



W13b

COUNCILMEMBER SHERRI S. LIGHTNER

FIRST DISTRICT
CITY OF SAN DIEGO

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original staff report

November 12, 2013

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Subject: UCSD/Venter Institute, CDP No. 6-07-083-A1

Dear Commissioners:

As the San Diego City Councilmember who represents the UC San Diego area, I strongly support the staff recommendation to approve UC San Diego's amendment to their existing Coastal Development Permit for the Venter Institute to allow for the construction of an access driveway from Expedition Way to the facility.

When the original CDP for this project was approved in 2008, it included a proposed access to the facility via an easement across City of San Diego property from Torrey Pines Road, which is a heavily traveled major thoroughfare. The proposed driveway would have been located immediately south of the intersection of Torrey Pines Road and La Jolla Village Drive, which is one of the busiest intersections in the City of San Diego.

After hearing from the La Jolla Community Planning Association, La Jolla Shores Association and numerous residents in the area regarding their concerns about traffic safety and congestion associated with an access to this facility from Torrey Pines Road, the City of San Diego determined it would not grant a permanent easement across City of San Diego right-of-way along Torrey Pines Road for a driveway to the Venter Institute. Instead, the City granted temporary access from Torrey Pines Road to the Venter Institute in order to give UCSD time to identify a more suitable permanent access point for the facility.

We appreciate the efforts of UCSD and the Venter Institute in working with the City of San Diego and the La Jolla community to find a solution that is acceptable to all parties. They have accomplished this by developing the plan before you today to build a driveway from Expedition Way to the Venter Institute that will serve as the primary access to the facility.

Letters of Support 49

I strongly support UCSD's application for an amendment to their existing CDP to allow the construction of an access driveway from Expedition Way to the Venter Institute. I urge the Coastal Commission to support the wishes of the community and the City of San Diego by approving this application.

Please contact me at (619) 236-6611 or sherrilightner@sandiego.gov if I can provide additional information.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, reading "Sherri S. Lightner", followed by a horizontal flourish.

Sherri S. Lightner

Th13b

**Professor & Mrs. H. Rosen
8579 Prestwick Drive
La Jolla, CA 92037**

RECEIVED

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

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NOV 06 2013

CALIFORNIA
COASTAL COMMISSION

November 3, 2013

Subject: UCSD/Venter Institute, CDP No. 6-07-083-A1

We are writing to support the application submitted by the Craig Venter Institute for permission to build a driveway to this facility from Expedition Way. As neighbors living in close proximity to this Institute we are very concerned about the dangers posed by having the entrance/exit from Torrey Pines Road.

Torrey Pines Road is THE main artery from Interstate 5 into La Jolla. Locating the driveway on/off this main road is bound to cause traffic accidents, as the driveway as currently located is so close to the main traffic lights.

We request that you grant this permission as soon as possible. The Institute will be opening in a matter of weeks and we are concerned that there will be a major traffic accident with the driveway in its current location.

Sincerely,

Hugh and Debra Rosen

Professor and Mrs. Hugh Rosen

51
Letters of Support

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NOV 05 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

1 November 2013

California Coastal Commission
San Diego Area
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

SUBJECT: UCSD/Venter Institute, CDP No. 6-07-083-A1

To Whom It May Concern:

I am in support of the proposed application and the staff recommendation.

This proposal is important in two ways.

First, it will allow traffic from UCSD facilities to be contained within the UCSD circulation system and allow access to the public street system only at a few designated, and traffic signal controlled, locations. While traffic engineers can point to no "statistical impact" under the original design, maintaining that delicate separation between through traffic, users of the adjoining soccer field, and UCSD/Institute employees/students is an important element in balancing the needs of UCSD and the adjoining residential neighborhoods.

Second, the original design would have resulted in the loss of 16 on-street parking spaces. I agree with Staff's observation that the site is significantly inland from the shoreline and does not raise a Coastal Act issue relative to the loss of public beach parking. However, those 16 spaces are filled by UCSD students who refuse or are unable to pay UCSD's parking permit fees. Loss of those spaces based on the original driveway design would push student parking south into the adjoining single family residential streets. Those streets are already overburdened by student parking. While that is not a "coastal" issue it is a very real issue to those homeowners.

