CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-07-83

Applicant: University of California, San Diego Agent: Milt Phegley

Description: Construction of a one- to three-story, 51 ft. high (maximum), 45,000 sq.ft. research facility (Venter Institute) over 112-space parking garage including laboratory/research space, dining area, fitness and conference facilities on a 7.5 acre vacant site.

Lot Area	326,700 sq. ft. (7.5 acres)
Building Coverage	45,988 sq. ft. (14%)
Pavement Coverage	13,707 sq. ft. (4%)
Landscape Coverage	20,668 sq. ft. (6%)
Unimproved Area	246,337 sq. ft.(76%)
Parking Spaces	112
Zoning	Unzoned
Plan Designation	Academic
Ht abv fin grade	51 feet (max.)

Site: Southwest corner of Torrey Pines Road and North Torrey Pines Road, La Jolla, San Diego, San Diego County. APN 342-120-01

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

The staff recommends that the Commission approve the subject permit with conditions. The proposed development will be constructed within what is referred to as the "Upper Mesa" of the Scripps Institution of Oceanography campus adjacent to a natural canyon area that is part of UCSD's ecological reserve system. The main issues raised by the subject development relate to necessary fuel management for fire safety, protection of public views and access to the adjacent UCSD Reserve. UCSD has indicated that with the exception of a small corner of a portion of the building (which will be setback a

minimum of 80 feet) all habitable portions of the structure are proposed to be located at least 100 feet from adjacent ecological reserve which has been determined to be an environmentally sensitive habitat area (ESHA). In this particular case, the fire department has determined that a full 100 ft. fuel modification zone is not required due to the type of vegetation that will be planted between the building and ESHA as well as the building materials of the structure itself. In addition, within the setback area (the area between the native vegetative and the structure) there will be managed wetlands and stormwater detention basins which will be maintained regularly and will function as a fuel break. As such, even though the new development will not maintain a full 100 ft. fuel management zone, with the measures identified above, no impacts to ESHA will occur or be necessary to assure fire safety for the new building.

With regard to potential impacts to public views to the ocean, the proposed structure will be sited at the far southern part of the site such that no significant public view impacts will result. UCSD has also indicated that unimproved foot trails in the area will still be accessible to the public to get through to the UCSD Reserve (ecological reserve with ESHA) immediately to the west of the project site. In addition, adequate on-site parking will be provided for the institute and visitors and the project does not result in the displacement of any formalized parking on the UCSD/SIO campuses. A traffic study has been completed which indicates there will be no impacts to parking and traffic circulation. Furthermore, no impacts to public access are anticipated.

Standard of Review: Chapter 3 policies of the Coastal Act.

Substantive File Documents: University of California, San Diego "Draft" Long Range Development Plan; Biology Report by Helix Environmental Planning, Inc. dated 5/8/07; Hydrology Report by KPFF Consulting Engineers dated February 2007; Final Initial Study and Mitigated Negative Declaration dated 6/28/07; Visual Analysis (in a letter dated 8/6/07 from UCSD to CCC staff); Traffic Study by Fehr & Peers dated 5/9/07; CCC SD LCPA #3-05B; Brush Management Plan for Venter Institute date stamped 2/28/08.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: ***I move that the Commission approve Coastal Development Permit No. 6-07-83 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion

passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Water Quality Management Plan. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final Water Quality Management Plan (WQMP) that includes measures to protect water quality during both the construction and post-construction phases of development, prepared by a licensed water quality professional, for review and written approval of the Executive Director. The WQMP shall be based on the Hydrology Information dated February 2007 and the Initial (May 2007) and Final (June 2007) Mitigated Negative Declaration. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) (site design, source control and treatment control) designed and implemented to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site and to minimize water quality impacts to surrounding coastal waters. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

A. Construction Best Management Practices (BMPs):

i. Time the clearing and grading activities to avoid the rainy season to the maximum extent practicable.

ii. Properly grade construction entrances to prevent runoff from construction site. The entrances should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.

iii. Install and maintain erosion and sediment control BMPs to prevent polluted runoff from entering coastal waters during construction.

iv. Store and contain construction-related chemicals and materials, to prevent those pollutants from entering coastal waters. A plan for the clean-up of accidental spill of petroleum-based products, cement, or other construction related chemicals or pollutants shall be provided and retained on-site with the contractor or engineer throughout construction. It shall include, but not be limited to, use of absorbent pads, or other similar and acceptable methods for clean-up of spills.

v. Dispose of debris and trash in the proper trash and recycling receptacles at the end of each construction day.

vi. Maintain and wash machinery and equipment in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.

vii. Delineate all staging areas and cover all stockpiled materials.

B. Post Construction Water Quality/BMPs.

i. Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible.

ii. Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized.

iii. Efficient Irrigation Measures including water saving irrigation heads and nozzles, flow sensors, automatic rain sensors and multiple programming capabilities shall be used.

iv. A Fertilizer and Landscape Management program shall include Integrated Pest Management (IPM) practices and the use of a drought tolerant planting palette.

v. Trash, recycling and other waste containers, as necessary, shall be provided. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals.

vi. All parking lots shall be swept and litter shall be removed on a regular basis (i.e. no less than once a month). The parking lots shall not be sprayed down or washed down unless the water used is directed through the sanitary sewer system or a biofiltration area.

vii. A BMP treatment train shall be designed and implemented to collect and treat runoff and remove pollutants of concern (including heavy metals, oil and grease, hydrocarbons, trash and debris, sediment, nutrients and pesticides) through infiltration, filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the developed site in a non-erosive manner.

viii. Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.

ix. All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, and where necessary, cleaned-out and/or repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season.

x. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.

xi. It is the permitee's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications.

The permittee shall undertake development in accordance with the approved program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the approved program shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Final Landscaping Plan. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final landscape plan for the review and written approval of the Executive Director. Said plan shall be in substantial conformance with the draft landscape plan submitted by Zimmer Gunsul Frasca, LLP Architects stamp dated 5/5/07, and shall include the following:

a. A plan showing the type, size, extent and location of all trees/shrubs on the site including the proposed irrigation system and other landscape features;

b. All landscaping shall be drought-tolerant native or non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious

weed' by the State of California or the U.S. Federal Government shall be utilized within the property.

c. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion of the residential construction

d. A written commitment by the applicant that all required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.

e. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

f Five years from the date of issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, which certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

3. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final plans for the proposed Venter Institute that are in substantial conformance with the plans submitted by Zimmer Gunsul Frasca, LLP Architects stamp dated 5/5/07.

The permittee shall undertake the development in accordance with the approved plans.

Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit amendment unless the Executive Director determines that no additional amendment is legally required.

4. Compliance with Brush Management Plan. By acceptance of this permit, the applicant agrees to comply with the submitted brush management plan by David Reed Landscape Architects date stamped 2/28/08 that shall include, in part, the following:

a. The required Zone One width shall be provided between native or naturalized vegetation and any structure and shall be measured from the exterior of the structure to the vegetation;

b. Zone One shall contain no habitable structures, structures that are directly attached to habitable structures or other combustible construction that provides a means for transmitting fire to the habitable structures. Structures such as fences, walls, covered patios, picnic tables, etc., that are located within brush management Zone One shall be of non-combustible construction.

c. Plants within Zone One shall be primarily low-growing and less than 4 feet in height with the exception of trees. Plants shall be low-fuel and fire-resistive;

d. Trees within Zone One shall be located away from structures to a minimum distance of 10 feet, as measured from the structures to the drip line of the tree at maturity in accordance with the landscape standards of the land development manual;

e. Permanent irrigation is required for all planting areas within Zone One except as follows:

    i. When planting areas containing only species that do not grow taller than 24 inches in height or;

    ii. When planting areas contain only native or naturalized species that are not summer-dormant and have a maximum height at plant maturity of less than 24 inches.

f. Zone One irrigation overspray and runoff shall not be allowed into adjacent areas of native or naturalized vegetation;

g. Zone One shall be maintained on a regular basis by pruning and thinning plants, controlling weeds and maintaining irrigation systems.

The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required

5. Compliance with Requirements of Mitigated Negative Declaration. By acceptance of this permit, the applicant agrees to comply with the requirements of the Mitigated Negative Declaration which include the following:

a) In order to avoid impacts to the coastal California gnatcatcher, if during preconstruction surveys gnatcatchers are observed within 500 feet of the grading limits during the preconstruction survey, noise attenuation measures shall be implemented. Furthermore, if construction occurs within the gnatcatcher breeding season (February 15-August 30) and noise levels exceeds the USFWS suggested threshold of 60 dB(A)L, noise attenuation measures shall be implemented.

b) In order to avoid impacts to raptors, a preconstruction survey for nesting raptors shall be conducted if major construction is to occur within 500 feet of suitable nesting trees (such as tall Eucalyptus trees) during the raptor breeding season (generally February through July). Construction activities within 500 feet of active nests shall not be allowed to resume until a qualified biologist determines that the nest is no longer active.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the construction of a 45,000 sq.ft. research facility located on a vacant 7.5 acre site that is owned by the University of California, San Diego (UCSD). The proposed building will range in height from one to three stories and attain a maximum height of 51 feet. The structure will be constructed over a single-level parking garage that will have 112 parking spaces. The proposed structure will house the Venter Institute which is a private, not-for-profit research institute dedicated to the advancement of the science of genomics. It is one of the largest independent biological research institutes in the USA. The research will focus on how sequencing of genomes (human or otherwise) can be applied to development of therapeutics, medicinal types of products, bio fuels, etc. The research is being conducted in conjunction with other UCSD programs that are being performed at the Scripps Institution of Oceanography (SIO), the school of medicine, school of pharmacy and engineering.

The proposed project intends to be a facility that will achieve a high degree of sustainability through the use of high performance architecture, low energy systems, renewable power generation onsite, and sustainable landscape and water conservation. The proposed project intends to achieve a high certification within the Leadership in Energy and Environmental Design (LEED) Green Building Rating system, which is the nationally accepted benchmark for the design, construction and operation of high performance green buildings.

The proposed structure will be organized into two linear wings over a single-level parking area depressed partially below existing grade. The building will house approximately 27,500 sq.ft. of laboratory/research space, 9,500 sq.ft. of support space (such as administrative offices, storage and loading areas) and 8,000 sq.ft. for dining, fitness and conference facilities. A loading dock is proposed at the east end of the facility. Spanning the buildings and central courtyard is an approximately 25,000 sq.ft.

photovoltaic (solar) canopy structure that will provide the majority of electrical power for site operations. A private courtyard will be located between the north and south wings and a central water garden may be created in the courtyard between the two wings of the building and under the photovoltaic (solar) canopy structure. A public roof garden/terrace will also be located at the northwest corner of the structure and connected to a boardwalk-type walkway. At the end of the boardwalk, an overlook will be provided for public observation of scenic views to the west, including views of the constructed wetlands on site. Also proposed is a 51-foot tall wind turbine proposed at the southwest edge of the south building wing which will be concealed behind the structure

The project site is located at the southwest corner of Torrey Pines Road and La Jolla Village Drive/N. Torrey Pines Road on vacant UCSD property which is part of the SIO campus. The proposed building will be situated 25 feet from the eastern property line next to Torrey Pines Road, ten feet from the southern property line next to a community ball field (Allen Field, aka La Jolla Athletic Area), and 80 feet from the edge of the UCSD Park (Ecological Reserve) in the geographic community of La Jolla (ref. Exhibit Nos. 1 & 2).

2. Visual Resources. Section 30251 of the Act states, in part, the following:

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas,…

The project site itself fronts on the west side of Torrey Pines Road, a major coastal access route. The site is located just south of the major intersection of North Torrey Pines Road/La Jolla Village Drive where it meets Torrey Pines Road. To the immediate north is the main part of the UCSD campus and further west as one drives down La Jolla Shores Drive, is the Scripps Institution of Oceanography campus. There are a number of public streets in the area that function as major coastal access routes including Torrey Pines Road itself and Interstate-5 to the east. The project site is somewhat removed (approximately 1 ¾ miles) from the coast line. Partial views of the ocean are visible looking west from the intersection of North Torrey Pines Road and Torrey Pines Road at the very northeast corner of the property. As noted previously, the project consists of a 45,000 sq.ft. research facility on an approximately 7.5 acre vacant site. In order to analyze the visual impacts associated with the proposed structure, UCSD conducted a visual analysis. First, it should be noted that the structure itself will not impact public views to the ocean. Public views to the ocean are visible across the northern part of the site; the part of the site that is not proposed to be developed at this time. The proposed research facility will be constructed on the southernmost portion of the lot which is one of four development areas that comprise the subject parcel. However, UCSD has indicated that depending on weather conditions (clear days), ocean horizon views can be seen in the distance across the subject site. None of the viewsheds identified in the off campus plans (i.e. University Community Plan, La Jolla Community Plan) encompass the Venter Institute project site although there is a viewshed identified at Allen Field in the

1995 La Jolla LCP Land Use Plan that is directly south of the project site.

The 2004 Long Range Development Plan EIR acknowledges that the development of academic land uses on the project site may alter the existing foreground view and obstruct the background ocean and La Jolla view which is referred to as a "key vantage point" in the visual analysis. Although this was considered a significant impact in the 2004 LRDP EIR, the Venter Institute would not block any views from this location because the proposed structure would be sited at the southern end of the SIO Upper Mesa, would be stepped back (or terraced) from the west and would incorporate a 80-foot setback from the western parcel boundary. The 51-foot tall wind turbine proposed at the southwest edge of the south building wing would not be visible from the key vantage point on site as it would be situated east of the view and concealed behind the structure which would rise up to 51 feet on its northern edge. Thus, sensitive views within the key vantage point on site would be retained by the proposed project.

