Notification Process</u></p> <ol style="list-style-type: none"> 1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate. 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery. 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible. <p>C. <u>Determination of Significance</u></p> <ol style="list-style-type: none"> 1. The PI shall evaluate the significance of the resource. <ol style="list-style-type: none"> a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI. b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. 	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGICAL RESOURCES (cont.)		
	<p>c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.</p> <p>d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.</p> <p>4. <i>Night and/or Weekend Work</i></p> <p>A. <u>If night and/or weekend work is included in the contract</u></p> <p>1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.</p> <p>2. The following procedures shall be followed.</p> <p>a. No Discoveries</p> <p>In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVr and submit to MMC via fax by 8AM on the next business day.</p>	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGICAL RESOURCES (cont.)		
	<p>b. Discoveries All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.</p> <p>c. Potentially Significant Discoveries If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.</p> <p>d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.</p> <p>B. <u>If night work becomes necessary during the course of construction</u></p> <ol style="list-style-type: none"> 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin. 2. The RE, or BI, as appropriate, shall notify MMC immediately. <p>C. <u>All other procedures described above shall apply, as appropriate.</u></p>	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGICAL RESOURCES (cont.)		
	<p><i>5. Post Construction</i></p> <p>A. Preparation and Submittal of Draft Monitoring Report</p> <p>1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,</p> <p>a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.</p> <p>b. Recording Sites with the San Diego Natural History Museum The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.</p> <p>2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.</p>	

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Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGICAL RESOURCES (cont.)		
	<ol style="list-style-type: none"> 3. The PI shall submit revised Draft Monitoring Report to MMC for approval. 4. MMC shall provide written verification to the PI of the approved report. 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals. <p>B. <u>Handling of Fossil Remains</u></p> <ol style="list-style-type: none"> 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued. 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate <p>C. <u>Curation of fossil remains: Deed of Gift and Acceptance Verification</u></p> <ol style="list-style-type: none"> 1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution. 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC. 	

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGICAL RESOURCES (cont.)		
	<p>D. <u>Final Monitoring Report(s)</u></p> <ol style="list-style-type: none"> 1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved. 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution. 	

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1.0 INTRODUCTION

1.1 PROJECT SCOPE

The Salk Institute Master Plan project (proposed project) is the proposed expansion of the existing 26.3-acre Salk Institute campus to provide additional research facilities, consolidate support facilities and add daycare and housing amenities to the property. The project applicant is the Salk Institute of Biological Studies (Institute), and the expansion project is proposed on property that was deeded to the Institute by the City of San Diego (City) in 1959. The existing facilities operate under Conditional Use Permit (CUP) No. 3841 and Coastal Development/Conditional Use/Hillside Review permits No. 90-1140 issued by the City. The proposed project would require approval of a Site Development Permit (SDP), Coastal Development Permit (CDP), Master Planned Development Permit (PDP), Vesting Tentative Map (VTM), design guidelines and amendments to the existing permits, among other approvals. This Environmental Impact Report (hereinafter referred to as 'EIR') provides project-specific review of the project as proposed.

1.2 PURPOSE AND LEGAL AUTHORITY

The purposes of an EIR are to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project. This EIR is an informational document for use by the City, decision-makers and members of the general public to evaluate the environmental effects of the proposed project. The document has been prepared in accordance with the guidelines for the preparation of EIRs issued by the City of San Diego (2002c), and it complies with all criteria, standards and procedures of the California Environmental Quality Act (hereinafter referred to as 'CEQA') of 1970 (California Public Resources Code Section 21000 et. seq.), as amended, and the State CEQA Guidelines (California Administrative Code 15000 et. seq.).

The City is the lead agency, as defined by Section 15051(b)(1) of the State CEQA Guidelines, for the proposed project evaluated in this EIR. Under CEQA, the public agency with the greatest responsibility for supervising or approving the project or the first public agency to take discretionary action to proceed with a proposed project should ordinarily act as the "lead agency." The lead agency is responsible for preparing the EIR and has primary responsibility for approving the project.

State law requires that all EIRs be reviewed by trustee and responsible agencies. A trustee agency is defined in Section 15386 of the State CEQA Guidelines as a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. Per Section 15381 of the CEQA Guidelines, the term responsible agency includes all

public agencies other than the lead agency which have discretionary approval power over the proposed project.

1.3 SCOPE AND CONTENT OF THE EIR

This EIR contains a project-level analysis of the proposed project described in Section 3.0, *Project Description*, of this report. A project-level EIR should "focus primarily on the changes in the environment that would result from the development project." According to Section 15161 of the State CEQA Guidelines, the project EIR should "examine all phases of the project including planning, construction and operation."

In reviewing the application for the proposed project, the City concluded that the proposed project could result in potentially significant environmental impacts. As lead agency for this EIR, the City conducted a Public Scoping Meeting, in accordance with Section 21083.9 of CEQA, and prepared a Scoping Letter (City of San Diego 2004a). The public scoping meeting was held on November 30, 2004 at the Institute and was attended by interested individuals from local organizations, public and other entities. The meeting was recorded and a written transcript of the event was prepared. The Scoping Letter was distributed with the Notice of Preparation (NOP), dated November 8, 2004, to all responsible and trustee agencies, as well as various governmental agencies including the Office of Planning and Research's State Clearinghouse. Comments on the NOP were received from the United States (U.S.) Army Corps of Engineers, U.S. Marine Corps (USMC), California Native American Heritage Commission, California Department of Fish and Game (CDFG), California Department of Transportation (Caltrans), San Diego County Archaeological Society, Sierra Club, Friends of Rose Canyon and various members of the public. A copy of the Scoping Meeting Notice, Scoping Letter, NOP, scoping meeting transcript and comment letters are contained in Appendix A of this report. Verbal and written comments received by the City during the scoping process have been taken into consideration during the preparation of this EIR.

This EIR addresses project impacts associated with the following 10 issue areas in Section 5.0, *Environmental Analysis*:

- Land Use
- Visual Quality/Neighborhood Character
- Biological Resources
- Historical Resources
- Transportation/Circulation
- Air Quality
- Noise
- Hydrology/Water Quality
- Geology
- Paleontological Resources

Effects that were determined to not be potentially significant are addressed in Section 6.0, *Other CEQA Sections*, of this EIR. Other mandatory sections required by the State CEQA Guidelines are included in Section 7.0, *Cumulative Impacts*, and Section 8.0, *Alternatives*.

This EIR is available for review by the public and public agencies for a period of 45 days to provide comments "on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated" (Section 15204, State CEQA Guidelines). The EIR is available for review at the City of San Diego Development Services Department, 1222 First Avenue, 5th Floor, San Diego, California 92101.

The City, as lead agency, will consider the written comments received on the EIR and at the public hearings in making its decision whether to certify the EIR as complete and in compliance with the intent of CEQA and whether to approve or deny the proposed project.

1.4 PROPOSED ACTIONS AND APPROVALS

Agencies with permitting authority over all or portions of the proposed project will use this EIR as the basis for their evaluation of the environmental effects of the project and approval or denial of applicable permits. The discretionary and other actions to be taken on the project that are evaluated in this EIR are summarized below. However, while this EIR is intended to cover all federal, state and local governmental approvals and permits which may be needed to construct or implement the proposed project, each and every approval or permit may not be explicitly listed herein. Discretionary actions are taken by a governmental agency utilizing its judgment in deciding whether and how to carry out or approve a project (Section 15002 of the State CEQA Guidelines). The following City actions are required at this time:

- Amendment to CUP No. 3841
- Amendment to CDP/Hillside Review/CUP No. 90-1140
- Coastal Development Permit
- Site Development Permit
- Master Planned Development Permit
- Vesting Tentative Map
- Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment
- Sewer Easement Vacation

Permit(s) required from other agencies include:

- National Pollutant Discharge Elimination System (NPDES) General Construction permit from the Regional Water Quality Control Board

Discretionary actions are discussed further in Section 3.0, as well as in the applicable sections of the environmental analysis in Section 5.0.

1.5 EIR ORGANIZATION

As stated above, the content and format of this EIR is in accordance with the most recent guidelines and amendments to CEQA and the City of San Diego EIR Guidelines, revised September 2002. Technical studies have been summarized within individual environmental issue sections; the full technical studies have been included in the EIR Appendices B through I.

This EIR has been organized in the following manner: *Section ES* is an executive summary of the EIR analysis, which discusses the project description, alternatives and conclusions reached in the impact analysis. The conclusions are summarized in a tabular fashion wherein impacts and related mitigation are clearly linked. In addition, *Section ES* includes a discussion of areas of controversy known to the City, including those issues identified by other agencies and the public. Following the executive summary, the body of the EIR is organized as follows:

- Section 1.0, *Introduction*, provides a brief description of the project, the legal authority of the document, the purpose of the EIR, EIR scoping and content, a list of the key discretionary City of San Diego actions and permits, other permits and approvals and an explanation of the document format.
- Section 2.0, *Environmental Setting*, provides an overview of the regional and local setting, as well as the physical characteristics of the project site. The setting discussion also addresses the relevant planning documents and community plan policies that apply to the project site.
- Section 3.0, *Project Description*, provides a detailed description of the proposed project, including the purpose and main objectives of the project, project characteristics, building, circulation and landscape improvements, and a list of the discretionary actions required for project implementation.
- Section 4.0, *History of Project Changes*, chronicles any revisions made to the project design in response to environmental concerns raised during the City's review of the project or by others.

- Section 5.0, *Environmental Analysis*, constitutes the main body of the EIR impact analysis for each environmental issue with the potential for significant impacts. Under each issue area, the EIR includes a description of existing conditions relevant to each topic, an assessment of impacts associated with project implementation and recommendations for mitigation measures and mitigation monitoring and reporting for each significant impact. The issue statements identified in the City's Scoping Letter (Appendix A) form the basis of the impact analysis.
- Section 6.0, *Other CEQA Sections*, includes a discussion of growth inducement, significant irreversible effects and effects found not to be significant.
- Section 7.0, *Cumulative Impacts*, addresses the cumulative impacts due to implementation of the proposed project in combination with other recently approved or pending projects in the area. The area of potential effects for cumulative impacts varies depending upon the type of environmental issue.
- Section 8.0, *Alternatives*, provides a description and evaluation of alternatives to the proposed project. This section addresses alternatives that reduce or avoid significant impacts and compares these alternatives to the proposed project.

EIR references, contacts and preparer information are provided in Sections 9.0, 10.0 and 11.0, respectively. The technical and supporting materials discussed and cited in the text are bound under separate cover in the appendices.

1.6 INCORPORATION BY REFERENCE

In addition to the documents appended to this EIR and as permitted by Section 15150 of the CEQA Guidelines, this EIR references several technical studies, analyses, and reports which have been incorporated by reference. Incorporation by reference must also be consistent with the requirements of Public Resources Code Section 21061. Referenced documents are briefly summarized in the appropriate section(s) of this document and the relationship between the incorporated part of the referenced document and the EIR has been described. In addition to the project-specific technical reports included in the appendices, other documents and reference sources which have been used in the preparation of this EIR are identified in Section 9.0, *References*.

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2.0 ENVIRONMENTAL SETTING

2.1 PROJECT LOCATION

The 26.3-acre Salk Institute (Institute) property is located in the northwestern portion of the University Community Planning area and generally bordered by the following public roads: North Torrey Pines Road, Torrey Pines Scenic Drive and Salk Institute Road (Figures 2-1, *Regional Location Map*, and 2-2, *Project Location Map*). The northwest corner of the La Jolla Community Planning area is situated immediately south of the project site. The property is also located south and west of land owned by the University of California, San Diego (UCSD). Regional access to the site is from North Torrey Pines Road. Vehicular access to the project site is gained from private driveways connecting to Torrey Pines Scenic Drive and Salk Institute Road. Traffic signals are situated at the intersections of these roads with North Torrey Pines Road. Pedestrian access to and within the site is available along sidewalks within the adjacent public rights-of-ways and internal, private walkways.

2.2 EXISTING STUDY AREA CONDITIONS

Approximately 18.4 acres of the project site are developed with approximately 290,000 square feet (sf) of scientific research and support facilities, including two main research buildings constructed in 1965 and 1995, respectively; several smaller ancillary buildings also constructed in 1965; and an underground storage facility which was constructed in 2001. Two surface parking lots are situated east and northwest of the main research buildings and provide primary parking for the Institute. Overflow parking is also provided in a dirt lot on land leased from UCSD north of Torrey Pines Scenic Drive. In addition to the existing buildings, the site features landscaping and lawn areas. Approximately 8.0 acres of the site are undeveloped and contain native habitat, including Diegan coastal sage scrub (including disturbed), southern mixed chaparral, maritime succulent scrub, southern willow scrub and vernal pools. In 1991, the Institute campus was included as Historic Site No. 304 in the San Diego Register of Historic Landmarks on the basis of its association with Louis Kahn and Jonas Salk and for its "architectural significance." In 2005, the property was determined by the California State Historical Resources Commission to be eligible for listing on the National Register of Historic Resources Places, and was placed on the California Register of Historic Resources.