Again, I support the application and the staff recommendation. I hope you will to.

Sincerely,


Joe LaCava

5274 La Jolla Boulevard
La Jolla, CA 92037
858.488.0160 | joe@avetterra.com

Letters of Support 52

CALIFORNIA COASTAL COMMISSION

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



Th13b

Filed: 8/30/13
180th Day: 2/26/14
Staff: L. McEachern-SD
Staff Report: 10/24/13
Hearing Date: 11/14/13

STAFF REPORT: AMENDMENT

Application No.: 6-07-083-A1

Applicant: University of California, San Diego

Agent: Anu Delouri

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

Original Project 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.

Proposed Amendment: Revise the proposed site access such that access to the building will be taken off of Expedition Way instead of from Torrey Pines Road via a 24-34 ft. wide, 790 lineal ft. long asphalt access road that includes two 12-14 ft. wide travel lanes. Also proposed is new landscaping and drainage improvements.

Staff Recommendation: Approval with Conditions

STAFF NOTES

In 2008, the Commission approved the construction of the 45,000 sq.ft. Venter Institute research facility located on the then vacant 7.5 acre site that is owned by the University of California, San Diego (UCSD). As part of that approval, the Commission approved access to the site with a short driveway off of Torrey Pines Road. Subsequently, the permit was issued and construction commenced on the building and is expected to be completed very soon. According to UCSD Planning staff, it was discovered at some point after the Commission approved the project that a small area of City owned land was located between the Venter site and Torrey Pines Road where the access to the building was approved. When the City was approached about obtaining an easement over this land area, the request was denied. Instead, the City told the University that access to the site would need to be from Expedition Way and then granted only a 6-month temporary access onto Torrey Pines Road that is to be gated once the building is complete. The City cited concerns raised by adjoining neighbors about traffic and safety as well as the loss of 16 on-street public parking spaces on Torrey Pines Road. Because the applicant can no longer use the access approved by the Commission in its original approval, this amendment is proposed.

Again, if not for the City responding to local residents and denying the easement for the driveway off of Torrey Pines Road, this amendment would not be necessary. In the original approval of the building, Commission staff reviewed traffic reports, studies and the applicant's proposed traffic demand provisions which all documented that the proposed access off of Torrey Pines Road would not result in traffic or safety impacts in the adjoining neighborhood. And while 16 on-street public parking spaces would have been removed to accommodate the driveway access, the site is significantly inland from the shoreline and does not raise a Coastal Act issue relative to the loss of public beach parking. Thus, the City's decision to disallow the easement and denying the access to be taken off of Torrey Pines Road appears unsubstantiated.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed amendment with special conditions. The proposed amendment raises a number of coastal resource protection issues as well as a more basic planning issue. As proposed by the applicant, instead of a short, direct access to the previously approved building from Torrey Pines Road, the project includes the construction of an almost 800 ft. long access road across an otherwise vacant site to gain access to the approved and almost completed building. As originally proposed, the subject revised access project would have resulted in direct impacts to on-site Diegan coastal sage scrub habitat that the Commission's staff ecologist has determined to be an environmentally sensitive habitat area (ESHA). After working with Commission staff, the applicant was able to redesign the road and entrance to eliminate impacts to ESHA. The project also includes landscape screening and significant drainage measures to capture and treat runoff with the use of vegetated swales and bio retention basins. Thus, as redesigned, all impacts to coastal resources have been eliminated or minimized and

special conditions are proposed to obtain final project and landscape plans to reflect the revised project design.

However, there still remains the planning issue related to the proposed roadway. Coastal Act Section 30254 requires that new public works facilities not create capacity above and beyond what is required to support the development, to avoid encouraging further development in the future. The Venter Institute was approved by the Commission originally on a vacant parcel of land with direct access off of Torrey Pines Road; and, other than a schematic diagram of buildout of the parcel provided to the Commission at the time of the original approval, no development plans for the remainder of the parcel have been developed or provided to the Commission.