In addition, as noted previously, the project site is on one of four development areas on a single parcel of land. The other three development areas are proposed to be developed in the future. However, it can be seen from the proposed plans that the view corridor (key vantage point) looking west to the ocean on site is proposed to remain between future building #s 2 and #3 at build-out. This view would be from the intersection of North Torrey Pines Road/La Jolla Village Drive at Torrey Pines Road looking in a southwest direction (ref. Exhibit #9). In any case, the visual analysis concluded that the most significant views to the ocean are those that are visible west of the site from La Jolla Shores Drive (which is a major scenic roadway, as identified in the certified La Jolla LCP Land Use Plan) looking west; not those that are visible from the subject site which are much more obscured and less visible due to the distance from the shoreline and haze in the sky, etc. From that roadway, panoramic views are visible from its northern end which is high in elevation and provides a spectacular vantage point for viewing La Jolla Shores and the Pacific Ocean. The roadway descends in elevation while traveling south and levels out in the vicinity of the SIO campus.

A visual simulation of the project submitted by UCSD (Exhibit #8/Figure 10, Conceptual View – Northeast Elevation) illustrates that the new structure would be visible from Torrey Pines Road, but would be partially screened by existing or relocated mature Torrey Pine trees that would remain after construction. Although some of the existing trees would be relocated, new low growing shrubs and flowers would be installed. With incorporation of landscaping along Torrey Pines Road, the project site will be visually enhanced as seen from the road. The proposed project has also incorporated designs to minimize its visual impact from the major coastal access route of Torrey Pines Road. Though the project will attain a maximum of three levels (51 feet max.) in height, the bottom level of the parking structure would be located about six feet below street level. Terracing the upper two stories of the structure downward from the east to the west would further alleviate visual impacts to the proposed project. The parking level is partially depressed below existing grade to hide the parking component from street-side views while still open to allow for natural ventilation of the parking area. The Venter Institute has been designed such that it will be sited at the far south corner of the project

site to maximize its distance from the major coastal access route of Torrey Pines Road as well as being designed such that it tapers down in elevation from east to west. As such, the visual impact associated with the proposed structure will be reduced. In addition, the proposed structure will not be visible from Interstate-5 looking west. UCSD has submitted a visual simulation which demonstrates that no adverse impacts to coastal views for the proposed project will occur.

In addition, as noted earlier, spanning across the buildings and central courtyard, a photovoltaic (solar) canopy structure is proposed that will provide the majority of the electrical power necessary to serve the Venter Institute as well as shade and wind protection. The photovoltaic panels would be installed in a south-facing orientation and rise from a low of about 20 feet above grade on the south wing up to 50 feet above grade on the north wing of the structure. Rooftop equipment would be concealed beneath the photovoltaic canopy structure or screened. In addition, the proposed photovoltaics will not result in any adverse visual impacts such as glare (i.e., to the surrounding neighborhood or recreational field to the south) due to the angle at which the photovaoltaic array is proposed to be located. To further minimize the potential for glare, the photovoltaic panel will also incorporate a type of glass that has minimal glare to it.

There will also be landscaping installed between the proposed structure and the ecological reserve to the west. This area will be accessible to the public. The Commission imposes Special Condition #2, requiring the submittal of a landscaping plan to assure the proposed landscaping takes place, that only drought tolerant native or non-invasive plant materials be used, that landscaping be planted within 60 days of completion of the project and that the landscaping is maintained. Also, Special Condition #3 requires submittal of final plans in substantial conformance with the submitted plans. With regard to signage, the applicant has indicated that only wall and directional signs are proposed for the new development and, therefore, they do not raise any visual resource issues.

In terms of visual compatibility with surrounding uses, the project site will be situated on an upper mesa of the UCSD/SIO campus. Immediately to the west is the UCSD Park – Ecological Reserve. To the east across Torrey Pines Road is residential use. To the north is the remainder of the UCSD campus and other university structures. Northwest of the site is the La Jolla Farms residential subdivision. As noted previously, the proposed structure will be the first of four buildings that are proposed on the subject site. The University has planned this area for academic use and the proposed Venter Institute is consistent with this land use as identified in the LRDP. The structure itself will be visually compatible with the character of the other University structures further north along North Torrey Pines Road, consistent with Section 30251 of the Act.

In summary, the proposed project will not result in any direct impacts to public views to the ocean while looking west from Torrey Pines Road, will incorporate landscaping along Torrey Pines Road to help visually enhance the area as seen from the road, will incorporate native vegetation between the structure and ecological reserve to the west, will be designed in a manner to be subordinate to its setting (i.e., low in scale adjacent to

the reserve area) as well as siting and designing the voltaic panel array such that it will not result in an increase to glare or result in any other adverse visual impacts. As such, adverse impacts on visual resources have been reduced to the maximum extent feasible. Therefore, the Commission finds the proposed development, as conditioned, consistent with Section 30251 of the Coastal Act.

3. Environmentally Sensitive Resources. Sections 30240 and 30253 of the Act are applicable to the project and state the following:

> Section 30240
>
> (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
>
> (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

In addition, Section 30253 of the Coastal Act is applicable and state, in part:

> Section 30253
>
> New development shall:
>
> Minimize risks to life and property in areas of high geologic, flood, and fire hazard. [Emphasis added]
>
> […]

a. Fuel Management/Fire Safety. As cited earlier, the subject site is located immediately adjacent to a UCSD ecological reserve which is comprised of ESHA. The ecological reserve on the UCSD campus is located immediately west of the site and contains a number of sensitive species which include Southern Willow Scrub, Southern Maritime Chaparral and Diegan Coastal Sage Scrub. In addition, there are a few patches of area within the reserve that contain non-native grassland or Eucalpytus woodland. In the certified Landscape Regulations of the City's certified Land Development Code (LDC), fuel management for fire safety is currently required for all developed properties adjacent to native and naturalized vegetation. In light of the recent wildfires that recently scoured the City of San Diego, this has become a critical issue that must be addressed for projects located next to fire hazardous areas. The approved regulations (which were revised in February 2007 pursuant to SD LCPA #3-05B and scheduled for Executive Director Check-off at the April, 2008 Commission Meeting) require that the total required fuel management area be 100 feet in width, including 35 feet of Zone One, the area closest to habitable structures, and 65 feet of Zone Two, the area between Zone One

and undisturbed lands. Previous regulations required a variety of brush management zone widths (ranging between 20-35 ft. for Zone One and 20-50 ft. for Zone Two), depending on the location of the property relative to areas of the City (canyons with native vegetation) where there is a perceived level of fire hazard, and the topography and vegetative composition of the subject site and adjacent lands. The current regulations require a consistent width for Zones One and Two regardless of property location or the other cited factors.

The regulations also provide that the fuel reduction methods for Zone Two consist of reducing the height of half the existing vegetation over 24 inches in height to 6 inches in height, and thinning and pruning the remaining vegetation. Although the area affected will be greater due to the increased width of Zone Two, the former practice of wholesale clearing of vegetation is no longer permitted. All root systems are to remain undisturbed under the approved methodology, such that the potential for soil erosion is reduced, especially where Zone Two fuel management occurs on steep slopes.

The ecological reserve adjacent to the subject site contains ESHA which includes largely native Coastal Sage Scrub (CSS) and chaparral communities (i.e., Southern Maritime Chaparral). The subject site is largely disturbed and consists of non-native grasslands. Although there is a small patch of Diegan Coastal Sage Scrub (CSS) at the far northwestern part of the site, this is on the part of the site that will remain undeveloped at this time and the proposed building will not result in any direct impacts to ESHA (ref. Exhibit No. 5). Some of the provisions that are being provided to reduce the fuel management zones with approved alternative compliance measures include includes plants that are low-growing, low-fuel and fire-resistive and less than four feet in height and structures that are of non-combustible construction, In particular, the project incorporates some unique design features such as a constructed wetland near the southwest corner of the property and two storm water retention basins just north of it—all within the 80-ft. wide brush management zone (ref. Exhibit No. 12). UCSD is not bound by the City of San Diego's provisions as the City's certified LCP does not apply to UCSD because it is an area of deferred certification. However, for purposes of comparison, UCSD has strived to meet the City fire safety requirements.

In terms of fuel management for fire safety, UCSD has coordinated with the fire department which has allowed the building to have a minimum setback of 80 feet from the edge of the native vegetation. The fire department granted alternative compliance (from the typically required 100-foot setback) due to the type of landscaping that is being proposed between the building and the native vegetation, due to the density of the vegetation that is proposed, because there is a fairly minimal slope between the reserve the proposed building and also because of the type of building materials that will be utilized in the structure itself. As such, the fire department allowed a reduced setback of 80 feet and found that this will be adequate to provide fire safety for the proposed building.

UCSD has submitted a plan which illustrates the specific vegetation types that will be planted in the fuel management zone and it also depicts the varying setbacks of the

habitable portions of the building which illustrate a distance of 80 feet to the limits of native vegetation associated with the ecological reserve to the west of the project site (ref. Exhibit No. 12). In addition, the plan shows the types of hardscaping that will be located in this area as well as some of the building components.

Although the Commission is supportive of fuel management proposals that are designed to protect existing development so as to minimize any adverse impacts to ESHA within the Reserve, the Commission does not support new development if it results in additional impacts to ESHA as a result of necessary fuel management for fire safety for new development. However, in this particular case, no such impacts will occur.

The proposed fuel management plan that was approved by the fire department specifically indicates that due to the subject property's proximity to areas of highly flammable native/naturalized vegetation, a fuel management plan with an expanded Zone One (80 feet) extending from the rear of the building to the property line shall be required, with no fuel management Zone Two. Zone One requires that there be no habitable structures, structures that are directly attached to habitable structures or other combustible construction that provides a means for transmitting fire to the habitable structures. Structures such as fences, walls, covered patios and picnic tables that are located within brush management Zone One shall be non-combustible construction. Plants in this zone are required to be low-growing and less than four feet in height with the exception of trees. Plants shall be low-fuel and fire-resistive. As highlighted by UCSD, the fuel management plan contains the following features:

- No modifications, changes, encroachments, removal, or pruning is proposed in the Native Habitat area west of the project;
- With the exception of a small corner of the portion of the building, all habitable portions of the structure are located at least 100 feet from the native habitat area (the building itself is located a minimum distance of 80 feet away). All development within Zone 1 is non-combustible or consists of plant materials that have a low fire hazard and are consistent with (or will be maintained consistent with) the City's requirement for plantings in Zone 1; and
- The pedestrian bridge consists of non-combustible and Class A1 fire retardant construction and has a low fire hazards.

While typically, a minimum 100-foot fuel management zone is required, the proposed fuel management program developed for the Venter Institute can be found acceptable for a number of reasons. First, the City of San Diego fuel management regulations are not directly applicable to the Venter Institute site located on UCSD property because the UCSD campus is an area of deferred certification and is not subject to the City of San Diego's certified LCP. As such, UCSD can make their own determination with regard to proposed fuel management. Nevertheless, UCSD has worked closely with the City of San Diego Fire Department to meet the spirit of the local fuel management regulations. Second, UCSD has indicated that there will be no modification of the naturally vegetated area in order to achieve the required level of fire safety for the proposed project. The required setback and fire protection is achieved entirely within the developed area of the

site. In the buffer area, there will be less fuel load than what would be allowed under the City's Zone 1 and Zone 2 requirements.

Third, the proposed fuel management plan can also be found acceptable because the area between the structure and the native habitat area will consist of wetlands and two stormwater retention basins such that approximately 2/3 of the area will be comprised of wetland vegetation and stormwater detention basins which poses less of a fire hazard than upland vegetation. It is also going to be an area that will be maintained and managed for their stormwater treatment. The positive benefits of this is that it will be carefully managed and the vegetation will be maintained and cleared out on a regular basis. As called out in the fuel management plan, year-round maintenance is required in Zone 1 and regular inspections and landscape maintenance is necessary. The area will also serve a function similar to that which occurs in other fuel management projects where thinning of vegetation occurs.