The project site is adjacent to urban development on the east and south, including housing and parking facilities associated with the UCSD campus, a commercial conference center and single-family residential homes (Figure 2-3, *Project Site Aerial Photograph*). To the north is undeveloped land owned by UCSD and the eastern end of the Torrey Pines Gliderport (Gliderport). West of the site is undeveloped land owned by the City for habitat preservation (i.e., Multiple Habitat Planning Area [MHPA]) and access to Torrey Pines City Park. Facilities and parking for the Gliderport are situated northwest of the Institute property near the western terminus of Torrey Pines Scenic Drive.

Topographically, the project vicinity is comprised of mesa tops. The mesa portions of the site have an approximate elevation of 340 to 375 feet above mean sea level (amsl). The lowest elevation on the site is approximately 230 feet amsl and occurs in the southwest portion of the property at the bottom of the north-facing slope. Drainage flows north, south and west into two unnamed coastal canyons off site and into the Pacific Ocean.

2.3 PLANNED LAND USE SETTING

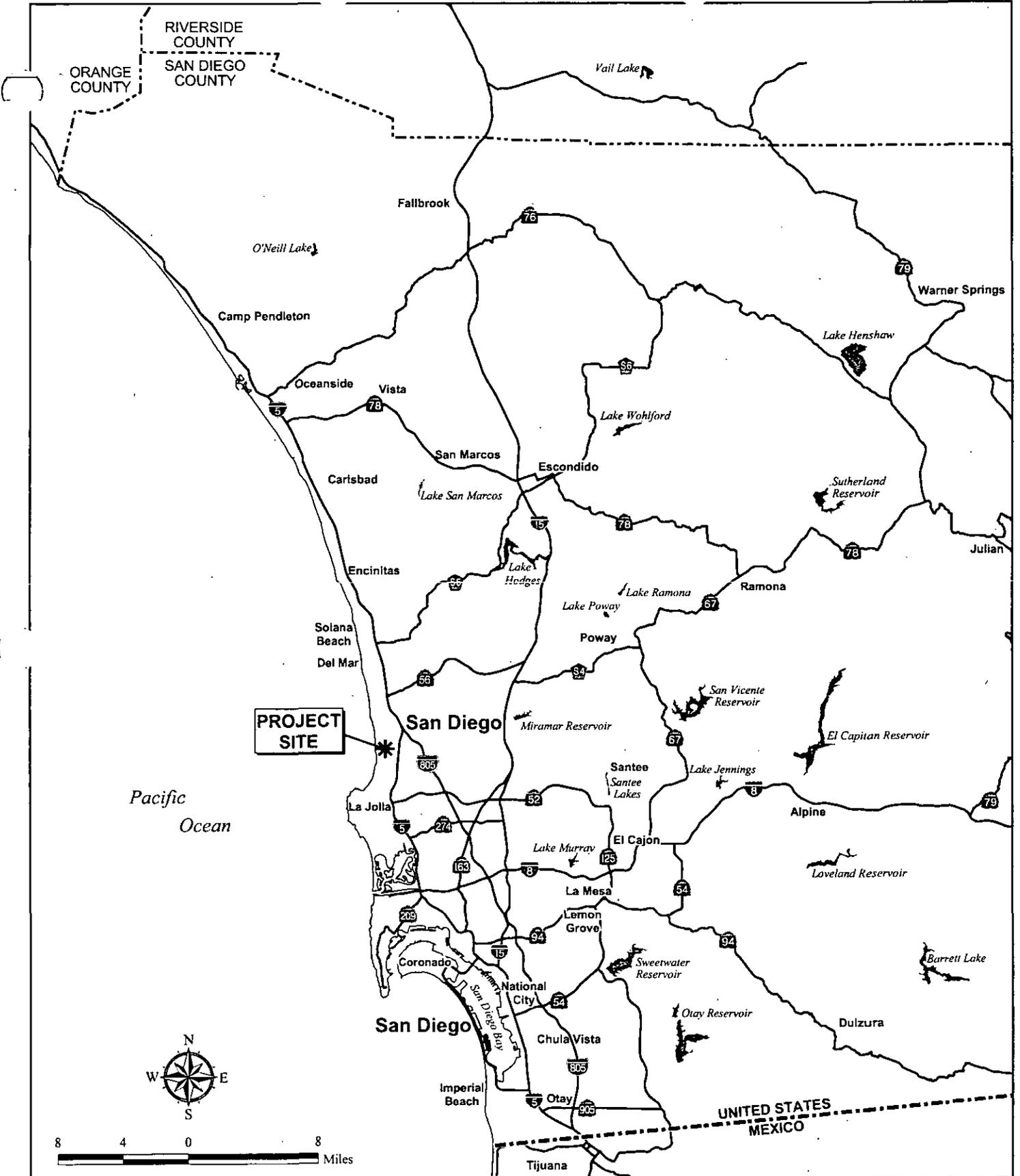
The Institute property is located within an area of the City addressed by the *University Community Plan* (Community Plan; City of San Diego 1987) and the *North City Local Coastal Program/Land Use Plan* (LCP; City of San Diego 1981). In addition to the Progress Guide and General Plan, Community Plan and LCP, planning guidelines and policies of the City's Land Development Code, as well as the ~~*La Jolla Community Plan and Local Coastal Program Land Use Plan*~~ (2004e), Multi-species Conservation Plan (MSCP), draft Airport Land Use Consistency Plan (ALUCP) for Naval Air Station (NAS; now Marine Corp Air Station [MCAS]) Miramar (San Diego County Regional Airport Authority [SDCRAA] 2005) and Federal Aviation Administration/Caltrans Division of Aeronautics Regulations pertaining to the Gliderport also are applicable to the proposed project. The applicable goals and objectives associated with these plans/ordinances are summarized below and described in further detail in Section 5.1, *Land Use*, of this report.

Although the project site is located immediately adjacent to the La Jolla Community, no part of the project site is within the La Jolla Community; instead, the Salk Institute is wholly within the boundaries of the University Community. As such, the applicable policies of the University Community Plan are addressed in this EIR. However, certain policies of the La Jolla Community Plan are noted (although not technically applicable to this project) in the EIR analysis. Therefore, due to the Institute's close proximity to the La Jolla Community, viewpoints and view corridors in the La Jolla Community Plan were addressed in the analysis.

Similarly, although lands abutting the project site to the north, east and southeast are owned and operated by University of California, San Diego (UCSD), it is important to note that the project site and proposed Master Plan update are not subject to the policies and recommendations of the University of California, San Diego 2004 Long Range Development Plan (LRDP). The LRDP is mentioned herein because of the proximity of the project site to UCSD property.

2.3.1 Progress Guide and General Plan

The City of San Diego (City) utilizes the amended 1989 *Progress Guide and General Plan* (General Plan) as its umbrella document for long-range planning within the City's jurisdiction. Development policies are described within the General Plan in the form of Findings, Goals, Guidelines, Standards and



FIGIS\SAL-01 Salk\Map\EIR\Fig-1_Regional.mxd

Regional Location Map

SALK INSTITUTE

Figure 2-1

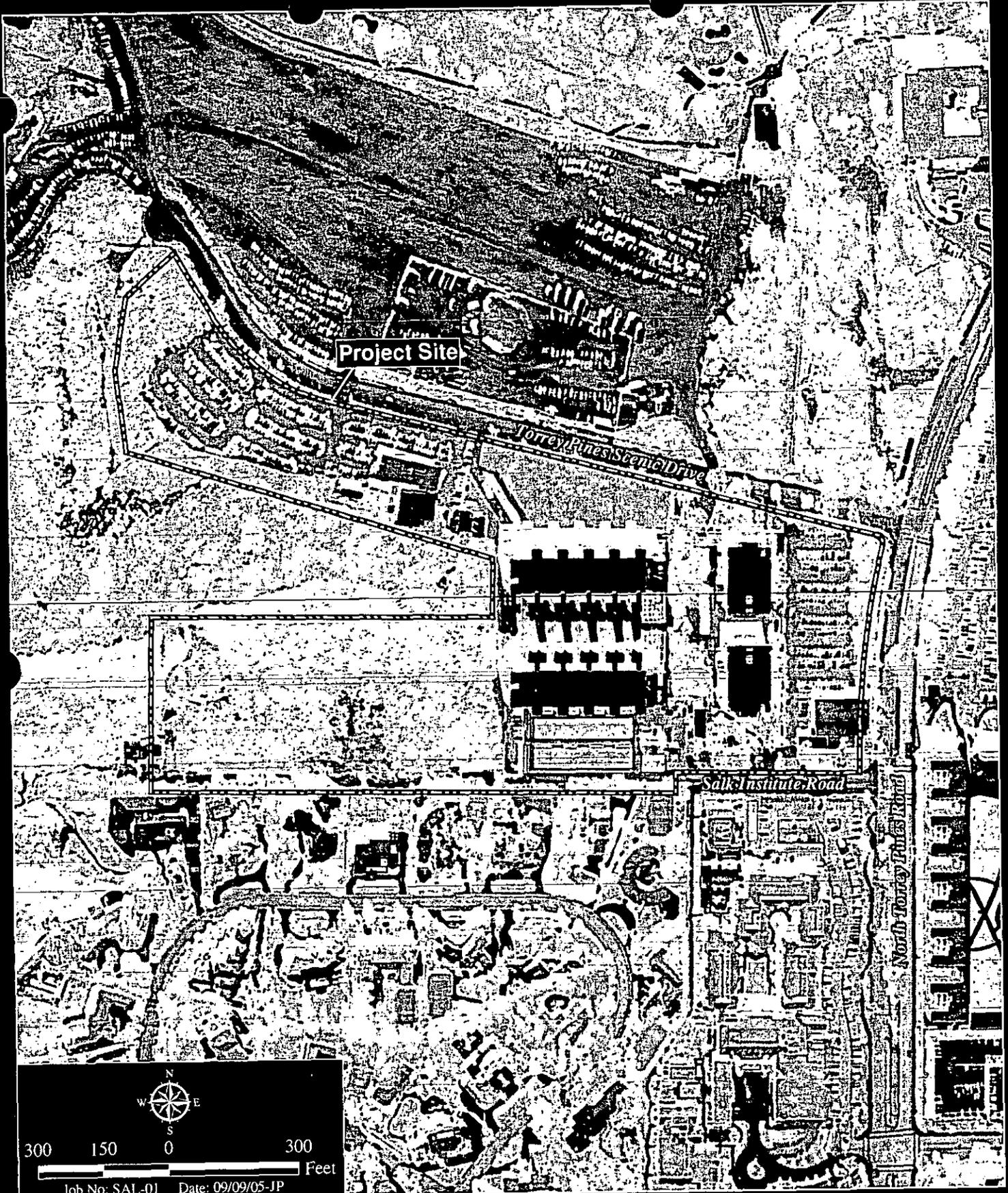


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Project Location Map

SALK INSTITUTE

Figure 2-2



300 150 0 300 Feet

Job No: SAL-01 Date: 09/09/05-JP

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A north arrow is positioned above a scale bar. The scale bar is marked with 300, 150, 0, and 300 feet. Below the scale bar, the text 'Job No: SAL-01 Date: 09/09/05-JP' is displayed. At the very bottom of this block, the file path 'EGIS\S\SAL-01 Salk\Map\EIR\Fig-2-3_Aerial.mxd' is written in a smaller font.

Project Site Aerial Photograph

SALK INSTITUTE

Figure 2-3

Recommendations. These policies are specific to a variety of land use issues, described as Elements of the General Plan.

There are 14 Elements within the General Plan covering planning issues such as housing, transportation and open space, to name a few. The Land Use Element of the General Plan is the program for guiding the City's urban growth and is organized into three categories: Urbanized, Planned Urbanizing and Future Urbanizing. The project site is located in the *Urbanized* area of the City.

While the General Plan lays the foundation for the more specific community plans, the *University Community Plan*, described below, relies heavily on the goals, guidelines, standards and recommendations within the General Plan. Where applicable, environmental goals and recommendations from the General Plan are referenced in this EIR.

2.3.2 University Community Plan

The generalized land use plan for the *University Community Plan* (City of San Diego 1987, as amended) identifies the Institute property for Industrial use (Figure 4 in the Community Plan). There are four geographic subareas within the plan; the Institute is within Subarea 1, Torrey Pines. The majority of the subarea is in public ownership, including Torrey Pines City Park and Golf Course, Torrey Pines State Reserve and UCSD. The land use plan for the Torrey Pines Subarea shows the Institute property as suitable for scientific and research uses. The Community Plan seeks to ensure that plans for future development in the Torrey Pines Subarea protect the natural topography and vegetation, and provide for the preservation of public access to scenic vistas. The Community Plan is comprised of 12 policy elements, including Urban Design, Transportation, Development Intensity, Housing/Residential, Commercial, Industrial and other issues. Several of these elements are applicable to the proposed project. Community Plan Elements and the goals within each element that apply to the Institute are discussed in Section 5.1, *Land Use*, of this report.

The Urban Design Element "defines the relationship of buildings and spaces and provides direction for public street improvements." Policies within the Urban Design element of the plan guide urban form within the community through the establishment of specific development criteria.

The Transportation Element addresses existing and future roadway conditions, mass transit, parking and non-motorized transport within the community.

The Development Intensity Element regulates the intensity of community development by identifying square footages or dwelling unit limits within each subarea. The development intensities established in the element were used in developing traffic forecasts for the Community Plan. The Land Use and

Development Intensity table (Table 3 of the *University Community Plan*) assigns 500,000 sf of scientific research use to the Institute property.