Further development of the remainder of the vacant parcel raises a number of Coastal Act resource protection concerns as there are a number of development constraints associated with future development on the site. These include potential direct and indirect impacts to ESHA and threatened wildlife species, potential impacts on existing public views of the ocean, public access issues and traffic. Given these potential issues, staff is concerned that the proposed access road would facilitate or be used to support further development of parcel that could be inconsistent with the resource protection policies of the Coastal Act.

However, if not for the fact that the City has denied access to the site off of Torrey Pines Road and that the applicant has demonstrated that no other feasible means of gaining access to the approved building is possible, staff would be recommending that the Commission deny the proposed revised access road as it would be growth inducing and facilitate future development of the remainder of the parcel resulting in potential impacts on coastal resources, inconsistent with Section 30254 of the Coastal Act. However, given that there are no other feasible means for gaining access to the approved Venter Institute Building, staff is recommending that the Commission approve the project with **Special Condition 6** which puts the University on notice that the access road approved herein in no way presupposes further future development of the site.

Commission staff recommends **approval** of Coastal Development Permit Amendment 6-07-083-A1 as conditioned.

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EXHIBITS

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Site Plan
- Exhibit 3 – Landscape Plan
- Exhibit 4 – Site Overview
- Exhibit 5 – Letter from City
- Exhibit 6 – Original Permit Conditions
- Exhibit 7 – Map of UCSD Ecological Reserve

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit Application No. 6-07-083 as proposed by the applicant.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in approval of the amendment 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:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following 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 of 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.

III. SPECIAL CONDITIONS

The permit is subject to the following conditions:

The following Conditions shall replace Special Condition Nos. 2 & 3 of the original permit:

2. **Final Landscaping Plan.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, 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 the draft landscape plan by David Reed Landscape Architects dated 5/28/13, 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 approved 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 AMENDMENT, 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 and the access driveway plans by Snipes-Dye Associates dated 10/21/13.

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.

The following Conditions shall be added after Special Condition #5 of the original permit:

6. **Future Buildout.** With acceptance of this permit amendment, the applicant acknowledges that future development and buildout of the Upper Mesa Parcel will be reviewed for its consistency with all the applicable policies of the Coastal Act and that approval of the subject access road in no way dictates or accommodates the type, location or density of further development of the site.
7. **Prior Conditions of Approval.** All special conditions adopted by the Coastal Commission as part of the original permit action, except as specifically modified or replaced herein, remain in full force and effect.

IV. FINDINGS AND DECLARATIONS

A. PROJECT HISTORY/ AMENDMENT DESCRIPTION

History

On April 10, 2008, the Commission approved 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 approved structure was three stories and a maximum of 51 feet high constructed over a single-level parking garage with 112 parking spaces. The 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.

After a one year extension request, the applicant satisfied all the permit conditions and development subsequently commenced on the building which is expected to be completed very soon. According to UCSD Planning staff, it was discovered at some point after the Commission approved the project that a small area of City owned land was located between the Venter site and Torrey Pines Road where the access to the building was approved. When the City was approached about obtaining an easement, and after much discussion, it was denied and instead the City granted a 6-month temporary access onto Torrey Pines Road that is to be gated once the building is complete. The City cited concerns from adjoining neighbors about traffic and safety as well as the loss of 16 on-street public parking spaces on Torrey Pines Road. Because the applicant can longer use the access approved by the Commission in its original approval, this amendment is proposed.

Proposed Amendment

The applicant is proposing with this amendment to revise the approved access to the building. Access to the site as originally proposed and approved would be taken off of Torrey Pines Road. However, as noted above, since the City will not grant an easement to the University for access off of Torrey Pines Road, they have requested an amendment to allow access to be taken off of Expedition Way, with a 790 lineal ft.-long access road. The proposed access road will be 24 to 34 ft. in width and include two traffic lanes. The project also includes significant landscaping and drainage and water quality improvements, including vegetated swales and bio retention facilities. The road will follow along the northern perimeter of the site from Expedition Way to the Venter Institute Building.