The proposed project is also different from other recently approved projects and those in other non-certified areas. The proposed fuel management plan is an alternative compliance (in that Zone 1 has been increased to a total distance of 80 feet and Zone 2 has been eliminated) and any future development along the edge of the ecological reserve at this location is going to need to adhere to the protocol for fuel modification that will be established at this location. That is, future projects on this site will need to comply with the proposed fuel modification such that no less than the building setbacks proposed in this project shall be allowed. As noted previously, UCSD has noted that the other lots north of the site will be developed in the future.

In summary, Section 30240 of the Act requires new development sited adjacent to ESHA and park and recreation areas be done so in a manner to prevent impacts which would significantly degrade those areas. In addition, Section 30240 requires that ESHA be protected against significant disruption of habitat values. In this case, the proposed new development will not result in fuel management impacts to ESHA, consistent with the requirements of Section 30240. Therefore, the Commission finds that the proposed fuel management plan that provides an 80 ft. distance from the habitable portions of the structure is found consistent with the Sections 30240 of the Coastal Act and sensitive biological resources of the canyons to the west of the site will be adequately protected.

b. Potential Construction Impacts to Wildlife Habitat and Biological Resources. As noted above, the project site is immediately next to the UCSD Ecological Reserve. Most of the subject site, including the Venter Institute building site has been disturbed. And as such, no impacts to sensitive native vegetation is proposed. However, in the adjacent ecological reserve, gnatcatchers have been identified. There is the potential for construction activities to result in impacts to the coastal California gnatcatcher. However, according to the Mitigated Negative Declaration (MND) for the project, these potential impacts can be reduced to a level below significance through implementation of construction measures. Such measures provide that if gnatcatchers are observed within 500 feet of the grading limits during the pre-construction survey, that noise attenuation measures be implemented if construction occurs within the gnatcatcher breeding season (February 15- August 30) and noise levels exceed the USFWS suggested threshold. In addition measures would be taken to also avoid potential impacts to raptors. These

include conducting preconstruction surveys for nesting raptors if major construction occurs within 500 feet of suitable nesting trees (such as tall Eucalyptus trees) during the raptor breeding season (February-July). Therefore, Special Condition #5 advises the applicant to comply with the noise attenuation measures identified above in the Mitigated Negative Declaration in order to avoid potential impacts to sensitive bird species and raptors. In addition, other measures to avoid impacts to biological resources have been incorporated into the project as follows:

- The construction staging area would be greater than 50 feet from the Ecological Reserve

- The stormwater retention and wastewater treatment system has been designed to maintain re-development conditions and no increase infiltration of runoff; the landscape concept plan features native or naturalized species with low potential for invasive species

- Microtunneling of off-site utility connections would avoid sensitive habitats in the Ecological Service and minimize indirect impacts to species.

- All temporary construction areas (e.g., staging/micro tunneling areas access pits) would be re-graded and seeded with non-invasive species for erosion control.

In summary, the proposed project, with an 80-foot setback from the adjacent ESHA, will not result in impacts to sensitive resources because there will be no modification of the naturally vegetated area in order to meet the required level of fire safety for the proposed project. Furthermore, as noted earlier, the area between the proposed building and the native habitat area will consist of wetlands and two stormwater retention basins which result in about 2/3 of the area being composed of water. The area will be maintained and managed year-round to ensure continued compliance for fire safety purposes (which will also assure no impacts to ESHA occurs). In addition, with implementation of the noise attenuation measures described above to address potential impacts to the California gnatcatcher and raptors in the area, no adverse impacts to sensitive bird species are anticipated to result from construction-related activities. Therefore, no impacts to biological resources or wildlife habitat are anticipated to occur and the proposed project, as conditioned, can be found consistent with Sections 30240 of the Coastal Act.

4. Public Access/Transportation. Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation…

In addition, 30253(4) also states:

> New Development shall:
>
> […]
>
> (4) Minimize energy consumption and vehicles miles traveled….

With respect to projects on UCSD's Main Campus, which is not between the sea and the first coastal roadway, nor within walking distance of shoreline recreational areas, the primary concern is maintaining free-flowing traffic on the major coastal access routes surrounding the campus. These include I-5, Genesee Avenue, North Torrey Pines Road, Torrey Pines Road and La Jolla Shores Drive. The subject site fronts on the west side of Torrey Pines Road. The nearest physical accessway to the coast is at La Jolla Shores to the west (via La Jolla Shores Drive), approximately 1 ¾ miles away from the subject site. The Commission has taken the position, in review of previous permit actions for the University, that on-campus parking problems on the main campus, are not a Coastal Act issue unless they result in spill-over effects within the surrounding off-campus area, particularly North Torrey Pines Road and La Jolla Shores Drive, which serve as major coastal access routes.

Transportation

In the subject proposal, a parking garage is proposed that will have 112 parking spaces to meet the needs of the Venter Institute as well as parking for visitors. Although it is difficult to determine an approximate parking ratio for the wide variety of campus uses and facilities, especially when a large percentage of students live on campus, UCSD has indicated that they carefully monitor all campus parking with an objective of keeping 10% of their supply of on-campus parking vacant during peak periods and that they have never fallen short of meeting their parking objectives in the last 25 years. Surveys are conducted on a regular basis and they look at utilization on a per capita basis relative to the number of students, faculty and staff, etc. Due to a number of factors, including the increase in the cost of gasoline, recent surveys have documented that fewer people are utilizing their cars to get to the campus. UCSD has provided substantial information regarding parking, including results of their recent parking surveys which demonstrate that currently there are about 2,500 parking spaces available on campus at the time of peak demand, which equates to a vacancy factor of about 19%.

UCSD has also indicated that the highest occupancy rates occur for the parking facilities west of the freeway (I-5) and that there is much lower utilization on the east campus. As explained by the applicant, while there are over 2,500 available parking spaces on the campus during peak periods, other than in the east campus (out of the Coastal Zone), there are no large reservoirs of available parking. Parking lots for students, faculty and visitors are spread throughout the campus with small pockets of available spaces in the various lots. The largest reservoir of available parking spaces during peak periods occurs in the east campus, where recent surveys document 1,900 of the noted 2,500 available

spaces are located. However, according to the University, with use of the on-campus shuttle program, students and faculty can get from the east campus to the west campus in just four minutes. UCSD has an excellent alternative transportation program which includes a shuttle program (along with a carpool program, vanpool program, train program, transit program, cycling program, and car-sharing program). A campus shuttle stop is located at the proposed project site to encourage alternative transportation.

As noted in a report entitled "UCSD Alternative Transportation Programs: An Analysis of Campus Programs" dated 4/11/07, between 43%-44% of faculty, staff and students regularly use some form of alternative transportation to commute to work or school. Included among those who regularly use alternative transportation are 68% of students living off campus and 30% of faculty and staff. The most popular mode of alternative transportation is the UCSD Shuttle Service, used by approximately 28% of alternative transportation commuters. Public transit is the next most widely used mode of alternative transportation, followed by carpools. UCSD staff also notes that the campus shuttle systems carry in excess of 4 million passengers per year. The two systems which are most important in reducing the demand for parking and congestion from intra-campus trips are the City Shuttle and the Campus Loop Shuttle. In addition, free access for Metropolitan Transit System (MTS) and North County Transit District (NCTD) serving the campus is offered to students, faculty and staff. This program also contributes to a decrease in demand for parking on-campus, as well as reducing congestion on nearby streets. About 800,000 rides are provided through this program on a yearly basis.

The proposed Venter Institute is different from other UCSD/SIO campus buildings in that this is private research facility and not classrooms, student housing structures or conference center/auditorium buildings, etc., that will be attracting students or lots of visitors. As noted in the MND for the project, the proposed project design features a parking garage on site, which would house 112 parking spaces for Venter Institute employees and visitors. UCSD visitors with cars could park at campus lots on the main campus (the closest of which are parking lots P102 through P105) and walk to the new facility or take the UCSD Shuttle to the Coast Apartment stop on Expedition Way and walk to the new facility. As spaces allows, UCSD visitors might be able to park in the Venter Institute parking garage.

To minimize its demand for parking, the Venter Institute will adopt a transportation management plan as part of its lease agreement with UCSD that would include all transportation reduction measures currently employed by the University and several measures specific to the building. The Venter Institute will offer subsidies to its employees who commute daily by bus, Coaster train or by carpool. The Venter Institute has requested to offset costs for allowing Venter Institute employees to participate in UCSD's vanpool program or for participating in the UCSD/Metropolitan Transit System Free Bus Program. Bicycle racks and showers would be available for bicycle commuters. Telecommuting and flexible work arrangements would be allowed. To eliminate the inconvenience of not having a personal vehicle available at work (thereby encouraging use of alternative transportation modes) the Venter Institute would explore guaranteeing minimal use for Flex Car (and an above ground parking space) so that a vehicle would be

available at the site, would purchase electric bikes and/or carts, and may purchase a van for various transit needs. In addition, the Venter Institute may explore with the university the feasibility of adding a campus shuttle stop on site in the future. For special events, the Venter Institute may arrange with UCSD Transportation Parking Services to rent parking spaces in campus lots or structures and shuttle visitors to the site. Therefore, adequate parking would be provided on site when combined with the proposed transportation demand measures to reduce the need.

As noted earlier, the Commission has historically taken the position that the development that occurs on the main campus (east of North Torrey Pines Road) does not typically raise major coastal access concerns in terms of parking displacement since it's so well removed from the coast. However, the issue pertaining to traffic, cars and mobility and traffic congestion are all factors that could impact traffic circulation along major coastal access routes such as Torrey Pines Road, and therefore these issues have been assessed in this report. Based on all of the information that UCSD has submitted, the Commission finds that the proposed development is consistent with the University's Long Range Development Plan. In addition, even at peak periods, there is currently a 19% vacancy rate for all on-campus parking. Also, with the continued implementation of UCSD's extensive shuttle system and other related alternative transportation programs, no adverse impacts to coastal access or traffic circulation are anticipated to occur. Again, the Venter Institute is a private research facility and therefore is not anticipated to generate a lot of visitors to the facility such as a classroom or other campus structures do. Furthermore, many of those who do visit the institute will be other UCSD employees who are already on the USCD/SIO campus, thus, not generating a lot of visitor trips, traffic, etc.

In addition, with regard to road improvements, as was noted in the final mitigated negative declaration (MND) for the project, in order to maintain adequate driver visibility from the Venter Institute driveway, street parking would be removed for a distance of about 210 feet north of the entrance, resulting in a loss of about 16 on-street parking spaces along Torrey Pines Road. The removal of the parking is necessary to improve the sight distance to allow for egress from the project site onto southbound Torrey Pines Road. The curb will be painted red to prohibit parking in this area. While the removal of the street parking will not affect public access and parking/traffic circulation whatsoever, some community concerns were raised at the local level. Specifically, because the site is adjacent to, and north of Allen Field, a community ball park where soccer games, etc. are held on weekends, etc., some local residents in the area are opposed to the removal of any street parking as this will minimize the areas where they can park when attending sporting events at Allen Field and could possible spill over into the nearby residential streets. Removal of the spaces would not significantly impact City streets since the spaces are adjacent to undeveloped land owned by UCSD. In addition to street parking, the adjacent Allen Field has a parking lot and there are current plans to expand that lot in the future.

UCSD will continue to monitor parking demand for the whole campus to address parking needs in and around the campus. Also, adequate parking will be provided on site for the proposed research facility such that no spillover effects will occur on the adjacent public

streets. As such, the Commission finds the proposed development consistent with the applicable policies of the Coastal Act addressing transportation and coastal access.

Traffic

In the case of the subject proposal, a traffic study was completed for the project which evaluated the potential impacts to parking and traffic. It concluded that the proposed project would not result in additional traffic or have any adverse traffic impacts. Specifically, the Torrey Pines Road/La Jolla Village Drive intersection currently operates at a level of service (LOS) B conditions during the morning peak hour and LOS C conditions during the afternoon peak. The proposed project is estimated to generate about 60 morning peak trips and 50 afternoon peak trips hour, with 360 daily trips overall. However, with the proposed project, the Torrey Pines Road/La Jolla Village Drive intersection would continue to operate at LOS B driving the morning peak hour and LOS C during the afternoon peak hour. In other words, the proposed project would not worsen the existing LOS conditions at this key intersection.

In addition, a median is going to be installed in the roadway to prevent employees from exiting the project site and attempting to make a left-hand turn onto Torrey Pines Road. Another community concern is with regard to the proposed median along Torrey Pines Road and the number of cars that would need to go north to the intersection of Torrey Pines Road and North Torrey Pines road to make a u-turn if they wanted to proceed south along Torrey Pines Road. In any case, these concerns do not raise Coastal Act issues because they do not result in potential impacts to public access.