The Housing/Residential Element addresses the location and density of residential development and its affect on community character. No new residential development is planned near the Institute property. The goal of the Commercial Element is to develop an integrated system of commercial facilities that meet the needs of the community while not impeding the economic vitality of existing commercial areas. No commercial land exists in the vicinity of the Institute property.

The Industrial Element contains policies that are directed at ensuring that industrial land needs are met while balancing environmental considerations and land use adjacency. The Industrial Element identifies the Institute property for scientific research use.

The Public Facilities Element addresses the adequacy of schools, police, fire, libraries, community centers, utilities and medical facilities within the community.

The Open Space and Recreation Element identifies open space areas in the community which should be retained and enhanced. The closest open space or recreation feature to the Institute is Torrey Pines City Park, a City-owned, undeveloped park site located immediately west of the project site. The park encompasses the Torrey Pines Gliderport.

The Noise Element addresses transportation noise effects on the community, including MCAS Miramar and vehicular noise.

The Safety Element deals with two safety hazards in the community: geologic hazards and the accident potential from aircraft operations at MCAS Miramar. Although the Safety Element identifies the Salk Fault across the northwestern portion of the project site, the actual fault location has been mapped approximately 100 to 150 feet north of the site (Kleinfelder 2005a; see Appendix J and Section 5.9, *Geology*); farther west of the site the element accurately notes the presence of unstable bluffs and slide areas. The Institute property is outside of the accident potential zones for MCAS Miramar as noted below.

The Resource Management Element ensures the preservation and enhancement of the area's natural topography, undeveloped open space areas and location near the ocean (coastal resources). The preservation of natural resources, such as topography, biological resources, and cultural resources, including paleontology and archaeological resources, is the focus of this element, as are the maintenance of good water and air quality, and conservation of water and energy.

2.3.3 North City Local Coastal Program and Land Use Plan

The *North City Local Coastal Program/Land Use Plan* was approved by the City Council and transmitted to the California Coastal Commission in 1981. The LCP is designed to address the goals, policies and requirements of the California Coastal Act of 1976, in relation to the needs and desires of the North City area. The LCP is subdivided to address four communities, with the Institute being in the University/La Jolla community. The LCP identifies the land use on the project site as Industrial.

2.3.4 San Diego Municipal Code

The San Diego Municipal Code (SDMC) Chapter 12, Article 6, Division 6 (Land Development Review) sets forth the City's procedures for the issuance of Planned Development Permits (PDPs), while Chapter 14, Article 3, Division 4 contains the supplemental regulations for PDPs, including permit criteria pertaining to Master PDPs. The SDMC Chapter 12, Article 6, Division 5 sets forth the procedures for obtaining a Site Development Permit (SDP). The Zoning Ordinance within the SDMC provides specific development regulations for PDPs and SDPs, as well as specific site development regulations for the applicable zones. The project site is currently zoned RS-1-7 for single-unit residential use.

2.3.5 Multiple Species Conservation Plan (MSCP)

The MSCP is a comprehensive habitat conservation planning program for southwestern San Diego County. A goal of the MSCP is to preserve a network of habitat and open space, protecting the region's biodiversity. Local jurisdictions, including the City of San Diego, implement their portions of the MSCP through subarea plans, which describe specific implementing mechanisms. The City's MSCP Subarea Plan was approved in March 1997. The MSCP Subarea Plan is a plan and process for the issuance of permits under the federal and state Endangered Species acts and the California Natural Communities Conservation Planning Act of 1991. The Implementing Agreement signed by the City, United States Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) in July 1997 allows the City to issue Incidental Take Authorizations under the provisions of the MSCP. Applicable state and federal permits are still required for wetlands and listed species that are not covered by the MSCP. There is 0.32 acre of MSCP preserve lands (i.e., Multiple Habitat Preserve Area [MHPA]) on the project site and additional MHPA occurs immediately west of the Institute property boundaries.

2.3.6 Naval Air Station (NAS)/Marine Corps Air Station (MCAS) Airport Land Use Compatibility Plan

The project site is located within the Airport Influence Area (AIA) identified in the 2005 draft *Airport Land Use Compatibility Plan* (ALUCP) (formerly the Comprehensive Land Use Plan [CLUP]) for

NAS/MCAS Miramar and is affected by routine over-flights of military fixed- and rotary-wing aircraft conducting flight training operations and/or transiting to and from MCAS Miramar.

The ALUCP is an advisory document that is designed to protect the airport from land use incompatibilities and provide the City with criteria for addressing growth in areas surrounding the airport. The SANDAG, as the Airport Land Use Commission (ALUC), adopted the original CLUP for the air station in 1992 when the airport was a naval installation. Since the realignment of the air station for Marine Corps use, the U.S. Navy has updated the Air Installations Compatibility Use Zones (AICUZ) study for the airfield. Revised noise contours presented in the AICUZ study show that the project site is located outside the 60 decibel (dB) Community Noise Equivalent Level (CNEL) for the installation (U.S. Navy 2004). The ALUC (now operated by San Diego County Regional Airport Authority [SDCRAA] but formerly operated by SANDAG) is currently in the process of preparing ALUCPs for all of the airports in San Diego County, including MCAS Miramar. When finalized, the updated document will contain countywide and airport-specific compatibility policies and criteria for local jurisdictions to implement. Although it is not certain when the Draft ALUCP for MCAS Miramar will be finalized, it is currently in use by the City as the document guiding growth in the Miramar AIA.

2.4 CUMULATIVE IMPACT SETTING

The private land surrounding the project site is developed with scientific research uses on the Torrey Pines mesa, lower-density residential development in the Blackhorse Farms area and a commercial hotel/conference center. Little to no undeveloped private land exists near the project site. Public land to the north and east of the Institute property is either contained in City open space/park land, such as Torrey Pines City Park, Torrey Pines Golf Course and Gliderport, or is planned for development by UCSD. Beyond the general population growth anticipated in the community, the only specific private proposal that would add development to the area in the near or long term is the Hillel of San Diego student center along La Jolla Village Drive.

The City has no plans to develop any of the public lands near the project site that are under its ownership. There are a number of roadway and transit improvement projects planned in the project area, including the La Jolla Village Drive widening project, the Interstate 5 (I-5)/Genesee Avenue interchange project, the I-5/La Jolla Village Drive overcrossing and interchange project, the I-5/Sorrento Valley Road interchange project, the North Coast I-5 HOV/Managed Lane project, the I-5/I-805 widening project, the UCSD bus improvements project, the University Area Super Loop Bus project, and the Mid-coast Light Rail Transit project. In addition, UCSD adopted the 2004 Long Range Development Plan (LRDP) for the La Jolla campus, which proposes to add classrooms, housing, science and research facilities, administration offices and parking facilities to various locations within the campus (UCSD 2004a). The 2004 LRDP consists of three primary elements: 1) a description of the planning context for the campus, 2) an outline of the enrollment, faculty/staff, space and parking

needs of the campus, and 3) a land use plan to guide the siting of proposed new development and related circulation and parking to meet those needs. The 2002-03 total campus population was 33,100 persons, while the 2004 LRDP projects a campus population of 49,700 during the regular academic year, through the 2020-2021 horizon year of the plan (including 29,900 students and 19,800 faculty, staff and researchers). The projected campus population would be accommodated through the development of up to 19,159,000 gross square feet (gsf) of academic and support facilities identified in the 2004 LRDP. The 2004 LRDP Land Use Plan identifies Academic, Sports and Recreation and Administrative uses north of the Institute property and Housing, Academic, and Sports and Recreation uses to the east. A description of these uses and road improvement projects is provided in Section 7.0, *Cumulative Impacts*, of this report.

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3.0 PROJECT DESCRIPTION

This EIR analyzes potential environmental effects associated with the Salk Institute Master Plan project (proposed project). The proposed project would require City of San Diego (City) approval of a Site Development Permit (SDP), Coastal Development Permit (CDP), Master Planned Development Permit (~~Master PDP~~), Vesting Tentative Map (VTM), design guidelines and amendments to Conditional Use Permit (CUP) No. 3841 and Coastal Development/Conditional Use/Hillside Review permits No. 90-1140. A sewer easement vacation and Multiple Habitat Planning Area (MHPA) boundary adjustment are also proposed. The above-listed development permits would allow for the phased construction of approximately ~~239~~215,200 square feet (sf) of new scientific research space, including new scientific research building(s); an administrative/support building; a below-grade facility to house specialized research equipment and research space, equipment shops and a mechanical room; ~~an employee daycare facility; temporary housing quarters; greenhouses; and surface/underground parking.~~ These uses and facilities could be constructed over a period of several decades. This project description details the project's goals and objectives, the specific characteristics of each element of the project, including the design guidelines, and explains the discretionary actions required for project implementation.

In response to certain economic and environmental constraints, and as further explained in the Preface to this Final EIR, the applicant has decided to eliminate the employee daycare facility and temporary housing facilities from the proposed Salk Institute Master Plan (as evidenced by the strikethrough text above). Although the daycare and housing uses are no longer a part of the proposed project (now referred to as the Refined Project Design), the environmental analyses of these components remain in the EIR for informational purposes. References to these uses have been struck from the overall project descriptions contained in this section for clarity sake.

Given that the changes made by the Refined Project Design primarily affect only one area of the property, the City believes that revising the Project Description and other EIR Sections in the above manner will provide the greatest degree of clarity and consistency for benefit of those reviewing the Final EIR, in that (i) the description of the project proposed for approval will be consistent between the Preface and the Project Description and (ii) the discussion of impacts throughout the Final EIR will be as accurate as is feasible with respect to the project proposed for approval.

3.1 PROJECT BACKGROUND, GOALS AND OBJECTIVES

The Salk Institute for Biological Studies (Institute) is a private, non-profit scientific research institution, which conducts biological research in three major areas of study: molecular biology and genetics, neurosciences, and plant biology. The Institute laboratories provide new understanding and potential new therapies and treatments for a range of diseases, including cancer, AIDS, Alzheimer's

disease, cardiovascular disorders, anomalies of the brain and birth defects. Their studies in plant biology are directed at improving the quality and quantity of the world's food supply.

In the four decades since the Institute was founded, the world of scientific research has experienced tremendous change. New technologies are being employed and scientists are collaborating in ways that were never imagined in the past. The demographics of the scientists themselves have also changed, as the Institute employs and trains a younger workforce, there are far more women in science, and there are a greater number of two-career families than in the past. Because of these changes, the Institute has determined that it must expand its scientific research space, accommodate new and emerging technologies such as stem cell research, and provide for new and improved support facilities for the Institute, its faculty and staff. As the applicant for this project, the Institute is proposing to expand its scientific research facility in a manner that is consistent with its research mission and the Development Intensity Element and policies of the *University Community Plan* (Community Plan) and *North City Local Coastal Program/Land Use Plan* (LCP).

The basic objectives include developing a project that:

- Is compatible with the primary goals and objectives of the *University Community Plan*, the *North City Local Coastal Program* and applicable sections of the City of San Diego Municipal Code (SDMC).
- Is consistent, in terms of general scope, planning and architectural theme, with Jonas Salk's original vision for the research institute property ~~embodied in the tri-partite scheme developed by Jonas Salk and Louis Kahn in the 1961 Master Plan (1961 Master Plan) and CUP No. 3841, which precludes urban densities in any one area, places housing and related accessory facilities on the south mesa, places scientific research space on the east mesa, constructs a community center for the Institute on the north mesa, maintains access to the natural setting and avoids inappropriate land use adjacencies.~~
- Allows the Institute to develop new and expanded scientific research facilities ~~and reach its 500,000-sf capacity on site~~ as provided for in the *University Community Plan*, while using the Institute's funds in the most cost-effective manner possible and retaining the maximum possible funds for its core scientific mission.
- Helps the Institute remain competitive with other national research institutions in attracting and retaining top researchers by providing on-site amenities, such as an employee community center with indoor and outdoor meeting spaces, an auditorium and dining facilities; ~~daycare facility and temporary housing quarters,~~ and state-of-the-art scientific research facilities, that are respectful of the historic architecture and integrated with the surrounding open space.

- Provides state-of-the-art scientific research space that will help attract new research funding and train the best and brightest scientists in the world in an inspiring and collaborative setting with exceptional faculty and staff and will house the latest equipment technology that will allow Institute employees to fulfill their institutional missions of fundamental discoveries in the life sciences, the improvement of human health and conditions and the training of future generations of scientists.
- Provides the centralized support facilities (i.e., Salk Community Center Building) for the Institute that will be placed on site in a manner that balances the sensitive natural and historic resources with the need for adequate site security.
- ~~• Provides a private daycare facility on site that will educate and care for children of Institute personnel, while providing opportunities for outdoor learning, in a safe location that is both internally and externally secure away from public roads, in close proximity to those employees and integrated into the natural landscape.~~
- ~~• Develops temporary housing quarters in a location on site that is physically separate from the scientific research work environment, is integrated into the natural landscape, and would provide visiting and new faculty/employees a temporary place to live while they attempt to secure permanent off-campus housing, as an alternative to the Institute paying market rates for off-site housing arrangements.~~
- Creates new underground parking areas on site that sufficiently satisfy the parking needs of the entire facility and minimizes surface parking.
- Preserves and enhances views of the ocean and scenic coastal resources recognized in applicable local, regional and state plans and policies.
- Enhances and expands environmental protection for environmentally sensitive areas on site by adding land to the City's MHPA.
- Provides landscaping plans and architectural and landscape design guidelines to ensure creation of an aesthetically pleasing development 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.
- Allows for the removal of all temporary buildings on the property.