The project site is a relatively flat 7.5 acre parcel located at the southwest corner of Torrey Pines Road and La Jolla Village Drive/N. Torrey Pines Road in the La Jolla community of the City of San Diego. The site is referred to as the "Upper Mesa" and is part of the Scripps Institution of Oceanography (SIO) campus of the University of

California at San Diego (UCSD). The approved Venter Institute building is situated in the southern portion of the site. Other than temporary construction staging and access, the remainder of the site is vacant. To the south of the subject site is a community soccer field (Allen Field, aka La Jolla Athletic Area), to the east is Torrey Pines Road and residential development and on the west is a steep naturally vegetated canyon area known as Skeleton Canyon, which is part of the University's Natural Reserve Open Space.

The subject site is within the City of San Diego which has a fully certified local coastal program. However, the University of California campus is not subject to the City of San Diego's certified Local Coastal program (LCP)¹, and as such, the provisions of the City's LCP do not apply to the proposed project. The appropriate standard of review for this project is thus the Chapter 3 policies of the Coastal Act.

B. PROTECTION OF SENSITIVE BIOLOGICAL RESOURCES

Sections 30240 of the Act is applicable to the project and states the following:

(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.

The subject site is a flat mesa top located at the southwest corner of Torrey Pines Road and North Torrey Pines Road. The site is vacant with the exception of the Venter Institute Building which is currently under construction. Immediately west of the site, the topography drops steeply into a natively vegetated canyon that is part of the University's ecological reserve (ref. Exhibit #7). The ecological reserve contains a number of sensitive species including Southern Maritime Chaparral and Diegan Coastal Sage Scrub.

According to the biological report prepared for the proposed development, the subject site supports four vegetation communities. These include Diegan coastal sage scrub (and disturbed Diegan coastal sage scrub), non-native grassland, eucalyptus woodland and disturbed habitat. Approximately 0.28 acres of Diegan coastal sage scrub occurs within the northwest portion of the site. Of the 0.28 acres total, approximately 0.04 acres is considered disturbed coastal sage scrub. No special-status plants species have been identified on the site. However, while not identified on the project site, a pair of coastal

¹ Geographically the Scripps Institution of Oceanography (SIO) campus is within the La Jolla Shores segment of the City's LCP. UCSD does, however, have the option of submitting an LRDP for Commission review and certification.

California gnatcatchers, a federally threatened species, was reported in the adjacent canyon approximately 500 ft. from the project site in 2011.

Pursuant to Section 30107.5 of the Coastal Act, an environmentally sensitive habitat area (ESHA) is “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.” The Commission’s staff ecologist has reviewed the applicant’s biological report and has determined that the non- disturbed CSS on the subject site meets the definition of ESHA due to its proximity/connectivity to the larger canyon area to the west and the use of that area by gnatcatchers. However, the disturbed CSS, due primarily to the presence of mostly non-native species and proximity to the road, is not considered ESHA.

As originally proposed, the subject development would have resulted in direct impacts to on-site CSS that has been determined to be ESHA by the Commission’s staff ecologist. As such, the applicant was asked to provide an alternatives analysis to document that no other less damaging alternatives were available. In this analysis, the applicant provided that the only other point of access for the site from adjacent roadways is the access that was originally approved by the Commission off of Torrey Pines Road. However, as noted previously, the City of San Diego owns a small sliver of land in this location and has determined that access from this location is not acceptable and has denied the applicant’s request for an easement (ref Exhibit #5 attached). The applicant’s engineers also looked at providing an entrance to the site off of North Torrey Pines Road. However, according to the City of San Diego Street Design Manual, median breaks for driveway access onto 4-6 lane Major Streets are not permitted except under certain conditions including that the median opening is not less than 600 ft. from an intersection with a major collector street. This distance cannot be met here and as such, that alternative is not feasible. Thus, the only available feasible location for access to the site is from Expedition Way. The applicant’s traffic engineers have stated that for a number of reasons (taper length, transitional distance and sight lines), the location of the access driveway cannot be any closer than 310 ft. from the centerline of North Torrey Pines Road. Moving the entrance further to the south would result in impacts to more native vegetation. Thus, the entrance location is really a fixed point located between the 310 ft. distance needed to meet engineering requirements and the habitat located further to the south. Once it was determined that the entrance had to be sited in this location, at the direction of Commission staff, the applicant’s engineer redesigned the width of the access road and the configuration of the entrance such that all impacts to ESHA would be avoided (ref. Exhibit #2). Because the revised plans are only conceptual at this time, **Special Condition 3** requires that final project plans be submitted that are consistent with the conceptual plans documenting impacts to ESHA have been avoided.