Pedestrian Trails/Public Access Across Site

Another issue that is raised by the proposed project is that there are currently a number of informal pedestrian trails that lead from Torrey Pines Road across the subject site to the UCSD Ecological Reserve. It appears from aerial photographs of the site that the building will be constructed over one of the pedestrian trails that extends from Torrey Pines Road in a westerly direction (along the southern property line) and then turns in a northerly direction to join up with other trails on the project site that lead to the Ecological Reserve (ref. Exhibit No. 10). However, UCSD has submitted photographs and plans that illustrate that a pedestrian trail will still be available along the southern property line and to the west of the building (ref. Exhibit No. 11). There presently is no restriction on pedestrian access to the public to the open space areas west of the site; and, no access changes are planned. UCSD has also noted that a proposed landscaping area west of the building, between the parking area and the ecological reserve, will be accessible to the public.

In summary, the proposed project does not raise major coastal access concerns in terms of parking displacement since it's so well removed from the coast and adequate parking to accommodate the proposed research facility is proposed. It is new development on a vacant site that will not result in the displacement of existing formalized parking for the UCSD campus (although 16 on-street parking spaces will be lost and are not proposed to

be replaced). As noted earlier, no impacts to traffic circulation are anticipated to occur as a result of the proposed development. Also, with the continued implementation of UCSD's extensive shuttle system and other related alternative transportation programs, no adverse impacts to coastal access or traffic circulation are anticipated to occur. Therefore, the Commission finds the proposed development consistent with the applicable policies of the Coastal Act addressing transportation and coastal access.

5. Water Quality. Sections 30230 and 30231 address water quality and state the following, in part:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored….

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, ….

As noted earlier**,** the proposed project involves the construction of a one- to three-story, 51 ft. high (maximum), 45,000 sq.ft. research facility (Venter Institute) over 112-space parking garage including laboratory/research space, dining area, fitness and conference facilities on a 7.5 acre site that is approximately one-half mile away from the ocean. The proposed structure will be a state-of-the-art sustainable building. The ocean area west of the subject site has been designated by the State Water Resources Control Board 2005 California Ocean plan as an Area of Special Biological Significance (ASBS). According to the California Ocean Plan, ASBS' are:

> …those areas designated by the State Water board as ocean areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable.

The project site is also located immediately east of the UCSD Ecological Reserve. The proposed development of the site will not significantly change the topography of the site or alter the existing runoff pattern. The proposed project has been designed to retain a 100-year, 6-hour storm event and collect and treat stormwater flows from the rooftop for re-use in the mechanical, plumbing and irrigation systems in the building; stormwater flows on other portions of the property would also be retained but not reused. Specifically, rooftop rainwater would be collected and stored in a 4,000 cf. cistern under the parking garage floor. The collected rainwater would be treated with filters and other in-line treatment units and recirculated into the building for non-potable use. Any rooftop rainwater overflow would be directed to the stormwater retention pools proposed

in the northwest portion of the property. The stormwater retention pools would be connected to the 1,500 gallon recycled water storage tank should additional water be needed for irrigation and non-potable plumbing (i.e., toilets). To retain the runoff, the rooftop terraces would feature pervious pavement over an aggregate base capable of storing up to one inch of stormwater. In addition, porous pavement is proposed in the entry court and fire lane with a gravel layer underneath that will store and retain runoff, and allow for infiltration. If the capacity of this gravel layer is exceeded, the excess stormwater runoff will be directed to the stormwater retention pools.

The 75-foot wide planted area in the western portion of the parcel between the building and adjacent Ecological Reserve would serve four functions: 1) to treat wastewater for reuse on-site as described above, 2) to slow stormwater runoff in the stormwater retention pools, 3) to provide a rustic transition wedge with the natural habitat, and 4) to provide a fire break for the building. Wastewater would be pretreated and enter the constructed wetlands area for additional treatment. The constructed wetlands would be lined to prevent changes in pre-development infiltration rates and feature planting that would naturally cleanse the treated wastewater. Low walls would be integrated in both the marginal and constructed wetlands areas to create landscaped terraces to slow flows down and facilitate the natural filtration process. Rooftops on the lower terraces of the north wing would be developed with roof gardens for stormwater retention purposes and aesthetic enjoyment and social interaction.

Specifically, as addressed in the environmental document for the proposed project, the following measures will be implemented:

- Permeable pavement/roof drains/etc. will be used to retain stormwater and minimize runoff
- The proposed project will include a landscaped setback from the Ecological Reserve containing two stormwater retention pools that would naturally cleanse stormwater using vegetation
- The extensive stormwater retention and treatment system will allow reuse of treated rooftop runoff and retention of non-rooftop runoff. Reuse of stormwater and treated wastewater for irrigation onsite will minimize site runoff as compared to a typical facility
- Drainage from stormwater retention ponds will cross an energy-dissipating device (such as rock) prior to flowing off site.
- Water conservation features include motion-sensor operated faucets, low-flow toilets and showerheads, and a drip system or timer-controlled landscape irrigation system
- Wastewater treatment system will be lined to prevent infiltration of primary treated recycled water
- All temporary construction areas (e.g., staging/micro tunneling areas access pits) will be re-graded and seeded with non-invasive species for erosion control.
- Any treated recycled water will be treated to acceptable quality before being used for irrigation or disposal

- The proposed project will comply with (National Pollutant Discharge Elimination System (NPDES) requirements, including preparation/implementation of a Storm Water Pollution Prevention Plan (SWPPP) and Best Management Practices (BMPs).

Even with the proposed measures identified above, the construction phase of development, along with post-construction runoff from impervious and landscaped areas, has the potential to impact coastal water quality. Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to address runoff from the site as well as to address potential for sedimentation during the construction stage of the project.

As noted above, erosion and sedimentation control measures will be implemented to prevent the temporary discharge of sediments into drainage or stormwater systems to reduce potentially significant impacts to a level of below significance. The project is also conditioned, through Special Condition #1, to require specific measures to be implemented during construction of the proposed development that will minimize water quality impacts**.** These measures include avoiding construction during the rainy season, implementing erosion and sediment control BMPs, properly containing and storing chemicals and other construction-related materials, and properly disposing of trash and debris.

Special Condition #1 also requires the applicant to implement post-construction BMPs, including minimizing the amount of impervious surface, minimizing the use of irrigation and fertilizers, directing drainage from all impervious areas through structural BMPs such as vegetative or other media filter devices effective at removing and/or mitigating pollutants, sweeping the parking lots on a regular basis (i.e., once a month), and on-going maintenance of the drainage and filtration system. In addition, all structural BMPs must be designed to treat, infiltrate, or filter stormwater runoff from each runoff event up to and including the 85th percentile, 24-hour runoff event and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor for flow-based BMPs. The Commission's water quality staff has reviewed the project and has concluded that with the implementation of these BMPs, the potential water quality impacts resulting from the proposed development will be reduced to the maximum extent practicable. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Sections 30230 and 30231 of the Coastal Act.

6. Local Coastal Planning. The University of California campus is not subject to the City of San Diego's certified Local Coastal program (LCP), although geographically the Scripps Institution of Oceanography (SIO) campus is within the La Jolla Shores segment or the City's LCP. UCSD does, however, have the option of submitting an LRDP for Commission review and certification.

While UCSD has submitted a draft LDRP, its EIR and topographic maps to the Commission staff informally, as an aid in analyzing development proposals, the Coastal

Commission has not yet formally reviewed the LRDP, and the University has not indicated any intention of submitting the LRDP for formal Commission review in the future. The proposed structure is consistent with the University's draft LRDP to accommodate campus growth.

As stated previously, Chapter 3 policies of the Coastal Act are the standard of review for UCSD projects, in the absence of a certified LRDP. Since the proposed development, as conditioned, has been found consistent with all applicable Chapter 3 policies, the Commission finds that approval of the proposed project, will not prejudice the ability of UCSD to prepare a certifiable Long Range Development Plan for its campus.

7. Consistency with the California Environmental Quality Act (CEQA).
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

UCSD is the lead agency on this project for purposes of CEQA review. It issued a mitigated negative declaration for this project.

The proposed project has been conditioned in order to be found consistent with the visual resource, public access and water quality policies of the Coastal Act. Mitigation measures, including conditions addressing water quality, landscaping and brush management will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(G:\San Diego\Reports\2007\6-07-083 UCSD Venter Institute stfrpt.doc)

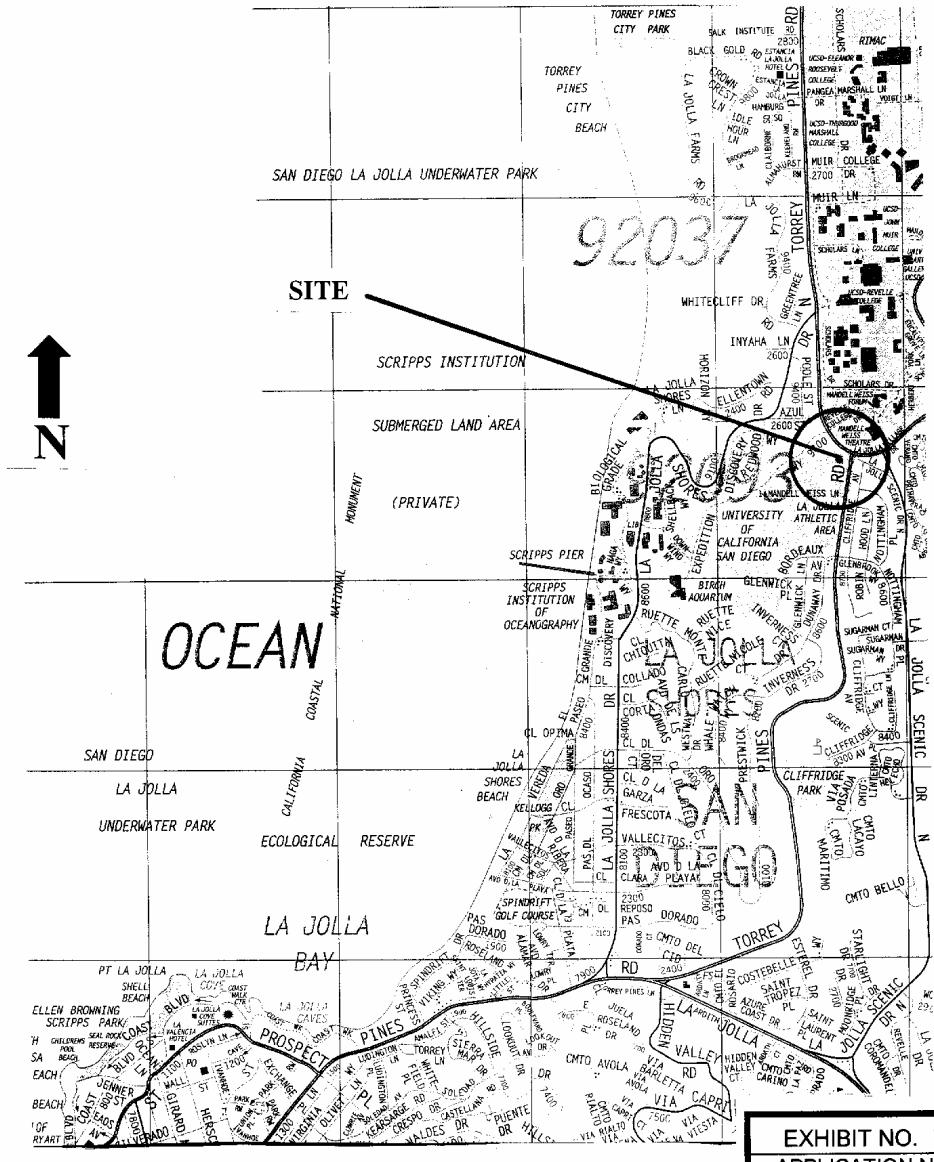
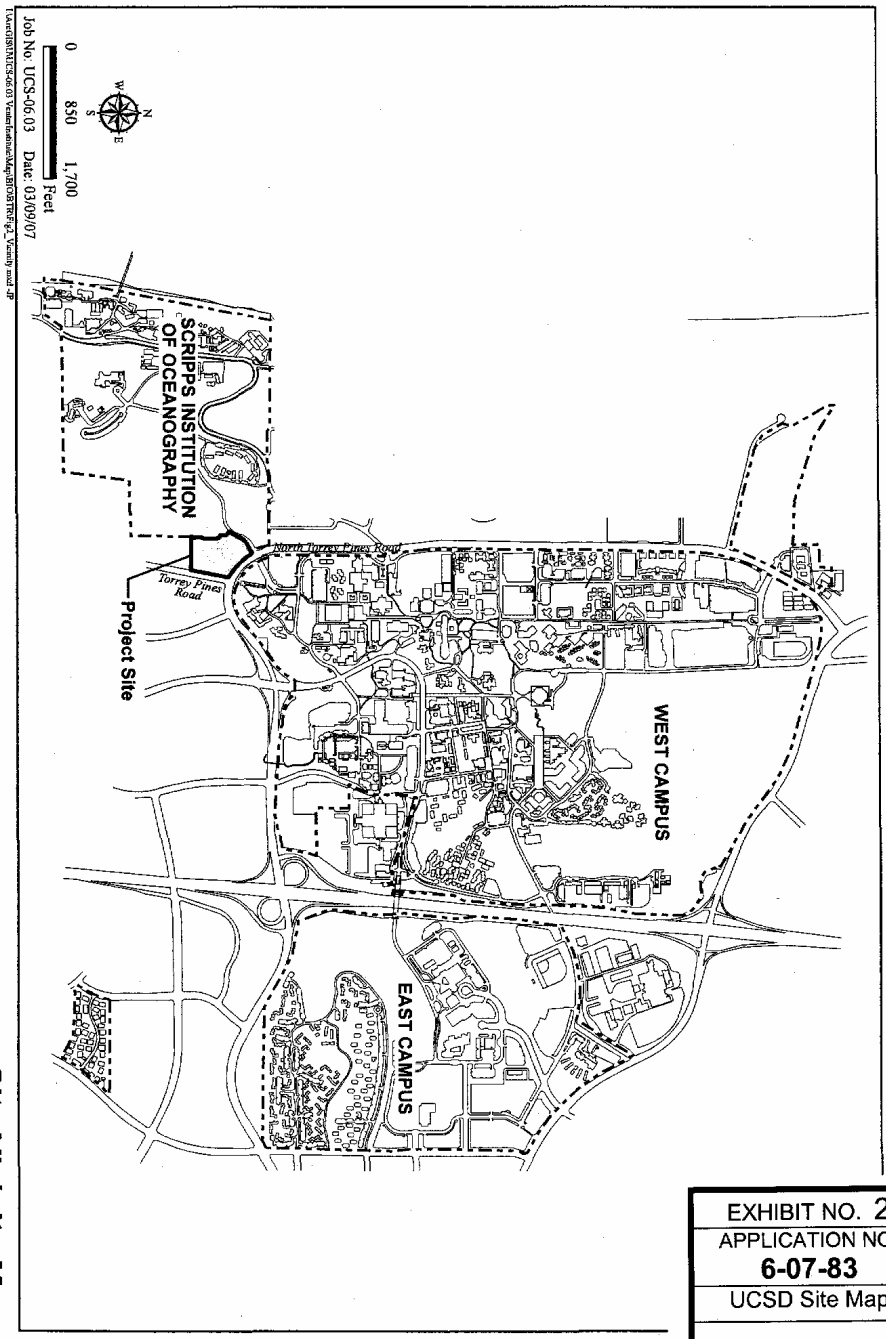