3.2 PROJECT CHARACTERISTICS

3.2.1 Proposed Land Uses

Project development would include the following land uses: a 94,200 sf scientific research building (referred to as the Torrey East Building), a 117,000-sf administrative/support building (referred to as the Salk Community Center Building), ~~and 4,000 sf of greenhouses, a 12,000-sf private daycare facility and 12,000 sf of temporary housing quarters.~~ and 4,000 sf of greenhouses, a 12,000-sf private daycare facility and 12,000 sf of temporary housing quarters. Approximately 29,000 sf of existing temporary buildings would be demolished by this project, leaving approximately 260,800 sf of existing building space on site, excluding basement areas. Two underground parking structures ~~and limited surface parking~~ would also be constructed on site over time. Full buildout of the ~~proposed project~~ Refined Project Design, as described in the Preface to this Final EIR, would result in ~~500,000~~ 476,000 sf of scientific research-based development and a minimum of ~~1,120~~ 1,046 parking spaces on the Institute campus. Although the University Community Plan allows for buildout of up to 500,000 sf on the Salk campus, the Institute has decided to no longer pursue development of the daycare facility or temporary housing quarters. Because these uses are no longer proposed herein, the project would not buildout the campus to 500,000 sf, but rather to 476,000 sf, including 215,200 sf of proposed scientific research uses (see Table 3-1, Project Characteristics). The descriptions of the daycare facility and temporary housing quarters have been removed for the descriptive discussions within this EIR; the environmental analysis, however, remains in the EIR for informational purposes only.

Approximately ~~5.57~~ 5.82 acres of undeveloped land would remain on site, of which approximately ~~3.21~~ 2.27 net acres would be transferred into the MHPA. The proposed project would require grading of approximately ~~1.39~~ 0 acres of the 26.3-acre site to implement the proposed development and associated site improvements. The basic project components are described below, summarized in Table 3-1, Project Characteristics, and shown on Figure 3-1, Project Site Plan for Refined Project Design.

3.2.2 Proposed Entitlement Process

The project applicant is seeking approval of development permits, consisting of amendments to existing permits and a new SDP/CDP, Master PDP and VTM for the proposed structures and uses outlined in Section 3.4, *Discretionary Actions*, of this report. The proposed development permits and associated entitlements would be reviewed by the City and require City Council approval. Once the development permits are approved, applications for grading and building permits for the project components for which detailed design drawings exist (i.e., the ~~daycare facility~~, north lawn core facility, equipment shops and mechanical room, and Torrey East Building and associated underground parking), would be processed by the City without further discretionary approval. When the Institute is ready to develop the remaining project components (i.e., the Salk Community Center Building, north peninsula parking structure, ~~temporary housing quarters~~ and greenhouses), the Institute would apply for Substantial Conformance Review (SCR) prior to submittal of applications for grading and

building permits. The SCR process, a Process Two review for projects in the Coastal Zone as outlined in Section 126.0112 of the SDMC, would enable City staff to determine whether the future project components would be in substantial conformance with the project-specific development permits and design guidelines described below.

LAND USE	TOTAL BUILDING AREA
Scientific Research Building	94,200 sf
Salk Community Center Building ¹	117,000sf
Daycare Facility	12,000 sf
Temporary Housing Quarters	12,000 sf
Greenhouses	4,000 sf
Subtotal:	239,200 15,200 ¹ sf
Demolition of Temporary Buildings	-29,000 sf
TOTAL:	210,200 186,200 ² sf
Undeveloped Land/Open Space ³	5-57.82 acres

Notes:

¹ The Salk Community Center Building square footage may include administrative space, meeting rooms, an auditorium and dining facilities. The north lawn core facility, equipment shops, mechanical room and underground parking areas are excluded from the building square footage estimates above pursuant to Section 113.0234 of the SDMC and the *University Community Plan* (page 179). Therefore, these basement uses supporting the above-ground square footage are not considered in the analysis of proposed development intensity contained in this report.

² The square footages of the proposed buildings and uses within each building listed in the above table are provided to illustrate an example of how the project could be built out to the 500,000 square foot of to maximize its scientific research capacity as provided for in the *University Community Plan*. Ultimate building square footages and internal uses may vary slightly depending on the Insitute's long-term needs; however the 500,000476,000-sf total would not be exceeded.

³ Approximately 3-21.27 net acres would be dedicated to the City of San Diego as MHPA.

Under the Master PDP regulations stated in SDMC Section 143.0480, subsequent development phases must be substantially consistent with the conceptual development criteria (i.e., the design guidelines) proposed at the time of the Master PDP approval. That consistency will be determined during the SCR process. The buildings subject to SCR would also undergo review by the City's Historic Resource Board (HRB) staff to verify consistency with the development permits and adopted design guidelines as it relates to historic resources. During the SCR process, should the City determine that any future building or grading permit(s) is not consistent with (i.e., in substantial conformance with) the proposed design guidelines and development permits, the project applicant could appeal the consistency determination to the Planning Commission, apply for an amendment to those development permits, as necessary, or modify the application to be consistent with the approved entitlements.

3.2.3 Design Guidelines

Design guidelines are proposed by the project applicant to provide a comprehensive framework for the architectural and landscape design of all proposed structures that are slated for future development and whose architectural details are conceptual in nature at this time. As graphically depicted in Section 3.2.4.7 of this report, the design guidelines would apply to the entire property, including specific guidelines for the Salk Community Center Building and associated underground parking structure on the north mesa, ~~the temporary housing quarters and surface parking area on the south mesa and the greenhouses near the southern property boundary along Salk Institute Road, and the restoration of the historic perimeter landscaping along the southern property boundary.~~ The design guidelines are proposed in conjunction with the development permits listed below in Section 3.4, *Discretionary Actions*, to assist City staff in completing the SCR process and in processing future applications for building and grading permits for the conceptually designed buildings noted above. The established architectural details for the ~~daycare facility~~, Torrey East Building, and north lawn core facility and shops to be built in a basement configuration are described below in Section 3.2.4. Briefly described below, the project design guidelines comprise architectural and landscape components that would apply to the entire site, as well as to the structures discussed above and proposed for future development.

The architectural design guidelines address facility siting, building articulation, building materials, equipment screening, service areas, walls, fencing, signage and outdoor lighting, as well as proximity to the MHPA and the preservation of existing view corridors and vistas. Building materials would be similar to those that exist on site, including architectural concrete, stainless steel, wood, Corten steel, masonry, travertine stone, and clear glazing. Building facades would be articulated using additive elements, such as columns, capped mullions, sun-shading devices and subtractive elements, such as windows, doors, carved openings or niches. The landscape component of the design guidelines provides design goals for landscaping and lighting and describes treatments for the conceptually proposed buildings and several key landscape areas on site, including the public perimeter and entries; restoration of historic plantings; revegetation areas/MHPA-adjacent areas; and other spaces between buildings, within parking lots and within buffer areas. Specific landscape recommendations include planting perimeter trees ~~between the proposed daycare facility and existing residences to the south and~~ along public roadways as development proceeds on site. The landscape component of the design guidelines reflects requirements of the MSCP Land Use Adjacency Guidelines.

3.2.4 Development Components

The Institute is proposing the phased implementation of a number of new facilities, uses and buildings on site. Descriptions of the location, proposed uses, architectural character (as available) and building massing for each component of the project are provided below. In general, the arrangement of uses on the site plan developed for the proposed Master Plan reflects the generally intent of the tri-partite

scheme envisioned for the property by Louis Kahn and Jonas Salk, wherein three major components are constructed: a research and study area, a meeting center and housing quarters. As noted in the Preface to the Final EIR, the applicant has chosen to no longer construct housing quarters on campus since there are off-site housing options available. A detailed discussion of the tri-partite design scheme is provided in the Historic Resources Technical Report (contained in Appendix C of this EIR), while a summary description of the concept is provided in Section 5.4, *Historic Resources*, of this report.

3.2.4.1 Scientific Research Building

The proposed Torrey East Building would generally be placed on the surface parking lot in the eastern portion of the property, east of the existing scientific research building (East Building) and west of North Torrey Pines Road (Figure 3-1). Development of this component of the project would require the removal of existing temporary buildings located near the southeast corner of the property. The uses within those existing temporary buildings would be incorporated into the equipment shops in the north core facility described below. The various existing utilities near the southeastern corner of the building site would be relocated by ~~the City of~~ San Diego Gas and Electric (SDG&E) and/or preserved in place. The new structure would house uses that are consistent with the scientific research uses allowed by Section 131.0112 of the SDMC.

The proposed building would continue the architectural theme established by the original laboratory building and reinforced by the East Building by constructing one rectilinear structure with a two-level transparent atrium at the center of the structure (Figure 3-2, *Project Elevations for Refined Project Design – Torrey East Building*). The massing of the building would be stepped back along the eastern façade to maximize the landscaped buffer fronting North Torrey Pines Road. The two-story building would house a reception area, laboratory research spaces, support spaces, offices and meeting rooms. Two levels of underground parking are proposed beneath the building. Primary access to the building for pedestrians and vehicles would be via relocated driveways from Salk Institute Road and Torrey Pines Scenic Drive. The driveways would link and provide thru north-south movement on the western side of the Torrey East Building. An off-street loading area for deliveries/service vehicles is proposed south of the building near the Salk Institute Road driveway.

Architecturally, the Torrey East Building would primarily be constructed of glass walls. Stainless steel, metal cladding and architectural concrete would be used for accent material on the building. The central, full-height atrium would be enclosed in clear glass window/wall on the west and east elevations, preserving views to the west toward the courtyard of the original laboratory building, while maximizing the relationship between indoor and outdoor spaces. The interior footprint of the second-floor atrium level would be enclosed with horizontal glass railings and would feature a connecting bridge. Each of the two above-grade levels would be approximately 15 feet in height. The maximum structure height would not exceed 30 feet above existing grade. Figure 3-2 illustrates proposed elevations for the Torrey East Building.

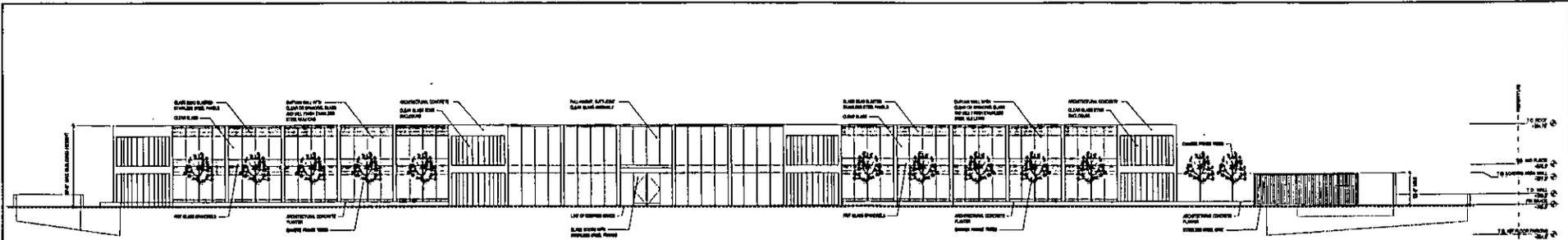
The building would include landscape buffers along all elevations, including the north and south parking driveway ramps. The majority of the existing landscaping east of the proposed structure would be preserved and supplemented with additional plantings as described in Sections 3.2.4.6 and 5.4 of this report. The landscape plan makes accommodations for the relocation of the Chinese Fringe trees located in the existing parking lot (refer to Section 5.4, *Historic Resources*, for a discussion on the trees).

3.2.4.2 Salk Community Center Building

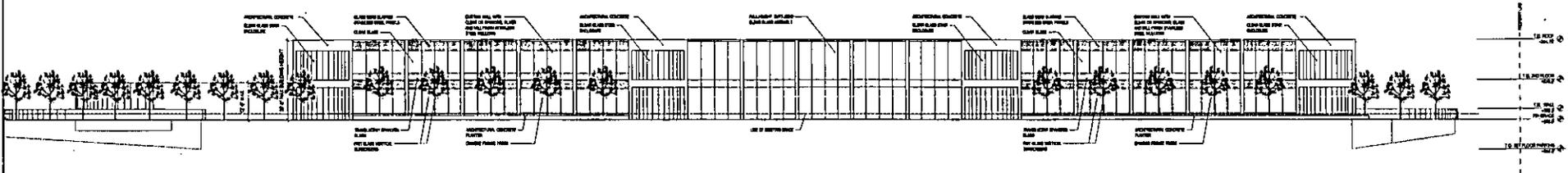
The Salk Community Center Building would contain administration space, meeting rooms, an auditorium and dining facilities as envisioned in Louis Kahn's meeting center concept in the ~~tri-partite scheme~~ 1961 Salk Institute Master Plan. The Salk Community Center Building and its associated underground parking structure are proposed on the site of the existing surface parking lot on the northwest portion of the property (Figure 3-1). Sited at the western end of the parking structure and accessible from Torrey Pines Scenic Drive, the Salk Community Center Building could be built in phases. It would be constructed of two rectangular wings, one three-stories and the other four-stories in height ~~story sections; two, four-story sections~~; and one, two-story auditorium section (double-height), connected by an outdoor terrace and walkways (see Figure 3-1). Although the ~~two~~ westernmost sections of the building would be four stories in height, ~~they~~ it would be built at a lower proposed grade (which drops by approximately 10 feet from east to west on that portion of the site) on the site and thus would not appear taller than the three-story eastern sections when viewed from the east (refer to Figure 3-3, *Project Sections for Refined Project Design*). The maximum structure height of 30 to 40 feet above proposed grade would not comply with the 30-foot maximum structure height limitation required in the RS-1-7 zone. Therefore, the project applicant is requesting a PDP to allow for a deviation from the development regulations of the underlying zone to allow a maximum structure height that would exceed 30 feet above grade (see Figures 3-3 and 5.1-~~4~~4). The structure height would comply with the Coastal Height Limit Overlay Zone similar to other industrially zoned properties within the Coastal Zone, as discussed in subsection 5.1.2 of this report. The terraces surrounding the Salk Community Center Building would be used by Institute employees for dining and social gatherings and provide outdoor opportunities to take in views of the Pacific Ocean, La Jolla coastline and the off-site coastal canyon.