Thus, the proposed project will not have any direct impacts to Diegan Coastal Sage Scrub (CSS) habitat. The proposed entrance will still have impacts to approximately 958 sq. ft. of disturbed Diegan Coastal Sage Scrub habitat (DCSS). However, the Commission’s staff ecologist has reviewed the project and has determined that the small amount of impacts to the disturbed CSS, which is not ESHA, will not result in any degradation of the adjacent ESHA and is acceptable.

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. In addition, no direct or indirect impacts to special-status wildlife will occur as part of the proposed project. Previous biological surveys conducted in the area detected one pair of Coastal CA Gnatcatchers, a federally threatened species, to the west and about 500 ft. away from the project site. However, given the geographical separation and the large elevation difference between the subject site and the hillside where the gnatcatchers have previously been observed, potential indirect impacts to the Coastal CA Gnatcatcher are not expected.

In addition, as part of the original project approval, the Commission required the applicant to comply with the measures identified in the Mitigated Negative Declaration (MND) for the project, to reduce the potential for impacts during construction (ref. Special Condition #5 – CDP 6-07-083). These include that if gnatcatchers are observed within 500 feet of the grading limits during the pre-construction survey, noise attenuation measures will be implemented if construction occurs within the gnatcatcher breeding season (February 15- August 30) and noise levels exceed the USFWS suggested threshold and preconstruction surveys will be conducted for nesting raptors if construction occurs within 500 feet of suitable nesting trees (such as tall Eucalyptus trees) during the raptor breeding season (February-July). **Special Condition 7** of this amendment requires that these requirements remain for the proposed amended project. 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.

C. Water Quality

The following Coastal Act policies are applicable to the proposed amendment and state:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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, preventing depletion of ground

water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The project site is located immediately east of the UCSD Ecological Reserve. The approved Venter building included significant water quality improvements and was designed to retain a 100-year, 6-hour storm event and collect and treat storm water flows from the rooftop for re-use in the mechanical, plumbing and irrigation systems in the building; storm water flows on other portions of the property would also be retained but not reused. In addition, a 75-foot wide planted area in the western portion of the parcel between the building and adjacent Ecological Reserve was proposed: 1) to treat wastewater for reuse on-site as described above, 2) to slow storm water runoff in the storm water retention pools, 3) to provide a rustic transition wedge with the natural habitat, and 4) to provide a fire break for the building.

The proposed access road development will not significantly change the topography of the site or alter the existing runoff pattern. As proposed, the subject access road project includes site drainage management areas consisting of self-treated areas and areas draining to Low Impact Development (LID) treatment BMPs. The self-treated areas are the pervious surface areas located along the northern side of the proposed asphalt road. Runoff from these areas will be collected in vegetated swales and discharged into existing tributary areas. The drainage from the asphalt pavement surface areas will be collected and treated in three bio retention basins located along the southern side of the proposed access road.

Special Condition 1 of the original permit requires the applicant to implement pre- and 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 storm water 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. **Special Condition 7** of this amendment requires that these same BMP requirements be applicable to the subject amended project. 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.

D. 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.

In the original approval of the project, the Commission was concerned with impacts to public views. In order to analyze the visual impacts associated with the then proposed structure, UCSD conducted a visual analysis. Based on the analysis, it was determined that the Venter Institute building itself, would not result in any direct public view blockage concerns as the primary public views across the site are in the northern portion of the site and the Venter Institute building was proposed in the southernmost portion of the site.

The proposed revised access road will extend essentially around the northern perimeter of the site from Expedition Way to the Venter Institute Building adjacent to Torrey Pines Road. The applicant is proposing to install landscaping consisting of trees and shrubs along the access road to screen the road from views off site. The proposed conceptual landscape plan calls for a combination of trees and shrubs arranged such that the road will be screened and existing public views across the site to the ocean will be maintained. Because the plans are only conceptual, **Special Condition 2** requires that final landscape plans be submitted prior to issuance of the amendment. With the proposed landscaping, impacts on public views from the proposed revised road will be minimized while at the same time preserving existing public ocean views over the site, consistent with Section 30251 of the Coastal Act.