EXHIBIT NO. 1
APPLICATION NO.
6-07-83
Location Map
California Coastal Commission



Site Vicinity Map

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Figure 2

HELIX

EXHIBIT NO. 2
APPLICATION NO.
6-07-83
UCSD Site Map
California Coastal Commission

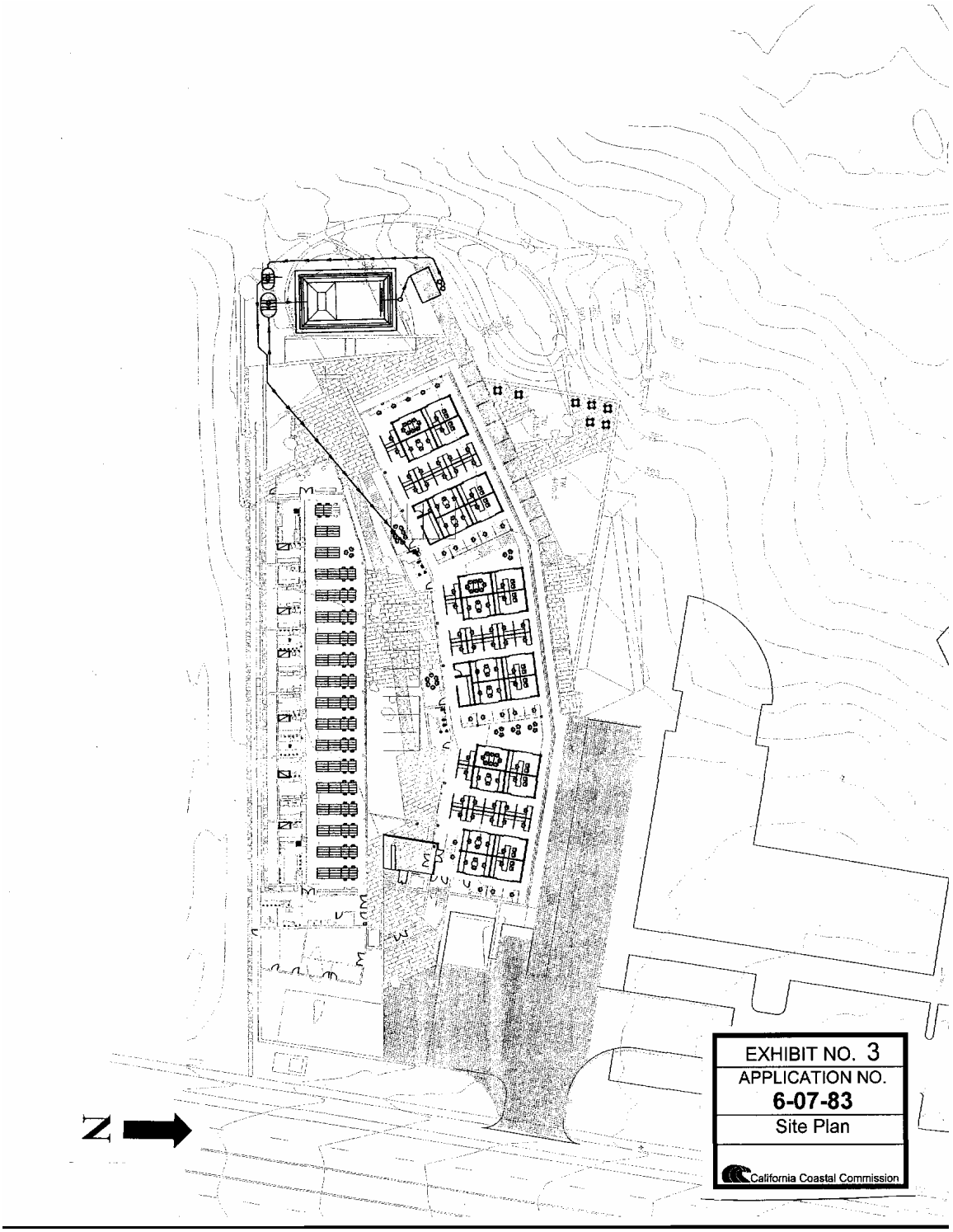
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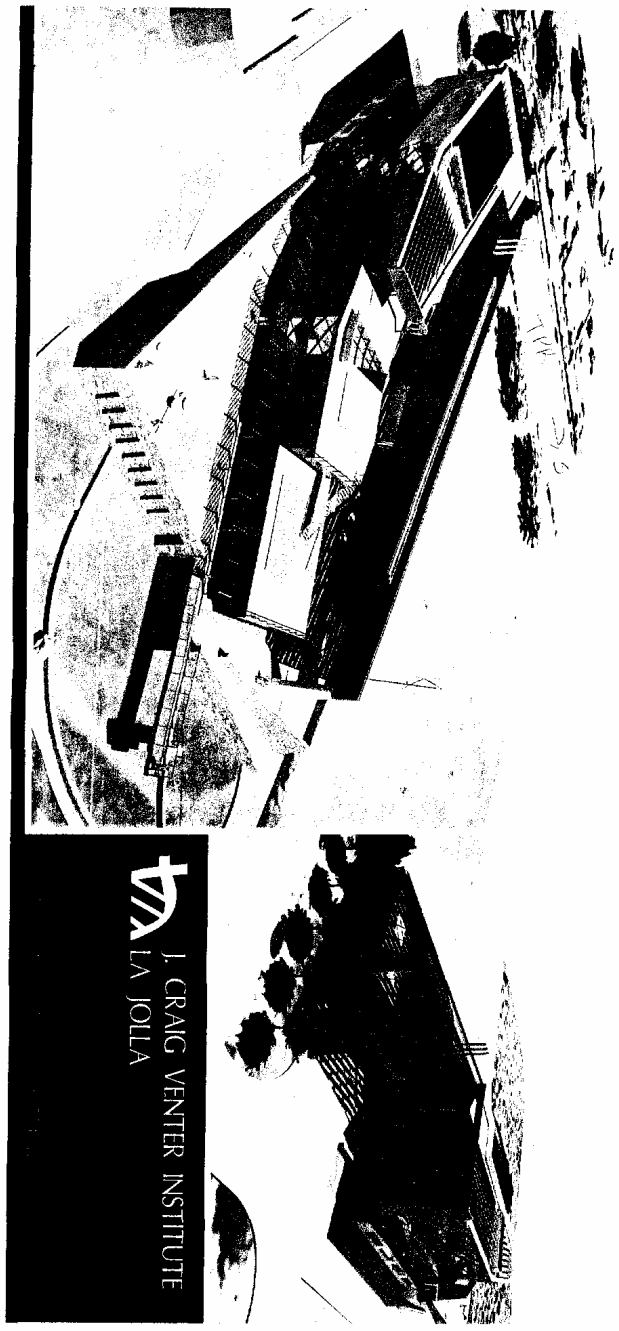
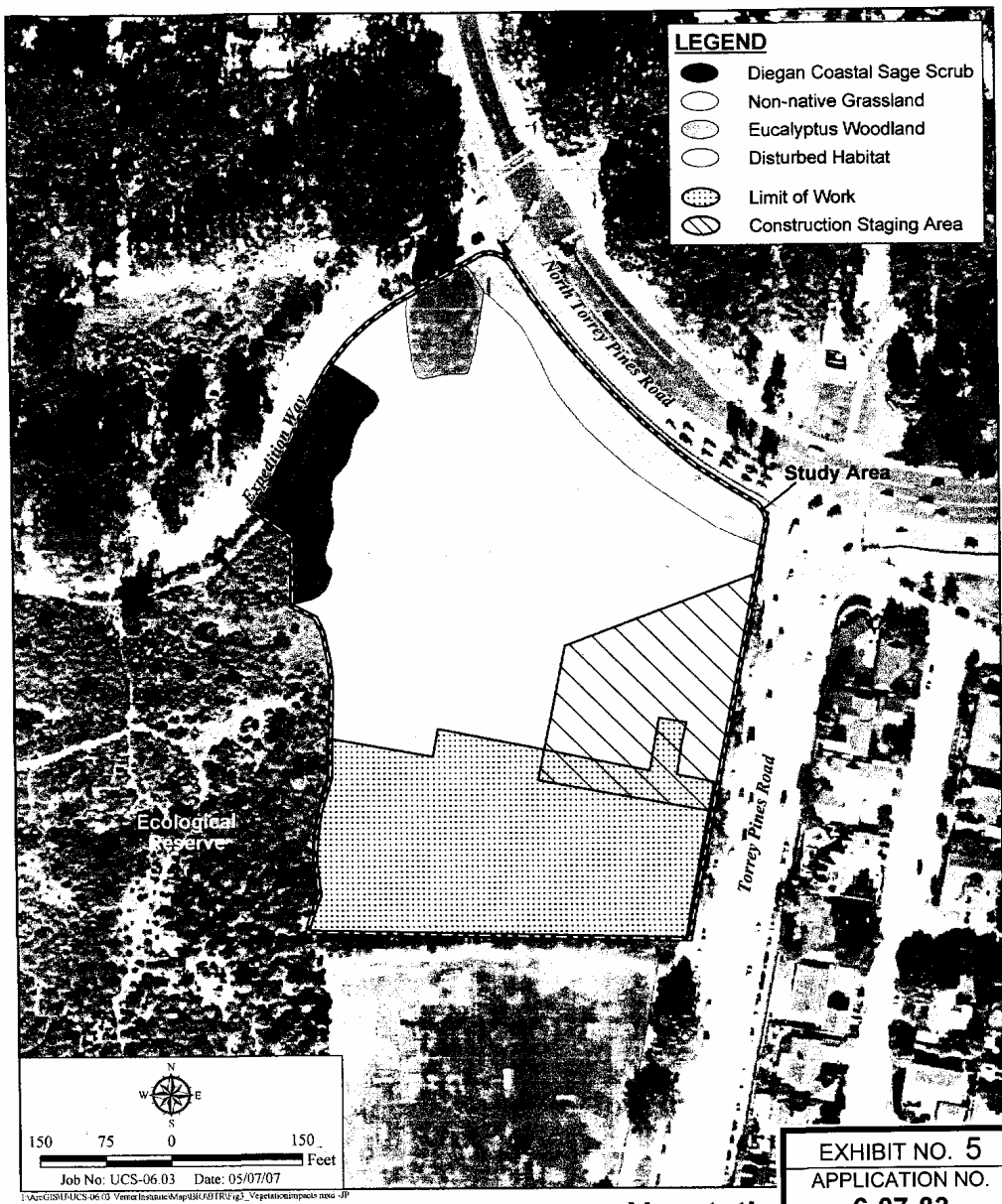
EXHIBIT NO. 3
APPLICATION NO.
6-07-83
Site Plan
California Coastal Commission