A three-level, below-grade parking structure is proposed for the underground area to the east of the Salk Community Center Building. The structure would include lightwells with 42-inch parapet walls along their perimeter to provide natural daylight and ventilation to all three levels. The top deck of the underground parking facility would be landscaped with grass and other appropriate vegetation, thereby reducing the amount of new impervious surfaces on site and preserving a 360-foot wide view corridor along Torrey Pines Scenic Drive and the adjacent sidewalk (see Figure 3-1). In addition to performing these important functions, the landscaped rooftop would fulfill the Institute's vision of adding new green space to the campus and creating a park-like setting in an area that is currently a paved surface parking

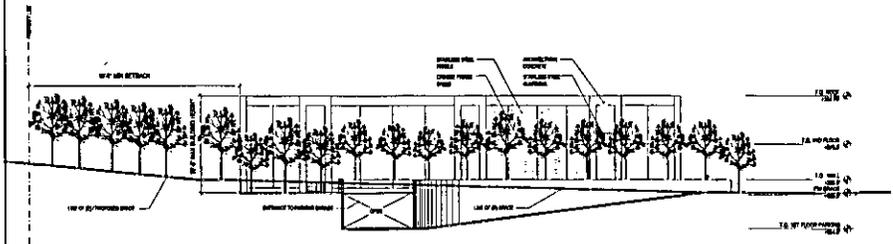
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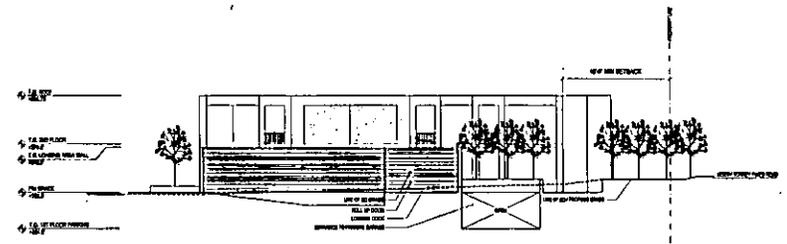
WEST ELEVATION AT TORREY EAST BUILDING



EAST ELEVATION AT TORREY EAST BUILDING



NORTH ELEVATION AT TORREY EAST BUILDING



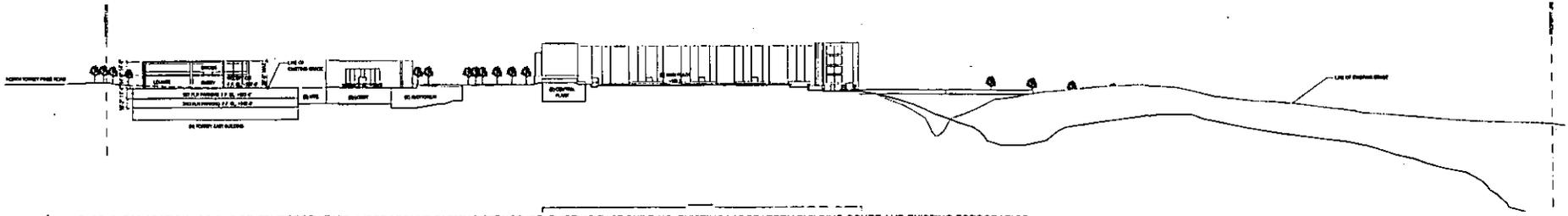
SOUTH ELEVATION AT TORREY EAST BUILDING

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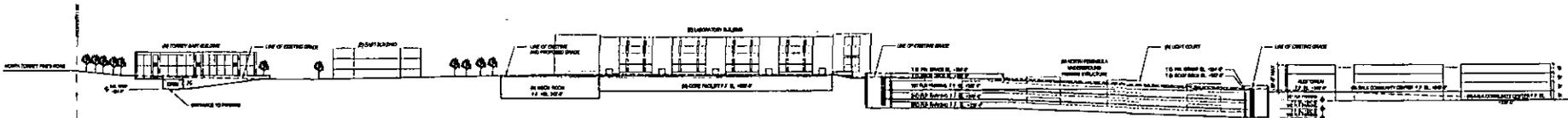
Project Elevations for Refined Project Design - Torrey East Building

SALK INSTITUTE

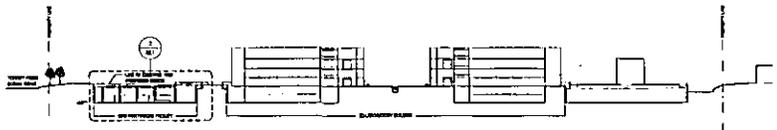
Figure 3-2



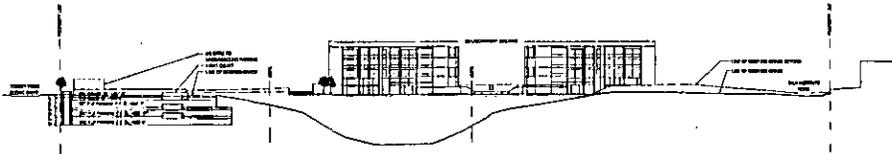
4 EAST - WEST SECTION LOOKING SOUTH [TORREY EAST UNDERGROUND PARKING STRUCTURE, EXISTING EAST BUILDING, EXISTING LABORATORY BUILDING COURT AND EXISTING TOPOGRAPHY]



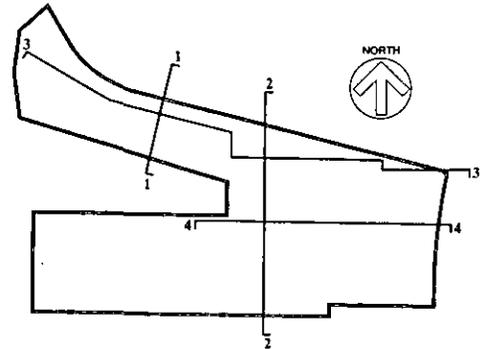
3 EAST - WEST SECTION LOOKING SOUTH [TORREY EAST UNDERGROUND PARKING STRUCTURE, MECHANICAL ROOM, NORTH CORE FACILITY, NORTH PENINSULA UNDERGROUND PARKING STRUCTURE AND SALK COMMUNITY CENTER]



2 NORTH - SOUTH SECTION LOOKING EAST [NORTH LAWN CORE FACILITY, EXISTING LABORATORY BUILDING AND EXISTING SOUTH LAWN]



1 NORTH - SOUTH SECTION LOOKING EAST [GRASS LAWN AND UNDERGROUND PARKING STRUCTURE]



Source: NBBJ
 Project: SALK INSTITUTE
 Figure 3-3: Project Sections for Refined Project Design

Project Sections for Refined Project Design

SALK INSTITUTE

Figure 3-3

6/20/09

lot. Primary access to the Salk Community Center Building and parking structure for pedestrians and vehicles would be provided through new pathways and Torrey Pines Scenic Drive via a new driveway. Tunnel connections from the north lawn core facility and the north underground parking area to the Salk Community Center Building are also proposed (refer to Figure 3-1).

Architecturally, the proposed Salk Community Center Building would complement the existing structures on campus and be constructed of materials that are consistent with the proposed design guidelines (described in Section 3.2.3 of this EIR). An SCR application for the proposed Salk Community Center Building and associated parking structure would be submitted by the project applicant prior to the issuance of a building permit(s).

3.2.4.3 Support Facilities

The project would feature support facilities in the form of new greenhouses and the north lawn core facility built in a basement configuration. These facilities would provide support to existing and future research programs, and include an underground mechanical room and equipment shop to house research and shared equipment space.

The north lawn core facility, mechanical room and equipment shops are proposed to be built in a basement configuration in the north lawn area between the original laboratory building and Torrey Pines Scenic Drive (Figure 3-1). Constructed entirely below grade, similar to the existing facility beneath the south lawn, the single-level facility would house research and shared equipment space, equipment shops and a mechanical room to serve both areas. The rooftop of the facility would be planted with turf to mimic existing conditions on the north lawn, and light wells would be installed along the existing pathway south of the lawn to bring in natural light to the lower level. Exterior stairwells would be installed in two of the light wells to provide ingress/egress to the facility. The north lawn would continue to be used as an informal recreation field by Institute employees. Figure 3-4, *Project Elevations/Sections for Refined Project Design – Core Facility*, contains sections of the north lawn core facility.

Three new, one-story greenhouses are planned in an area south of the south wing of the existing East Building (refer to Figure 3-1). As described in the proposed design guidelines, the architectural character and materiality of the greenhouses would match the existing greenhouses (which would be removed from their current location on the north mesa).

~~3.2.4.4 Daycare Facility~~

~~The private daycare facility is proposed on undeveloped land in the southwest portion of the property (Figure 3-1). The daycare facility is proposed in a location that offers a natural setting to allow opportunities for outdoor education and ensures child safety away from publicly accessible roadways.~~

The daycare facility would provide for the care and education of children of Salk employees, reception and administration space, support space and a multi-purpose room (Figure 3-5, *Daycare Facility*). East of the daycare facility building, a 10,000-sf, semi-circular playground would be installed in a recessed fashion into the existing terrain. A 12-foot high circular, planted and tiered retaining wall would form the outer enclosure of the playground. The massing of the administrative and multi-purpose space would descend toward the west to minimize its profile.

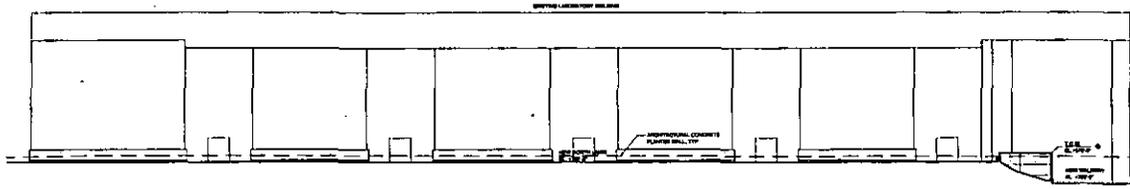
The rooftop of the daycare group rooms would rise approximately 12 feet above the finished grade to approximately 367 feet amsl, at or slightly above the elevation of the southern property boundary in the vicinity of the facility (Figure 3-6, *Project Elevations/Sections - Daycare Facility*). The western portion of the multi-purpose room rooftop would feature an exterior terrace to be accessed from the west side of the facility administration space. A plaza/turn around would be provided near the entrance to the facility for fire truck access. A drop-off area and single-loaded row of surface parking spaces would be provided along the western extension of the private driveway extension of Salk Institute Road. Approximately 76 children, from infants through pre-school age, could be enrolled at the facility, which would be designed to conform to applicable regulations in the SDMC and all state licensing requirements.

The structure would be constructed with architectural concrete, wood trellises, wood doors, retractable canvas awnings, glass doors and clear glass windows. The structure would maintain a low profile by featuring a flat roof, which would feature a sustainable roofing system. A retractable, canvas shading device would extend from the classroom building eastward toward the playground area and westward from the multi-purpose room on the lower level.

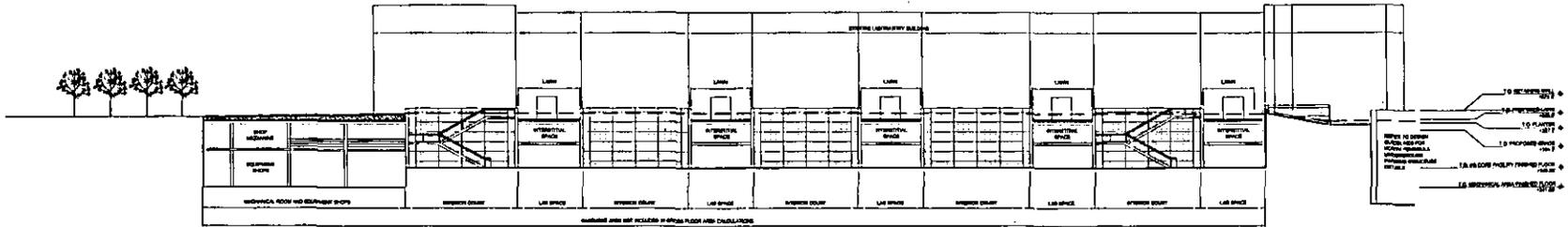
3.2.4.5 Temporary Housing Quarters

The temporary housing quarters would be an accessory use to the scientific research facility, as permitted by the proposed Master PDP (refer to Section 143.0403(a)(2) of the SDMC), and would consist of 12 units (each 1,000-sf in size) constructed on undeveloped land west of the proposed daycare facility (Figure 3-1). The quarters would provide faculty, researchers and staff temporary housing until permanent arrangements can be made off site. Mid-term stays at the units would also be anticipated for researchers who would not seek permanent housing in the area. The proposed units would be arranged in a single building arranged horizontally in a staggered pattern (see Figures 3-1 and 3-6). Twelve surface parking spaces would be provided along the driveway south of the units. Access would be via the western extension of the private driveway (Salk Institute Road) beyond the daycare facility.