J. CRAIG VENTER INSTITUTE
LA JOLLA

SCHEMATIC DESIGN DOCUMENTS APRIL 05, 2007

EXHIBIT NO. 4
APPLICATION NO.
6-07-83
Schematic Design
California Coastal Commission



HELIX

EXHIBIT NO. 5
APPLICATION NO.
6-07-83
Biological Survey Map of Subject Site
California Coastal Commission

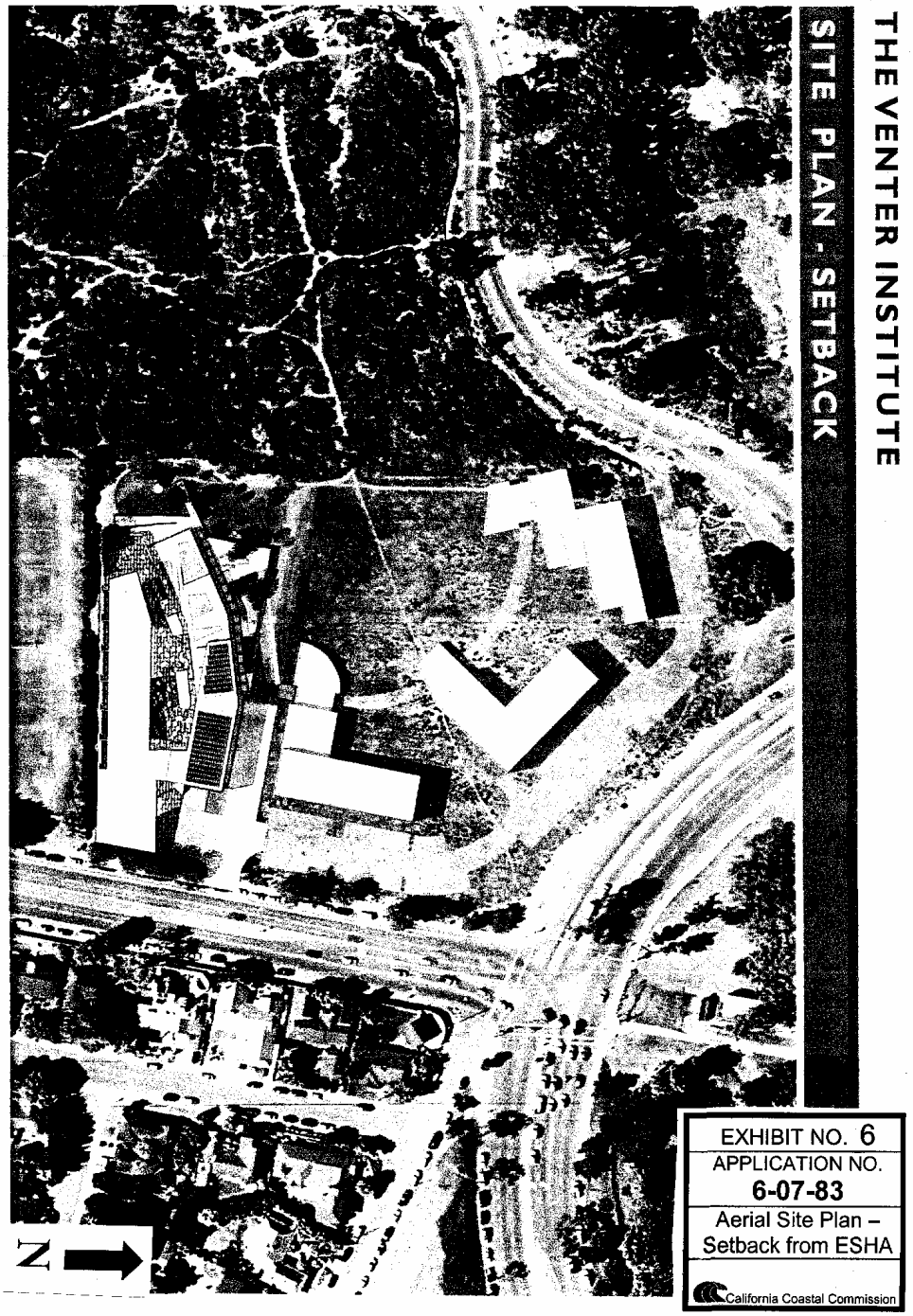


EXHIBIT NO. 6
APPLICATION NO.
6-07-83
Aerial Site Plan – Setback from ESHA
California Coastal Commission

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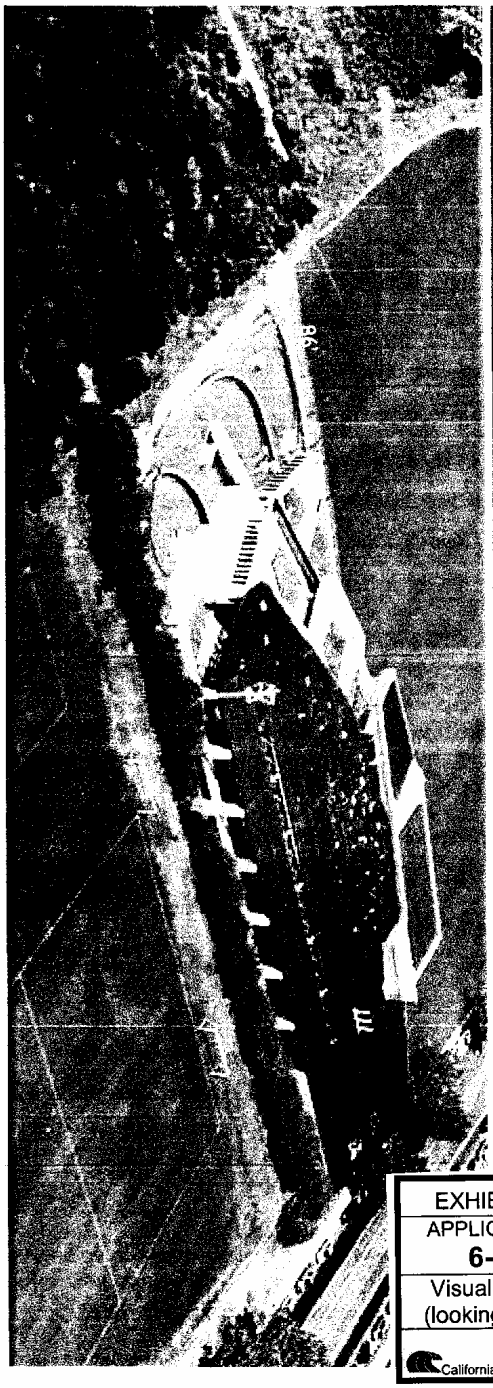
SETBACK - VISUAL SIMULATION



86' is the approximate distance of the building to the existing native vegetation to the west.

EXHIBIT NO. 7
APPLICATION NO.
6-07-83
Visual Simulation
(looking northeast)
California Coastal Commission

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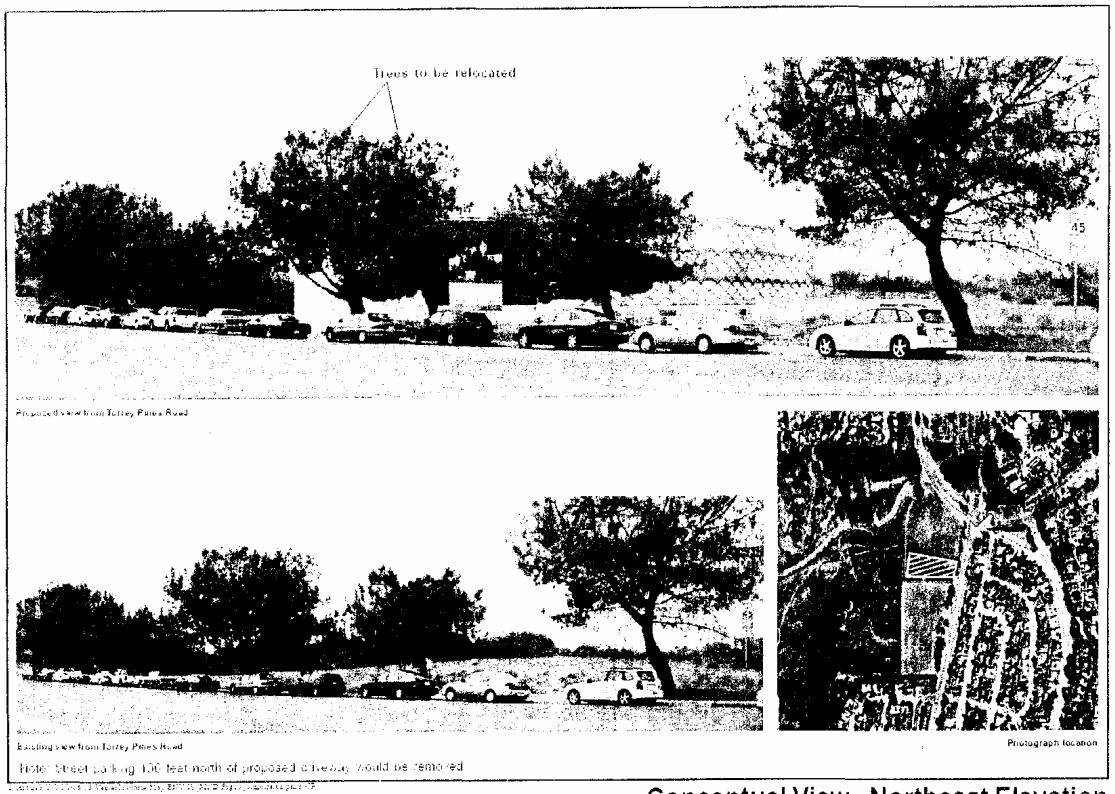
CONCEPTUAL VIEW



Conceptual View - Northeast Elevation

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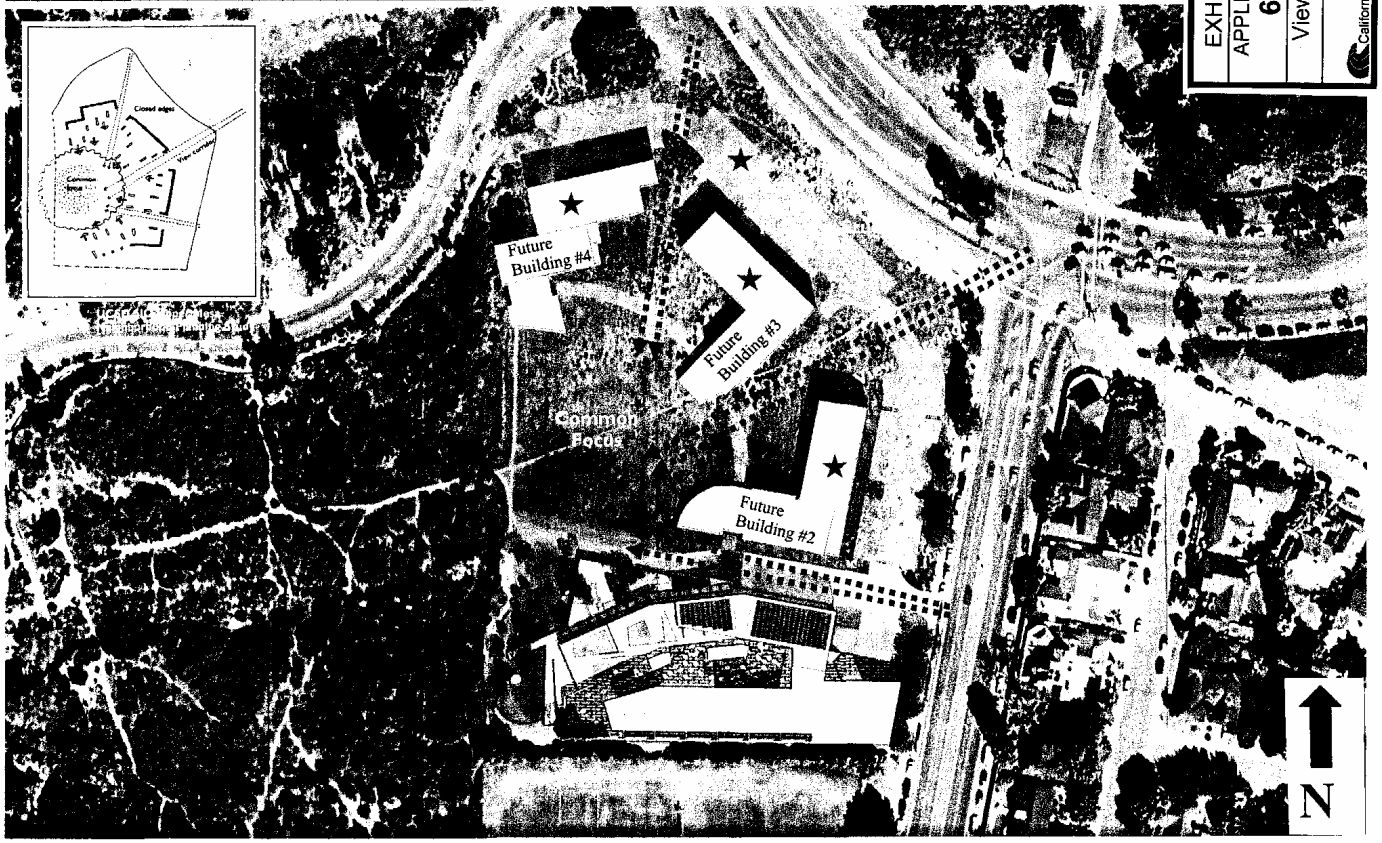
HELIX