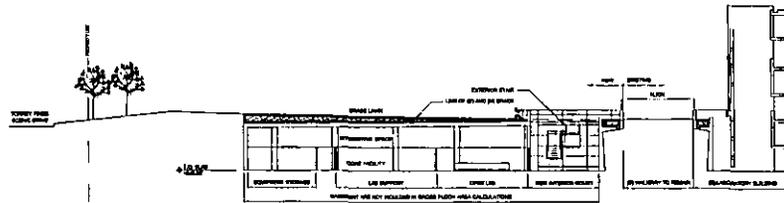
The buildings would be two to three levels above grade and step down toward the west with the site's topography. The maximum building height would be 30 feet above grade, pursuant to the development regulations in the RS-1-7 zone and the Coastal Height Limit Overlay Zone. The



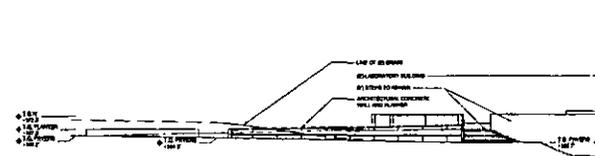
4 ELEVATION LOOKING SOUTH AT CORE FACILITY AND LABORATORY BUILDING



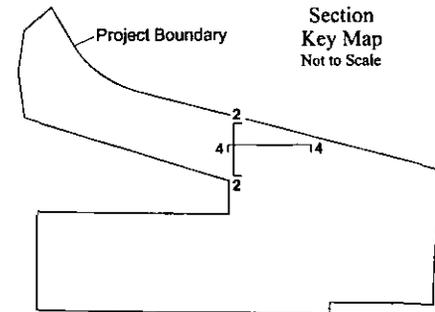
3 SECTION LOOKING SOUTH AT CORE FACILITY PLAZA AND LABORATORY BUILDING



2 SECTION LOOKING EAST AT CORE FACILITY



1 ELEVATION LOOKING EAST AT CORE FACILITY



Section Key Map Not to Scale

Source: NBBJ

Project Elevations/Sections for Refined Project Design - Core Facility

SALK INSTITUTE

Figure 3-4

~~buildings would be designed and the site landscaped consistent with the proposed design guidelines. A SCR application for the proposed housing quarters would be submitted for approval prior to issuance of a grading and building permit.~~

3.2.4.6-4 Open Space and Habitat Management Plan

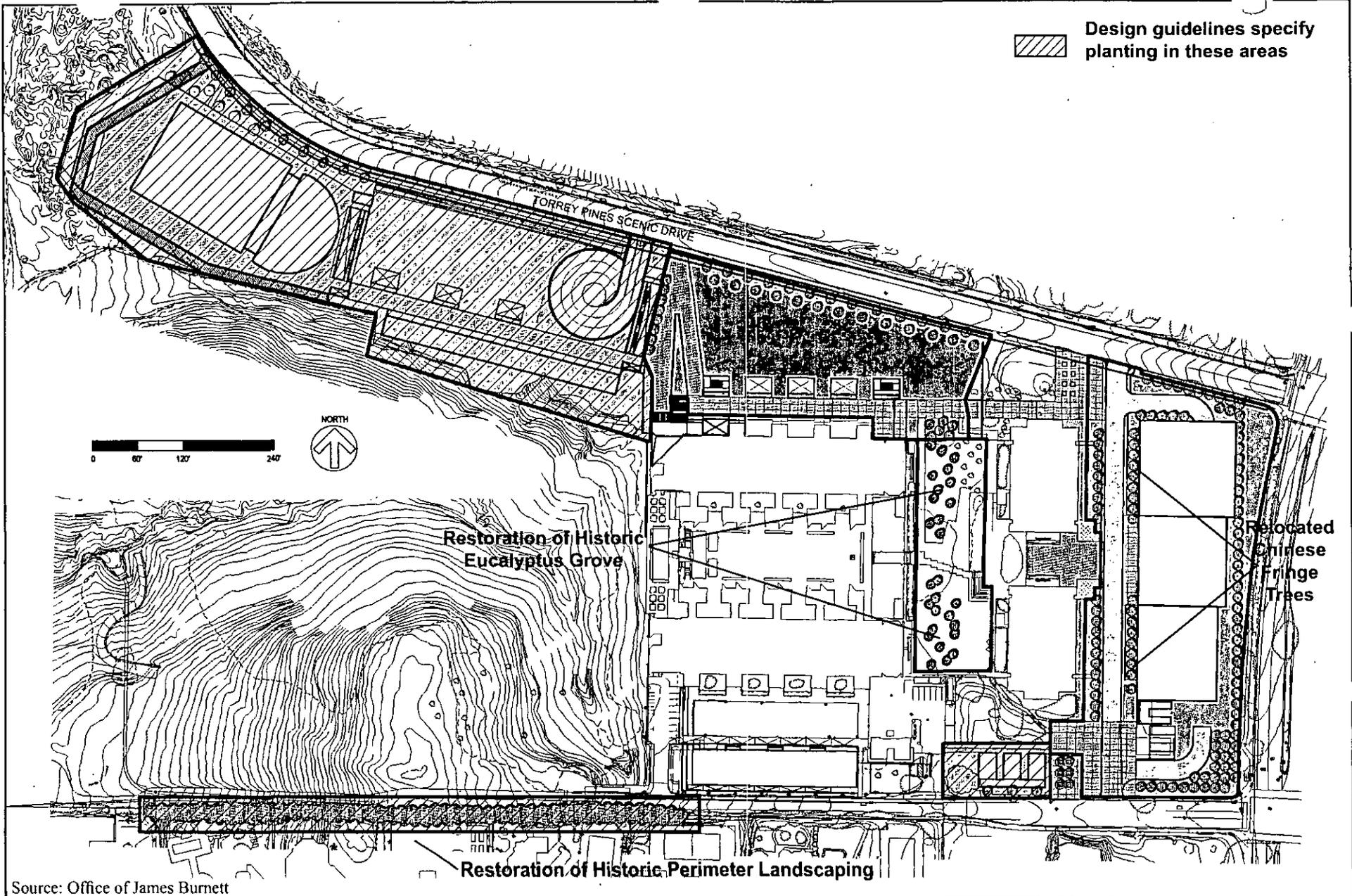
The project applicant is proposing approximately ~~5.57.8~~ acres of undeveloped land and approval of a ~~3.221.27~~-acre open space conservation easement on the north mesa (to be contained in MHPA) to preserve the site's most sensitive resources, including native habitats ~~and steep hillsides surrounding off-site MHPA~~ (see Figure ~~3-15.3-3~~). A 7.1-acre conservation easement is proposed on the south mesa which would encompass both undeveloped and developed lands. The MHPA dedication area corresponds to all native habitats on the north mesa of the site that would not be affected by existing and future Zone 1 brush management, including a portion of an existing open space easement granted to the City as mitigation for prior habitat impacts from the parking lot expansion project associated with the East Building (City of San Diego 1990). Management of the proposed MHPA area would be the responsibility of the project applicant as described below. Refer to Section 5.3, *Biological Resources*, of this EIR for a detailed discussion of the proposed MHPA boundary line adjustment. To prevent encroachment into the proposed MHPA, the Salk Community Center Building design would feature a rock-lined, vegetated drainage swale at the interface with the MHPA. An Exotic Vegetation Removal Plan is included as an appendix to the project Biological Technical Report (see Appendix B to this report). Removal of all non-native plant species on site is not required; therefore, the Exotic Vegetation Removal Plan addresses the one-time targeted removal of four exotic, invasive species (i.e., tamarisk [*Tamarix* sp.], pampas grass [*Cortaderia* sp.], myoporum [*Myoporum laetum*], and hottentot fig/iceplant [*Carpobrodus edulis*]) that were either introduced to the site from previous landscaping or that are highly invasive. The targeted removal of these four species would begin concurrent with construction of the first building (i.e., at the outset of project implementation).

Upon completion of project construction, the project applicant would be responsible for implementing a Habitat Management Plan (HMP) for the proposed MHPA on site (see Figure ~~3-15.3-3~~ of this EIR). The HMP has been prepared to meet U.S. Fish and Wildlife (USFWS), California Department of Fish and Game (CDFG), and City requirements for the preservation and long-term management of environmentally sensitive areas on site proposed for addition to the City's MHPA. The HMP describes the biological resources in the Institute's open space areas; identifies land stewardship and interpretive opportunities; describes habitat management and vernal pool monitoring tasks; proposes a funding mechanism for the management; and identifies a habitat manager for the site. The HMP is a technical appendix to this EIR (see Appendix B to this report).

3.2.4.7-5 Landscaping and Lighting

Landscaping for the Institute campus would be governed by details in the proposed landscape drawings for the ~~daycare facility~~, north lawn core facility and Torrey East Building, and landscape concepts described in the proposed design guidelines. The need to respect and enhance existing view corridors has been taken into consideration in the establishment of proposed landscape improvements and is reflected in the design guidelines. The landscape design for the site would use a mix of local (i.e., native and ornamental) species of grasses, groundcovers, shrubs and trees that are currently found on the Institute campus and within the canyon rim (see Figure 3-75, *Conceptual Landscape Plan for Refined Project Design*). Landscaping is proposed around the perimeter of the facility. Native plantings would be seeded and planted in all disturbed areas outside of the buildings. Non-invasive, native species would be seeded and planted adjacent to the proposed MHPA. Coastal sage scrub species would be installed for revegetation and erosion control using hydroseed and/or container stock on manufactured slopes adjacent to proposed open space and in the areas proposed for restoration and a vegetated swale on the north mesa where a parking lot and buildings currently exist. Where required, planting areas would be irrigated using an automated sprinkler system. Temporary irrigation would be installed ~~on the manufactured slopes around the perimeter of the daycare facility and housing quarters and~~ in the north mesa restoration area. The plant materials and irrigation system would be installed and maintained in accordance with the requirements contained in the Landscape Technical Manual and Chapter 14, Article 2, Division 4 of the SDMC. Repealed by City Ordinance 19413 in September 2005, Chapter 5, Article 5, Division 92 of the SDMC remains applicable for land within the Coastal Zone (including the project site) until (and unless) the California Coastal Commission (CCC) approves the related code change, LCP Amendment No. 1-07 (Brush Management Regulations). Until then, Bbrush management activities, including vegetation clearing and thinning, would be conducted on site pursuant to Chapter 5, Article 5, Division 92 of the SDMC. Zone 1 (vegetative clearing) would be established within 30 feet of proposed structures, while Zone 2 (vegetative thinning) would be maintained for 20 feet beyond Zone 1, pursuant to the brush management regulations currently in place for properties in the coastal zone. If the pending LCP Amendment increasing brush management requirements at the interface of development with open space is approved by the CCC, however, Zone 1 would increase to 35 feet and Zone 2 would increase to 65 feet, for a total brush management zone of 100 feet.

Vehicular driveways would be enhanced with textured colored paving (i.e., red brick) and landscape materials, consistent with the established hardscape materials on site. Architectural concrete and/or brick pavers would be used for courtyards, walkways and the proposed retaining walls. Screening vegetation would be placed adjacent to the loading area screening wall on the south side of the Torrey East Building ~~and adjacent to the retaining wall near the private driveway extension to the proposed daycare facility and temporary housing~~. Several existing trees on the north lawn would be relocated to make room for the north lawn core facility. Outdoor seating areas would be provided with both fixed and moveable furnishings (e.g., benches).



Source: Office of James Burnett

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Conceptual Landscape Plan for Refined Project Design

SALK INSTITUTE

Figure 3-5

New exterior lighting would provide security and safety for all pedestrian walks and parking areas, and accent lighting would be provided at entries. The existing overhead surface parking lot lighting would be removed and replaced with new lighting for the buildings and walkways as each phase of the project is implemented. The design guidelines state that all project lighting must be specifically placed to fall only on the premises and shielded and directed away from all natural habitats, adjacent properties and the MHPA.

3.2.4.8-6 Utilities and Public Services

Utility Connections

Primary utility service to the portions of the site proposed for development would be accommodated through connections with existing services on or near the property or stand-alone dedicated mechanical units. The utility connections would be constructed as the need arises in conjunction with the implementation of each component of the project. Currently, electricity, natural gas and water are, and would continue to be, supplied from outside sources; the on-site central plant does not provide power services. Sewer and water connections would be installed in association with each component of the proposed project and all on-site improvements would be private. The private on-site water improvements would utilize the existing water meter located at North Torrey Pines Road and Salk Institute Road. Specifically, sewer and water connections for the Torrey East Building would be installed from the Salk Institute Road/North Torrey Pines Road intersection. ~~The daycare facility would be serviced from a new water main in the private extension of Salk Institute Road and sewer laterals would feed into the newly completed gravity sewer main that drains to Pump Station No. 45.~~ Sewer service for the north lawn core facility and Salk Community Center Building on the northern side of the property could be accomplished through one of two means: construction of a temporary sewer pump station near the west end of the proposed north lawn core facility and/or construction of a permanent sewer pump station at the northwest end of the existing parking lot adjacent to the proposed Salk Community Center Building. In either case, a private force main would be constructed on site to convey the wastewater from the pump station to the existing gravity sewer main in the private driveway that extends from Salk Institute Road. Water for the northern facilities ~~would come from a new water main~~ be provided by the construction of two parallel 12-inch water mains to be constructed within Torrey Pines Scenic Drive.

The proposed project also includes the vacation of two utility easements on site. First, the proposed project would vacate a 10-foot wide public utility easement previously granted to the City in 1961; the easement crosses the eastern portion of the site parallel to the eastern edge of the existing surface parking lot on site. No utility lines exist within this easement. A second easement to the City would be vacated near the southeast corner of the property. This easement currently contains a number of utilities, including sewer Pump Station No. 28, which are scheduled for removal by the City in conjunction with the sewer Pump Station No. 45 project.

A Preliminary Drainage Study and Water Quality Technical Report have been prepared for the proposed project (see Appendices H and I to this report), pursuant to associated National Pollutant Discharge Elimination System (NPDES) and City Storm Water Standard/Standard Urban Stormwater Mitigation Plan (SUSMP) requirements. As described in Section 5.8, *Hydrology/Water Quality*, of this EIR, NPDES and City requirements include the provision of construction and post-construction Best Management Practices (BMPs) to avoid/reduce impacts to receiving waters from land development activities to the Maximum Extent Practicable (MEP).

Public Services

Fire Protection

The project site is developed and currently is serviced by the City of San Diego Fire-Rescue Department. The nearest fire station, Station 35, is located approximately three miles east of the project site at 4285 Eastgate Mall. Station 35 is the battalion headquarters for the 5th Battalion, which encompasses the north portion of the City (UCSD 2004b). The station operates a fire engine, aerial truck apparatus, chemical unit, light and air vehicle and battalion chief vehicle. The response time of this station to the Institute site is approximately 5.1 minutes (T. Hall, personal communication [pers. comm.] 2005c). Station 9 is situated 2.8 miles south of the project site at 7870 Ardath Lane (near the cross street of Torrey Pines Road). That station operates a fire engine and medic rescue unit. Station 9 has a response time of approximately 6.1 minutes to the project site (T. Hall, pers. comm. 2005c). ~~The 12 new temporary housing quarters are proposed within an urban area. The project applicant would be required to implement brush management (or alternative compliance measures approved by the Fire Department, such as fire-resistant walls and sprinklers into the building) around the proposed structures to reduce the potential fire risk associated with being adjacent to open space. Fire hydrants are proposed throughout the site and Salk Institute Road would be improved out to the western end of the property for access.~~

Police Protection

Units from the UCSD Police Department and the San Diego Police Department patrol the project area. The primary responder to incidents off the UCSD campus is the San Diego Police Department. The nearest City police substation (Northern Division) is located approximately three miles east of the project site at 4285 Eastgate Mall. Response times from this station depend upon the type of situation responded to. Generally speaking, for the highest priority (emergency) call ("E"), the response time to the project site is approximately 8.65 minutes (C. Haley, pers. comm. 2005d).

Libraries

The General Plan provides specific guidelines and standards for public library design and construction within the City. These standards are as follows:

- Population - The service area should contain at least 18,000 to 20,000 residents before a permanent library facility is warranted; anticipated growth should reach approximately 30,000 residents within a period of 20 years after the branch is opened.
- Branch Size - The maximum service area is a two-mile radius. The site should be accessible by foot and auto. Since the automobile is the prime source of transportation, it is important to locate the facility in the vicinity of major streets; access to public transportation, however, should also be a significant consideration.
- Book Capacity and Use - The branch should house 2.7 volumes per sf on opening and an eventual capacity of 4.4 volumes or more. Additional considerations that are not standards but are, nonetheless, important when evaluating a contemporary, comprehensive library system are:
 - Library location should be in response to population distribution, not because a community desires one.
 - Library service and location should be flexible over time. Demands of residents can change as the social characteristics change. As for instance, a shift from a family-dominated community to one occupied mainly by senior citizens.
 - Library location should be in an area of intense people activity and where the trip can be combined with other shopping chores.
 - The facility should have the flexibility of conversion to other uses when and if the need arises. In this respect, leasing or initially constructing a building that can be easily converted to commercial or office use warrants consideration.

Currently, the University community planning area population is over 52,000 residents. The closest public library to the project site is the University Community Branch Library (a City branch), which is located approximately 4.4 miles to the southeast at 4155 Governor Drive within the University community planning area. Opened in 1978, this library is approximately 10,000 sf and currently houses 79,990 volumes, which is roughly 8 books per square foot (Lien Dao, pers. comm. 2005e). An approximate 5,000 square foot expansion is scheduled for completion in Fall 2008. After construction, this library will house approximately 90,000 volumes, which is roughly 6 books per square foot (L. Dao, pers. comm. 2005e). In addition, a new library facility ~~is expected to open in early September 2007 for in the~~ University community planning area. The North University Community Branch Library ~~facility will be~~ located at the intersection of Nobel and Judicial Drives, overlooking the City-owned Nobel Athletic Park. The new City branch ~~will be~~ approximately

16,000 square feet and will house roughly 60,000 volumes, which is about 4 books per square foot. The La Jolla Public Library is located approximately five miles from the project site at 7555 Draper Avenue, which is outside the University community planning area. Opened in 1989, construction of an expansion to this facility began in October 2002 and was completed in March 2004. As currently constructed, this library is nearly 25,000 square feet and houses roughly 120,000 volumes, which equates to approximately 4.8 books per square foot. In addition, the Institute maintains its own research libraries on site and UCSD houses six different libraries on its campus that are available to individuals associated with the Institute.

Parks

Six local parks are located within three miles of the project site. Table 3-2, *Local Parks In The Vicinity of the Salk Institute*, lists each park and its approximate distance and direction from the project site. Neighborhood parks and facilities are intended to serve a population of between 3,500 and 5,000 within a 0.5-mile radius, while community parks and recreation centers are planned to serve approximately 18,000 to 25,000 residents within a 1.5-mile radius (City of San Diego 2005b). In addition to local parks, the Torrey Pines Golf Course is located north of the project site, the entrance to Torrey Pines State Reserve is situated nearly four miles north of the project site, the Torrey Pines Gliderport (Gliderport) within Torrey Pines City Park is located adjacent to the project site, and UCSD has recreation facilities that non-campus residents can use for a fee. Hiking trails to the beach are situated west of the project site. The regional open spaces of Los Peñasquitos Canyon Preserve, Rose Canyon and Marian Bear Memorial Park are located within five miles of the project site. In addition, Institute employees informally use the north lawn of the Institute property for recreation purposes.

Park	Approximate Distance From Project Site (mile)	Approximate Direction From Project Site
Torrey Pines City Park, State Reserve and Beach	<1 mile (to 4 miles)	West and northwest
La Jolla Athletic Area	1.5	South
Cliffridge Park	2.4	South
Mandell Weiss Eastgate City Park	2.5	East
Villa La Jolla Park	2.6	Southeast
Kellogg Park	2.8	Southwest

3.2.4.7 Circulation/Parking

The proposed project would enhance the existing vehicular and pedestrian circulation patterns on and around the Salk campus to access the new structures. ~~An approximately 780-linear-foot westerly extension of the private access road west of the terminus of Salk Institute Road would be constructed to provide access to the proposed daycare facility and temporary housing quarters. The access road extension would involve grading and installation of pavement, curb and gutter improvements, a retaining wall and perimeter landscaping. Reconstructed and/or new driveways would be installed along Salk Institute Road and Torrey Pines Scenic Drive to access the proposed Torrey East Building and Salk Community Center Building, respectively, and their associated underground parking areas. A new pedestrian walkway would be installed between the daycare facility and the main buildings. In addition, a~~ new 5-foot wide sidewalk extension is proposed within the right-of-way for Torrey Pines Scenic Drive to the western property boundary. Informal pedestrian walkways would be located throughout the site, with linkages to existing facilities.

The Institute currently implements an extensive public transportation and ride-sharing program for the purpose of minimizing employee trips to/from the site. This program consists of providing employees commuter transportation information, including carpooling match lists, access to vanpools and a free Coaster shuttle, and encouraging bicycle commuting, public transit use and telecommuting. Additionally, employees can place alternative transportation expenses into a transportation spending account on a pre-tax basis. The Institute also maintains a bikeshare program between its campus and UCSD, wherein employees can check out bikes and helmets when traveling between the two campuses. These programs, among others, would continue as the Institute builds the various project components described herein.

The project design includes the construction of two, multi-level, underground parking structures ~~and limited surface parking areas~~. Specifically, a two-level garage would be constructed beneath the Torrey East Building and a three-level parking garage is proposed on the north mesa, east of the Salk Community Center Building. ~~Surface parking would be constructed adjacent to the temporary housing units and the daycare facility as described above. See Figure 3-1 for an illustration of the locations of these parking facilities.~~ Upon facility buildout, the parking supply on the Salk Institute campus would exceed the minimum of ~~1,120~~1,046 spaces required by City regulations.

3.2.4.10-8 Division of Property

The project applicant is proposing a VTM to subdivide the 26.3-acre site into four parcels to assist in *obtaining construction financing for the various facilities*. Lot 1 of the property would encompass the 3.1 acres east of the existing East Building that would generally be occupied by the proposed Torrey East Building and its underground parking structure. Lot 2 would consist of the 10.1-acre area that is currently occupied by the existing buildings and where the north lawn core facility and greenhouses

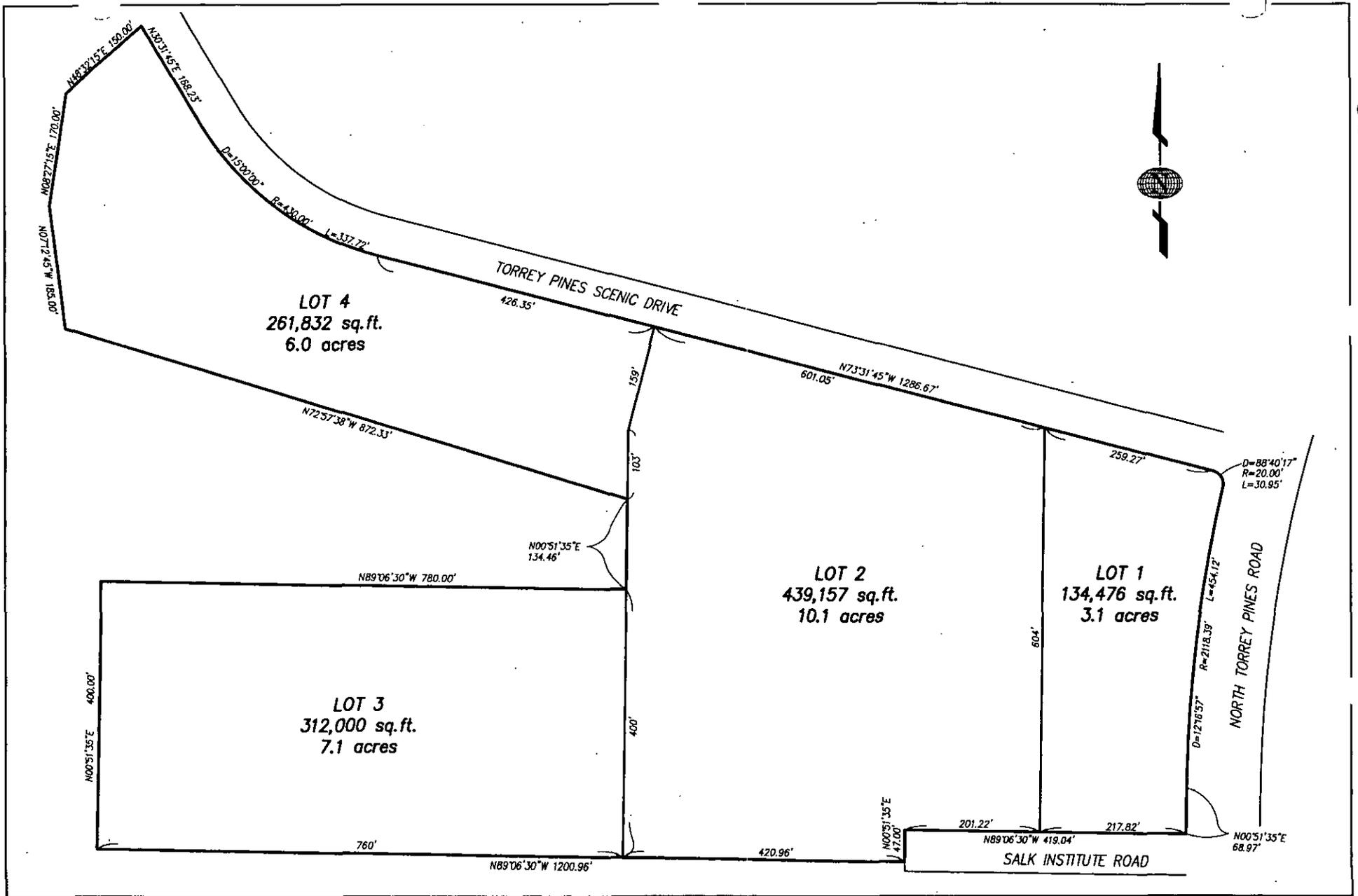
are proposed. Lot 3 would encompass the undeveloped 7.1-acre south mesa west of Lot 2 and would remain in its current undeveloped state where the daycare facility and temporary housing are proposed. Lot 4 would be situated west of Lot 2 and north of Lot 3 and include the 6.0-acre north mesa, currently developed with temporary buildings and surface parking, where the Salk Community Center Building and underground parking structure are proposed. Figure 3-86, *Proposed Vesting Tentative Map*, contains the VTM.