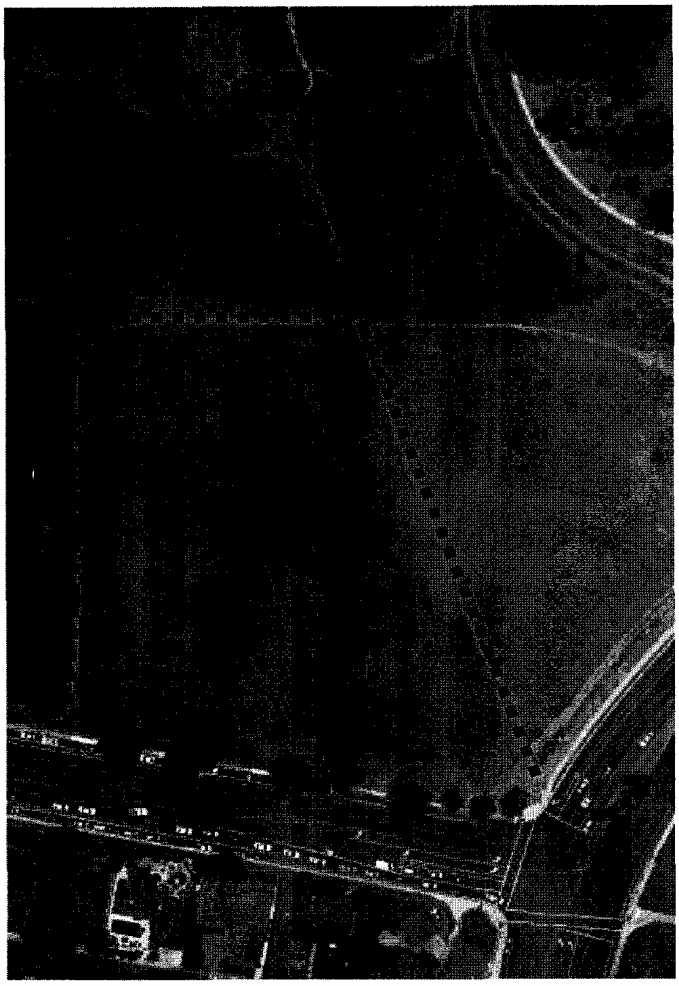
Figure 10

THE VENTER INSTITUTE

VIEW CORRIDORS



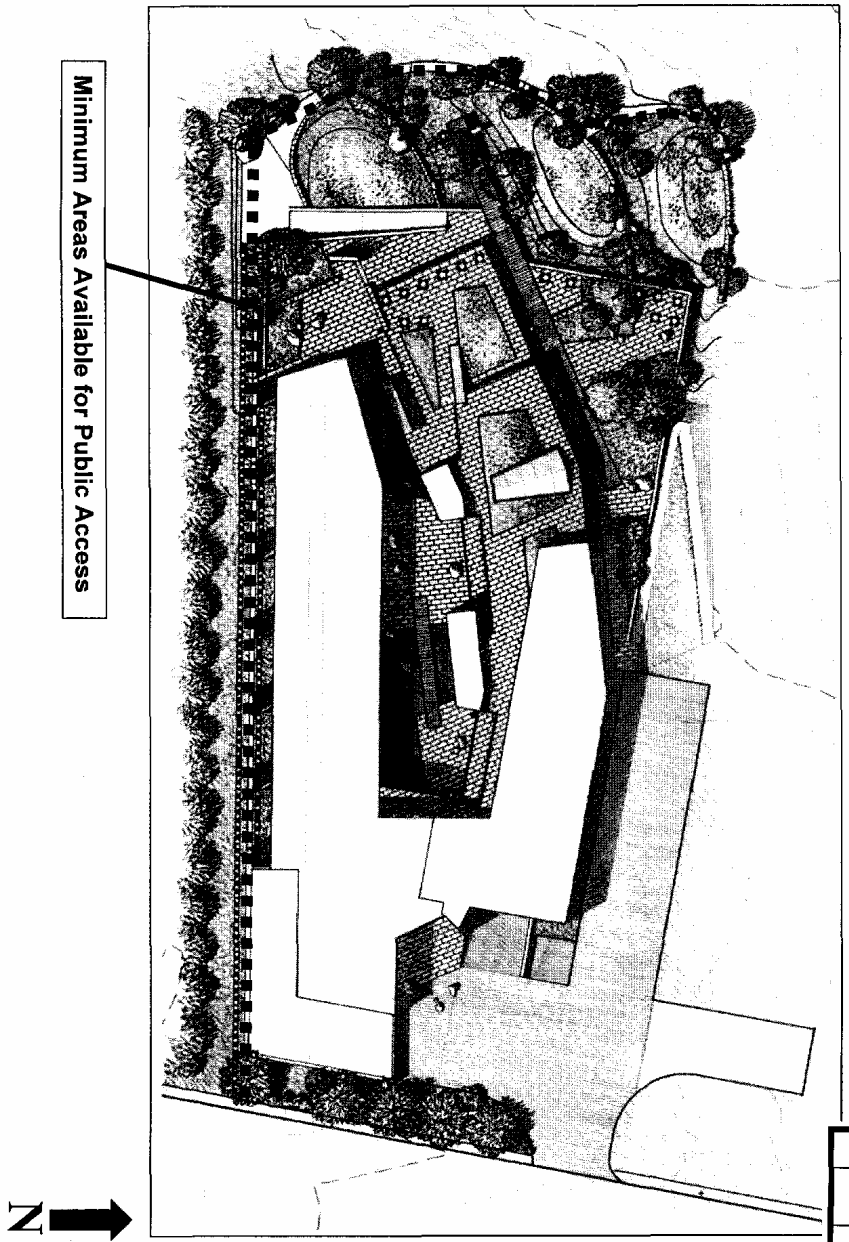
"The site has a unique location, prominent and highly visible to the surrounding streets, but private and secluded to the open space with views of the ocean and hills. The site is relatively isolated from the rest of the campus. The plan and design guidelines aim to provide visual coherence to the complex.
The view corridor from the theatre district will be preserved and provide visual linkage between the two neighborhoods, namely SIO and the West Campus."
SOURCE: UCSD Upper Mesa Neighborhood Planning Study



Venter Institute
Site Access (Existing)

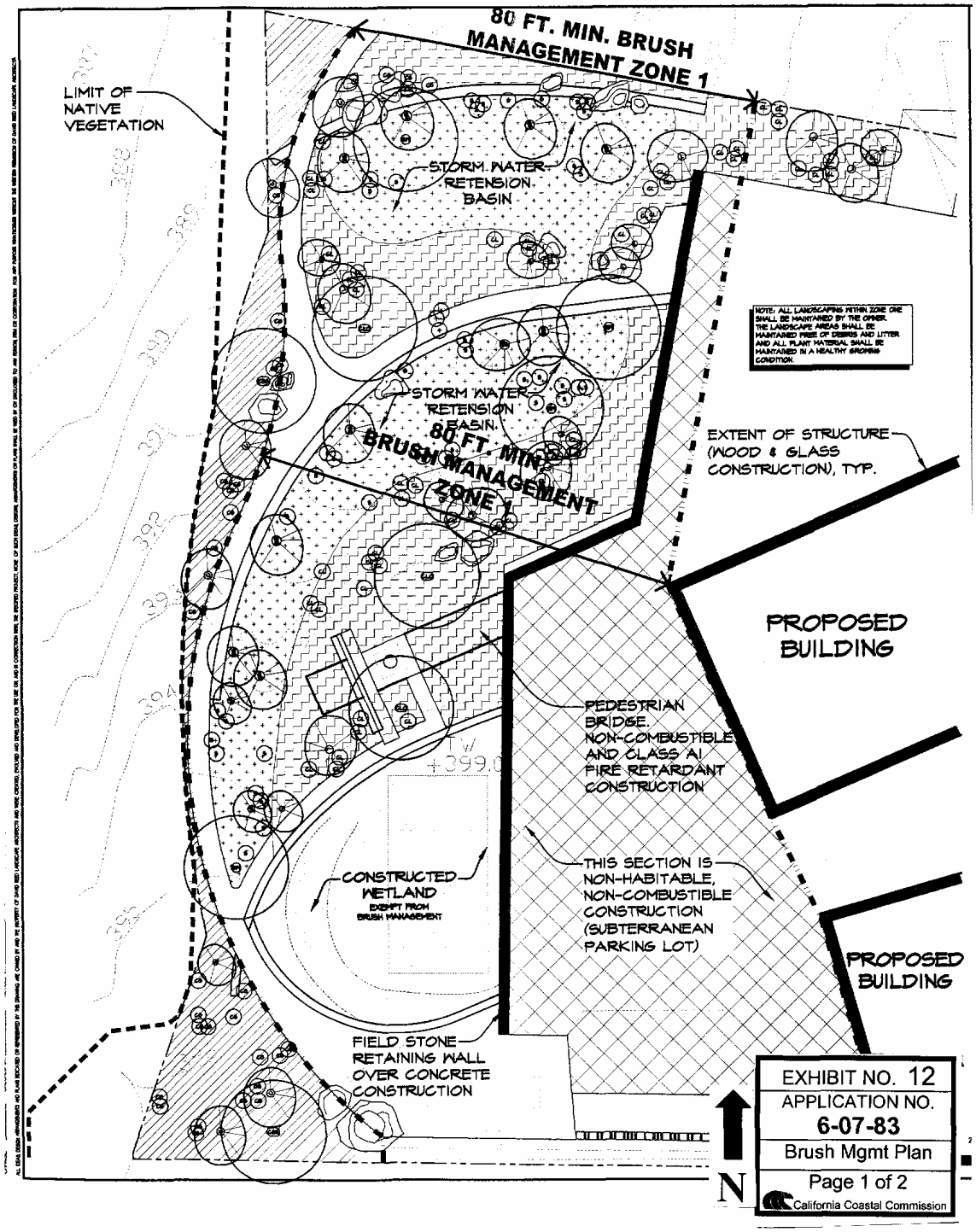
N

EXHIBIT NO. 10
APPLICATION NO.
6-07-83
Site Access Across
Site to Reserve
California Coastal Commission



Venter Institute
Site Access (Proposed)

EXHIBIT NO. 11
APPLICATION NO.
6-07-83
Proposed Access
To Reserve
California Coastal Commission


80 FT. MIN. BRUSH MANAGEMENT ZONE 1
LIMIT OF NATIVE VEGETATION
STORM WATER RETENSION BASIN
NOTE: ALL LANDSCAPING WITHIN ZONE ONE SHALL BE MAINTAINED BY THE OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION.
STORM WATER RETENSION BASIN.
80 FT. MIN. BRUSH MANAGEMENT ZONE 1
EXTENT OF STRUCTURE (WOOD & GLASS CONSTRUCTION), TYP.
PROPOSED BUILDING
PEDESTRIAN BRIDGE. NON-COMBUSTIBLE AND CLASS A1 FIRE RETARDANT CONSTRUCTION
CONSTRUCTED WETLAND
EXEMPT FROM BRUSH MANAGEMENT
THIS SECTION IS NON-HABITABLE, NON-COMBUSTIBLE CONSTRUCTION (SUBTERRANEAN PARKING LOT)
PROPOSED BUILDING
FIELD STONE RETAINING WALL OVER CONCRETE CONSTRUCTION
N
EXHIBIT NO. 12
APPLICATION NO.
6-07-83
Brush Mgmt Plan
Page 1 of 2
California Coastal Commission

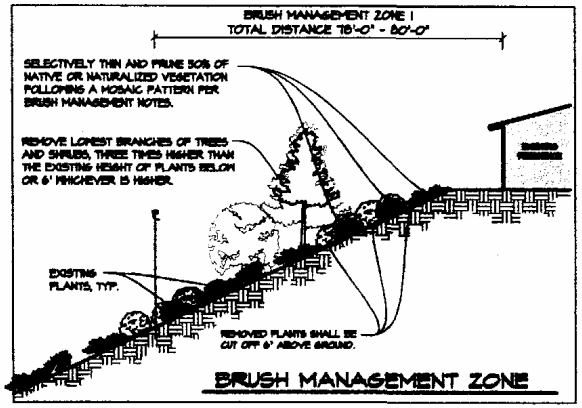
BRUSH MANAGEMENT NOTES

BRUSH MANAGEMENT IS REQUIRED IN ALL BASE ZONES ON THE FOLLOWING TYPES OF PREMISES:

- (1) PUBLICLY OR PRIVATELY OWNED PREMISES THAT ARE WITHIN 100 FEET OF A STRUCTURE AND CONTAIN NATIVE OR NATURALIZED VEGETATION.
- (2) EXCEPT FOR WETLANDS, ENVIRONMENTALLY SENSITIVE LANDS THAT ARE WITHIN 100 FEET OF A STRUCTURE, UNLESS THE FIRE CHIEF DEEMS BRUSH MANAGEMENT NECESSARY IN WETLANDS IN ACCORDANCE WITH SECTION 142.0412(I). WHERE BRUSH MANAGEMENT IN WETLANDS IS DEEMED NECESSARY BY THE FIRE CHIEF, THAT BRUSH MANAGEMENT SHALL NOT QUALIFY FOR AN EXEMPTION UNDER THE ENVIRONMENTALLY SENSITIVE LANDS REGULATIONS, SECTION 143.0110(C)(1).