3.3 PHASING, GRADING AND CONSTRUCTION

The proposed project would involve the phased development of approximately ~~11.39~~20 acres of the 26.3-acre site. Phasing and timing of the development would generally be dependent on the demands placed on the Institute due to new and evolving scientific research programs, advances in technologies, availability of parking and availability of capital funding. The possible sequence of construction currently being considered by the project applicant is as follows. This sequence does not dictate a specific order of priority and could change; project implementation would occur over a period of several decades.

1. North Lawn Core Facility, Equipment Shops and Mechanical Room/Storage
2. Greenhouse Reconstruction
- ~~3. Daycare Facility~~
- ~~4.3. North Peninsula Underground Parking Structure~~
- ~~5.4. Salk Community Center Building~~
- ~~6.5. Torrey East Underground Parking Structure~~
- ~~7.6. Torrey East Building~~
- ~~8. Temporary Housing Quarters~~

Overall site grading is anticipated to require approximately ~~30,000~~20,000 cubic yards (cy) of cut, ~~5,000~~2,300 cy of fill and 200,000 cy of basement/garage excavation for a total export of ~~225,000~~217,700 cy over the buildout of the proposed project. Each development phase of the project would require some export of material, which would be properly disposed of at an approved disposal location(s). Slopes generally would be constructed at a maximum grade of 2:1 (horizontal to vertical), resulting in maximum cut and fill slopes up to ~~12 and 15~~eight feet tall, ~~respectively.~~ None of the existing natural slopes over 25 percent grade (i.e., steep hillsides) would be impacted by the proposed grading. ~~A 250-foot long retaining wall averaging five feet in height would be installed parallel to the private extension of Salk Institute Road along the southern property boundary (a~~All other ~~retaining walls would be structural in nature and used to support building foundations). All applicable recommendations from the project geotechnical report would be implemented during project grading activities. In addition, proposed design and construction would incorporate applicable standard measures, such as the City of San Diego Grading Ordinance and Seismic Safety Study, and the International Conference of Building Officials Uniform Building Code (UBC) and California Building~~



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Proposed Vesting Tentative Map

SALK INSTITUTE

Figure 3-6

Code amendments. Grading, construction and building plans would also be reviewed by the City Engineer prior to development.

Construction activities would occur from 7:00 a.m. to 7:00 p.m. Monday through Saturday, excluding public holidays, except in case of emergency (per SDMC Section 59.5.0404). Construction staging would occur on the subject property and would be located as far away as possible from existing residences and biologically sensitive areas. To minimize the amount of solid waste generated during and after construction, the project applicant would be required by the City Environmental Services Department to prepare a waste management plan prior to issuance of any permit for demolition or grading. The plan would identify how much waste would be generated, the type of waste that would be generated, how materials would be re-used onsite, the waste disposal/recycling location for unused debris and methods for reducing construction and demolition debris. Measures to minimize air and water pollution during construction have been identified as either project design features or mitigation measures. A number of BMPs would be employed to avoid/reduce temporary construction impacts to receiving waters from land development activities, including (but not limited to) measures such as: retention of open space wherever feasible; use of a phased construction schedule; and use of erosion prevention and sediment control efforts including silt fencing, gravel bags, soil binders (e.g., bonded fiber matrix), mulching, and secured (staked) fiber rolls. Short-term (as described) and long-term (e.g., landscaping and street sweeping) erosion control measures would be included and maintained as part of the project in order to protect exposed areas during and after construction. In addition, construction and storage/staging areas would be designed and managed to prevent the contamination of stormwater. Finally, contractors and appropriate construction workers would be educated about protective measures in the handling and disposal of potential pollutants in writing and through pre-construction and pre-grading meetings.

3.4 DISCRETIONARY ACTIONS

This EIR is intended to provide documentation pursuant to CEQA to cover all local, regional, state and federal permits and/or approvals which may be needed to construct or implement the proposed project, whether or not each approval is explicitly listed below or elsewhere in this EIR. The permits and amendments to existing permits listed below are required to construct all new proposed buildings on the campus, in addition to allowing for other project components, as described below.

3.4.1 Amendment to Conditional Use Permit No. 3841

Amend the existing CUP to include the proposed ~~daycare facility~~ new buildings.

3.4.2 Amendment to Coastal Development Permit/Hillside Review Permit/CUP No. 90-1140

Amend the existing permit to include the proposed ~~daycare facility~~ new buildings.

3.4.3 Master Planned Development Permit

A Master PDP is necessary for the proposed project to allow expansion of previously conforming uses in conformance with the land use designation in the *University Community Plan*, pursuant to SDMC 143.0403; ~~to permit the construction of temporary housing quarters as an accessory use pursuant to SDMC 143.0402(a)(2);~~ and to allow for a deviation from the development regulations of the underlying zone related to maximum structure height.

3.4.4 Site Development Permit

A SDP is required for the project as proposed in accordance with the City's Environmentally Sensitive Lands (ESL) regulations, as the project would result in limited encroachment into sensitive upland habitats. Under the ESL portion of the SDP, the applicant would be provided authorization for impacts to ~~0.040.03~~ acre of Tier I habitat; and 1.540.05 acre of Tier II habitat ~~and 0.25 acre of Tier III habitat~~ and to covered species under the Multiple Species Conservation Program (MSCP), via the Implementing Agreement entered into by the City, UWSFS and CDFG. As direct impacts to native habitat total 0.08 acre, which is less than 0.1 acre and thus below the City's significance threshold, no habitat mitigation would be required. All other direct and indirect impacts to biological resources would be mitigated to below a level of significance in conformance with the ESL regulations. A SDP is also required in accordance with the Historical Resources Regulations for the proposed project because the Salk Institute was designated as Historic Site No. 304 in 1991 and said regulations require a SDP for development on sites where historical resources (defined as such under the SDMC) are located.

3.4.5 Coastal Development Permit

A CDP is needed because the project site is located in the California Coastal Zone and within the Coastal Overlay Zone for the City. City approval of the proposed CDP is appealable to the California Coastal Commission pursuant to Section 126.0710 of the SDMC.

3.4.6 Vesting Tentative Map

A VTM is required to subdivide the property into four legal parcels to allow construction financing for different stages of the proposed project. The VTM would also vest certain project approvals to facilitate development of proposed facilities over the length of the project build-out period (i.e., several decades).

3.4.7. MHPA Boundary Line Adjustment

The project applicant is proposing an MHPA boundary line adjustment which would add ~~3-221.27~~ net acres to the City's MHPA; the City received concurrence from the USFWS regarding the proposed boundary line adjustment in ~~November 2006~~ May 2008. Concurrence from the CDFG was also received in ~~January 2007~~ May 2008.

3.4.8 Easement Vacation

The proposed project would vacate right-of-way associated with existing utility easements as described in Section 3.2.4.7, *Utilities and Public Services*, above. Any electrical easement vacation would require concurrence from San Diego Gas and Electric (SDG&E).

3.5 OTHER APPROVALS/PERMITS

Subsequent ministerial and/or discretionary actions and necessary approvals from the City of San Diego and others may include the following:

3.5.1 City of San Diego

The project applicant would seek ministerial approval via the SCR Process of Grading Permit(s), Building Permits, Stormwater Infrastructure, Water Infrastructure and Sewer Infrastructure. An encroachment permit would be sought for construction of the various roadway/circulation improvements.

3.5.2 State/Regional Water Quality Control Board

The project applicant would need to comply with the State Water Resource Control Board's NPDES general construction activity permit for stormwater/erosion control and with the NPDES municipal stormwater permit because more than ~~five acres~~ one acre of grading would occur. In addition, if shallow groundwater were encountered, a NPDES dewatering ~~NPDES~~ permit also would be required.

3.5.3 Consistency Determination from San Diego County Regional Airport Authority

The project applicant may seek a determination from the San Diego County Regional Airport Authority that the proposed project is consistent with the current and/or proposed airport land use plan for Marine Corps Air Station (MCAS) Miramar.

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4.0 HISTORY OF PROJECT CHANGES

The original design of the Salk Institute Master Plan was submitted by the project applicant in late 2005. In terms of scale and overall site layout, the 2005 project design was similar to the currently proposed design, with proposed development taking place on the north, south and east mesas of the Institute campus. The project components were identical to those of the proposed project in use, location, size and layout, except for the layout of the Salk Community Center Building, and configuration and/or precise location of the Torrey East Building, daycare facility and temporary housing quarters. The original linear design of the Salk Community Center Building, composed of two internally connected, two-story sections, occupied nearly the entire north mesa. This layout was determined to be not ideally suited for the location along Torrey Pines Scenic Drive following the initial project submittal, however, given the effects it would have on views to the ocean and sensitive coastal areas from the public roadway, and other land use adjacency issues. The 2005 design also included construction of a two-level underground parking structure beneath each pair of the Salk Community Center Building sections, with vehicular access provided through Torrey Pines Scenic Drive via two driveways.

Under the first project design, the Torrey East Building was proposed to be a smaller structure, constructed as two wings separated by an internal courtyard open to the east and west. The daycare facility was originally planned to be slightly larger and, although sited on the south mesa, it was to be located slightly to the east of the currently proposed location. The temporary housing quarters were also sited slightly to the east, and configured in a two-story, north-south pattern.

In April 2006, the project applicant submitted a revised project design, which modified the location and layout of buildings and the underground parking garage on the north mesa of the site. No design changes were made to the other components of the proposed project. The project change was not made in response to environmental concerns expressed by City of San Diego staff during their review of the proposed project, but rather was proposed by the project applicant to more truly respond to the original design (i.e., tri-partite) scheme developed for the Salk Institute (Institute) campus by Louis Kahn and Jonas Salk in the early 1960s. The project change was also developed by the project applicant to respect, rather than obstruct, public views of the ocean and scenic coastal areas offered from Torrey Pines Scenic Drive.

The revised project design eliminates the four support buildings proposed parallel to Torrey Pines Scenic Drive and replaces them with the Salk Community Center Building that possibly could be built in phases, as described in Section 3.0, *Project Description*. The Salk Community Center Building would be located at the far west end of the existing surface parking lot on the north mesa. The Salk Community Center Building would be built in five phases and would house administrative areas, meeting rooms, dining facilities and an auditorium. A three-level underground parking garage proposed immediately east of and separate from the Salk Community Center Building has replaced the

two-level parking garage formerly proposed beneath the support buildings. The reconfigured parking structure would feature architectural walls and lawn on its rooftop, rather than the buildings, walkways and terrace space that was formerly located there. One entry drive into the structure would be constructed along Torrey Pines Scenic Drive, rather than the construction of two entry drives as originally proposed.

No changes in building square footage, phasing or discretionary permits are proposed. The Salk Community Center Building would contain approximately the same quantity of scientific research space (i.e., 117,000 square feet [sf]) as the former support buildings. The modified project design would allow for the construction of 210,200 sf of new scientific research space on the Institute campus, for a total of 500,000 sf on site.

The original project design is analyzed in comparison to the proposed project in Section 8.0, *Alternatives*, under the Alternative Salk Community Center Building Layout (see subsection 8.3.1 of this report).

In September 2006, the project applicant presented revised architecture for the Torrey East Building to the City in response to concerns expressed by the Historic Resources Board's Design Assistance Subcommittee (DAS) that views to the historic courtyard from the adjacent public right-of-way (ROW) along North Torrey Pines Road would be obstructed by the proposed laboratory building. In response to those DAS concerns, the project applicant redesigned the structure to include a two-story glass-enclosed atrium on the west and east elevations of the building aligned with the center axis of the courtyard for the original laboratory building. The atrium would preserve views to the west toward the courtyard while maximizing the relationship between indoor and outdoor spaces. In addition, glass railings were incorporated into the second-floor internal foot bridge to ensure views would be preserved. A description of the Torrey East Building is provided in Section 3.0, *Project Description*, while a rendering of the atrium and the view through it is provided in a figure in subsection 5.2, *Visual Quality/Neighborhood Character*, of this report. The project application was formally modified to reflect the atrium architecture in January 2007.

Following the public circulation of the Draft EIR, which analyzed the design referred to herein as the "proposed project," the applicant made further refinements to the project design. As explained in the Preface to this Final EIR and in Section 3.0, *Project Description*, the applicant has eliminated the daycare facility and temporary housing quarters from the Salk Institute Master Plan, and has consolidated the footprint of the Salk Community Center Building to reduce the amount of brush management required on the north mesa. This new design, referred to as the Refined Project Design, would allow for the construction of 186,200 sf of new scientific research space, for a total of 476,000 sf of gross floor area on site. The project application was formally modified to reflect the new design in April 2008, and the Refined Project Design is the project now being proposed by the applicant for approval by City decision-makers.