BRUSH MANAGEMENT ZONES. WHERE BRUSH MANAGEMENT IS REQUIRED, A COMPREHENSIVE PROGRAM SHALL BE IMPLEMENTED THAT REDUCES FIRE HAZARDS AROUND STRUCTURES BY PROVIDING AN EFFECTIVE FIRE BREAK BETWEEN ALL STRUCTURES AND CONTIGUOUS AREAS OF NATIVE OR NATURALIZED VEGETATION. THIS FIRE BREAK SHALL CONSIST OF TWO DISTINCT BRUSH MANAGEMENT AREAS CALLED "ZONE ONE" AND "ZONE TWO" AS SHOWN IN DIAGRAM.

*** N O T E :** DUE TO THE SUBJECT PROPERTY PROXIMITY TO AREAS OF HIGHLY FLAMMABLE NATIVE / NATURALIZED VEGETATION, A BRUSH MANAGEMENT PLAN WITH AN EXPANDED ZONE ONE EXTENDING FROM THE REAR OF THE BUILDING TO THE PROPERTY LINE SHALL BE REQUIRED, WITH NO BRUSH MANAGEMENT ZONE 2.



- **(1) BRUSH MANAGEMENT ZONE ONE** IS THE AREA ADJACENT TO THE STRUCTURE, SHALL BE LEAST FLAMMABLE, AND SHALL CONSIST OF PAVEMENT AND PERMANENTLY IRRIGATED ORNAMENTAL PLANTING. BRUSH MANAGEMENT ZONE ONE SHALL NOT BE ALLOWED ON SLOPES WITH A GRADIENT GREATER THAN 4:1 (4 HORIZONTAL FEET TO 1 VERTICAL FOOT) UNLESS THE PROPERTY THAT RECEIVED TENTATIVE MAP APPROVAL BEFORE NOVEMBER 15, 1989. HOWEVER, WITHIN THE COASTAL OVERLAY ZONE COASTAL DEVELOPMENT SHALL BE SUBJECT TO THE ENCROACHMENT LIMITATIONS SET FORTH IN SECTION 143.0142(A)(4) OF THE ENVIRONMENTALLY SENSITIVE LANDS REGULATIONS. BRUSH MANAGEMENT ZONE 1 IS TYPICALLY 35' FROM THE STRUCTURE ON THE FLATTER PART OF THE PROPERTY NEXT TO THE BUILDING.

ZONE 1:

- MUST BE IRRIGATED OR WATERED REGULARLY.
- MUST CONSIST MOSTLY OF ORNAMENTAL VEGETATION LIKE LAWNS, LOW GROWING SHURBS, SOME TREES, WITH NO MORE THAN 10% OF NATIVE OR NATURALIZED VEGETATION.
- TREES AND LARGE SHRUBS MUST BE PRUNED AWAY FROM STRUCTURES AND ROOFS.
- ANY WOODEN STRUCTURES IN ZONES 1 AND 2 (SUCH AS DECKS OR FENCES) NOT HAVING A 1-HOUR FIRE RESISTANCE RATING OR BUILT OF COMBUSTIBLE MATERIAL, MUST BE REMOVED.
- IRRIGATION FROM ZONE 1 MUST NOT RUN ONTO ZONE 2.

TABLE 142-04H BRUSH MANAGEMENT ZONE WIDTH REQUIREMENTS	
ZONE ONE WIDTH	78 - 80 FT.

ZONE ONE REQUIREMENTS

(1) THE REQUIRED ZONE ONE WIDTH SHALL BE PROVIDED BETWEEN NATIVE OR NATURALIZED VEGETATION AND ANY STRUCTURE AND SHALL BE MEASURED FROM THE EXTERIOR OF THE STRUCTURE TO THE VEGETATION.

(2) ZONE ONE SHALL CONTAIN NO HABITABLE STRUCTURES, STRUCTURES THAT ARE DIRECTLY ATTACHED TO HABITABLE STRUCTURES, OR OTHER COMBUSTIBLE CONSTRUCTION THAT PROVIDES A MEANS FOR TRANSMITTING FIRE TO THE HABITABLE STRUCTURES. STRUCTURES SUCH AS FENCES, WALLS, PALAPAS, PLAY STRUCTURES, AND NON-HABITABLE GAZEBOS THAT ARE LOCATED WITHIN BRUSH MANAGEMENT ZONE ONE SHALL BE OF NON-COMBUSTIBLE CONSTRUCTION.

(3) PLANTS WITHIN ZONE ONE SHALL BE PRIMARILY LOW-GROWING AND LESS THAN 4 FEET IN HEIGHT WITH THE EXCEPTION OF TREES. PLANTS SHALL BE LOW-FUEL AND FIRE-RESISTIVE.

(4) TREES WITHIN ZONE ONE SHALL BE LOCATED AWAY FROM STRUCTURES TO A MINIMUM DISTANCE OF 10 FEET AS MEASURED FROM THE STRUCTURES TO THE DRIP LINE OF THE TREE AT MATURITY IN ACCORDANCE WITH THE LANDSCAPE STANDARDS OF THE LAND DEVELOPMENT MANUAL.

(5) PERMANENT IRRIGATION IS REQUIRED FOR ALL PLANTING AREAS WITHIN ZONE ONE EXCEPT AS FOLLOWS:

- (A) WHEN PLANTING AREAS CONTAIN ONLY SPECIES THAT DO NOT GROW TALLER THAN 24 INCHES IN HEIGHT, OR
- (B) WHEN PLANTING AREAS CONTAIN ONLY NATIVE OR NATURALIZED SPECIES THAT ARE NOT SUMMER-DORMANT AND HAVE A MAXIMUM HEIGHT AT PLANT MATURITY OF LESS THAN 24 INCHES.

(6) ZONE ONE IRRIGATION OVERSPRAY AND RUNOFF SHALL NOT BE ALLOWED INTO ADJACENT AREAS OF NATIVE OR NATURALIZED VEGETATION.

(7) ZONE ONE SHALL BE MAINTAINED ON A REGULAR BASIS BY PRUNING AND THINNING PLANTS, CONTROLLING WEEDS, AND MAINTAINING IRRIGATION SYSTEMS.

CONTRACTOR TO PERFORM BRUSH MANAGEMENT DUTIES USING THESE TECHNIQUES:

THINNING: THIS FIRST STEP REQUIRES IDENTIFICATION OF THE CHAPARRAL SPECIES AND FAMILIARITY WITH THEIR VARIOUS CHARACTERISTICS SUCH AS ROOTING DEPTH, FUEL LOADS, FLAMMABILITY, AS WELL AS HABITAT AND AESTHETIC VALUE. ALL NATIVE VEGETATION THAT IS NOT TO BE REMOVED DURING THE INITIAL THINNING SHOULD BE NOTED OR FLAGGED. THE PLANTS WHICH ARE NOT TO BE SAVED SHOULD BE CUT OFF SEVERAL INCHES ABOVE THE GROUND WITHOUT PULLING OUT THE ROOTS (NO GRUBBING). CERTAIN NATIVE PLANTS WHICH IN THE WILD ARE FOUND AS HIGHLY FLAMMABLE SHRUBS CAN BE CUT BACK TO THE ROOT CROWN. AS SPROUTING AND REGROWTH OCCUR THESE PLANTS CAN BE MAINTAINED AS LOW MOUNDS OF SUCCULENT FLOWERING SHRUBS IF PROPERLY PRUNED. EXAMPLES INCLUDE ARTEMISIA CALIFORNICA (CALIFORNIA SAGEBRUSH) SALVIA MELLIFERA (BLACK SAGE), ADENOSTOMA FASCICULATUM (CHEMISE) AND ERIOGONUM FASCICULATUM (BUCKWHEAT).

PERMANENT ERADICATION WHERE APPROPRIATE CAN BE ACCOMPLISHED BY TREATING THE STUMPS WITH HERBICIDES. WHEN USING HERBICIDES EXCEPT AS SPECIALLY NOTED HEREIN, FOLLOW THESE SUGGESTIONS:

A) SELECT AN HERBICIDE THAT DOES NOT AFFECT THE REMAINING PLANTS.

B) AVOID OVERSPRAY.

C) TREAT A SMALL TEST AREA FIRST.

D) DO NOT USE PRE-EMERGENT HERBICIDES. (EXCEPT WHERE SPECIALLY INSTRUCTED OR ALLOWED)

THE REMAINING PLANTS SHOULD MAINTAIN THE ALLOWABLE COVERAGE, MASSING AND SPACING REQUIRED. THE FIGURES ILLUSTRATE THE IDEA OF COVERAGE, MASSING AND SPACING (FIGURES 3,4,5,6).

PRUNING: AFTER THINNING OF THE CHAPARRAL, THE FUEL LOAD SHOULD BE FURTHER REDUCED BY PRUNING THE NATIVE PLANTS THAT HAVE NOT BEEN REMOVED. WHILE PRUNING INDIVIDUAL PLANTS IS NOT FEASIBLE IN COASTAL SAGE SCRUB, IT IS VERY EFFECTIVE FOR MANY HARD CHAPARRAL SPECIES, SUCH AS CEANOTHUS (MOUNTAIN LILAC), HETEROMELES (TOYON), RHUS (LEMONADE BERRY, SUGARBUSH), AND RHAMNUS (COFFEEBERRY REDBERRY). THESE PLANTS CAN BE SHAPED INTO ATTRACTIVE, FIRE SAFE SPECIMENS BY PRUNING DEAD AND EXCESSIVELY TWIGGY GROWTH. FIGURE 6 ILLUSTRATES PRUNING OF NATIVE SHRUBS.

NOTE THAT THE LIMBS TOUCHING THE GROUNDCOVER HAVE BEEN REMOVED, AND THAT A LARGE VOLUME OF MATERIAL HAS BEEN TAKEN FROM THE CANOPY. THE LIMBS THAT REMAIN SHOULD BE THOSE WITH YOUNG, VIGOROUS SHOOTS.

MAINTENANCE

REGULAR INSPECTIONS AND LANDSCAPE MAINTENANCE IS NECESSARY TO MINIMIZE THE POTENTIAL DAMAGE O LOSS OF PROPERTY FROM BRUSH FIRES AND OTHER NATURAL HAZARDS SUCH AS EROSION AND SLOPE FAILURES. BECAUSE EACH PROPERTY IS UNIQUE, ESTABLISHING A PRECISE MAINTENANCE SCHEDULE IS NOT FEASIBLE. HOWEVER, FOR EFFECTIVE FIRE AND WATERSHED MANAGEMENT, PROPERTY OWNERS SHOULD EXPEC TO PROVIDE MAINTENANCE ACCORDING TO EACH BRUSH MANAGEMENT ZONE.

ZONE 1: YEAR-ROUND MAINTENANCE.

BRUSH MANAGEMENT ZONE 1

THIS IS THE MOST CRITICAL AREA FOR FIRE AND WATERSHED SAFETY. ALL ORNAMENTAL PLANTINGS SHOULD BE KEPT WELL WATERED AND ALL IRRIGATION WATER SHOULD DRAIN TOWARD THE STREET. RAIN GUTTERS AND DRAINAGE PIPES SHOULD BE CLEANED REGULARLY AND ALL LEAVES REMOVED FROM THE ROOF BEFOR THE FIRE SEASON BEGINS. ALL PLANTING, PARTICULARLY NON-IRRIGATED NATIVES AND LARGE TREES SHOU BE REGULARLY PRUNED TO ELIMINATE DEAD FUELS, TO REDUCE EXCESSIVE FUEL AND TO PROVIDE ADEQUATE SPACE BETWEEN PLANTS AND STRUCTURES.