E. GROWTH INDUCING DEVELOPMENT

As discussed in the previous sections of this report, the proposed revised access driveway, as conditioned, is consistent with the resource protection policies of the Coastal Act in that it has been designed to avoid impacts to ESHA, will not result in impacts on public views and will not adversely impact coastal water quality. However, the proposed amendment does raise another Coastal Act issue. With this application, the Commission is being asked to approve an almost 800 ft. long revised access road that is sited on public property and open to the public. Thus, the proposed project would result

in the expansion of a “roadway”, a public works facility, into a new area. Therefore, Section 30254 is applicable and it states, in part:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division....

Coastal Act Section 30254 states that new public works facilities shall not create capacity above and beyond what is required to support the development, to avoid encouraging further development in the future that may be inconsistent with Coastal Act policies. The Venter Institute was approved by the Commission originally on a vacant parcel of land with direct access off of Torrey Pines Road. While the University does not have any immediate development plans for the remainder of the Upper Mesa Lot, the UCSD Draft Long Range Development Plan divides the Lot into four “planning parcels”, with the Venter Institute located on one of the parcels.² Other than a schematic diagram of buildout of the Lot provided to the Commission at the time of the original approval, no development plans for the remainder of the Lot have been developed or provided to the Commission (ref. Exhibit #4).

In this case, while the remainder of the Upper Mesa Lot is vacant, there are a number of development constraints associated with future development on the site. As noted, the Lot is bordered on the west by a significant canyon area that contains ESHA that supports threatened wildlife species. Future development on the site could impact this sensitive area directly and indirectly and, as such, needs to be appropriately sited to avoid such impacts. In addition, currently there are public views of the ocean across the site from various vantages and future development on the site could result in impacts to these important public views. Additionally, there are currently informal trails on the site used by the public to gain access to the western canyon and as such, future development of the site would need to take into consideration these trails. Lastly, the roadways around the subject site are at times significantly impacted with traffic. Thus, any further building on the site would need to take into consideration traffic impacts.

Given these significant resources, the Commission is concerned that the proposed access road would facilitate or be used to presuppose further development of the Lot that could be inconsistent with the resource protection policies of the Coastal Act. The University has stated that the proposed access road is being proposed at this time because there are no other options for achieving access to the approved and almost constructed Venter Institute. In addition, they have stated that the road is the minimum width to support access to the currently approved Venter Institute and that the road is not intended to facilitate further development and, that further development on the site in the future will require further review to assure it can be sited without impacting significant coastal resources.

² The project site is only one legal lot and has not been subdivided other than for future planning purposes.

If not for the fact that the City has denied access to the site off of Torrey Pines Road and that the applicant has demonstrated that no other feasible means of gaining access to the approved building is possible, the Commission would deny the proposed access road as it would be growth inducing and facilitate future development of the Upper Mesa Lot that would likely be inconsistent with Chapter 3 policies of the Coastal Act, which would be inconsistent with Section 30254 of the Coastal Act. However, given that there are no other feasible means for gaining access to the approved Venter Institute Building, the Commission is including **Special Condition 6** which puts the University on notice that the access road approved herein in no way presupposes further future development of the site. Again, given the circumstances and the special condition, the Commission finds that the proposed development is consistent with Section 30254 of the Coastal Act since it is explicitly limited to accommodating needs generated by the originally permitted development.

F. LOCAL COASTAL PLANNING

Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

While UCSD has submitted a draft Long Range Development Plan (LRDP), 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.

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. Given that the applicant has demonstrated that the proposed revised access is the only means feasible to achieve access to the previously approved building and the access road can be constructed without impacts to coastal resources, the Commission finds the proposed development consistent with the Coastal Act and that approval of the proposed amendment will not prejudice the ability of UCSD to prepare a certifiable Long Range Development Plan for its campus.

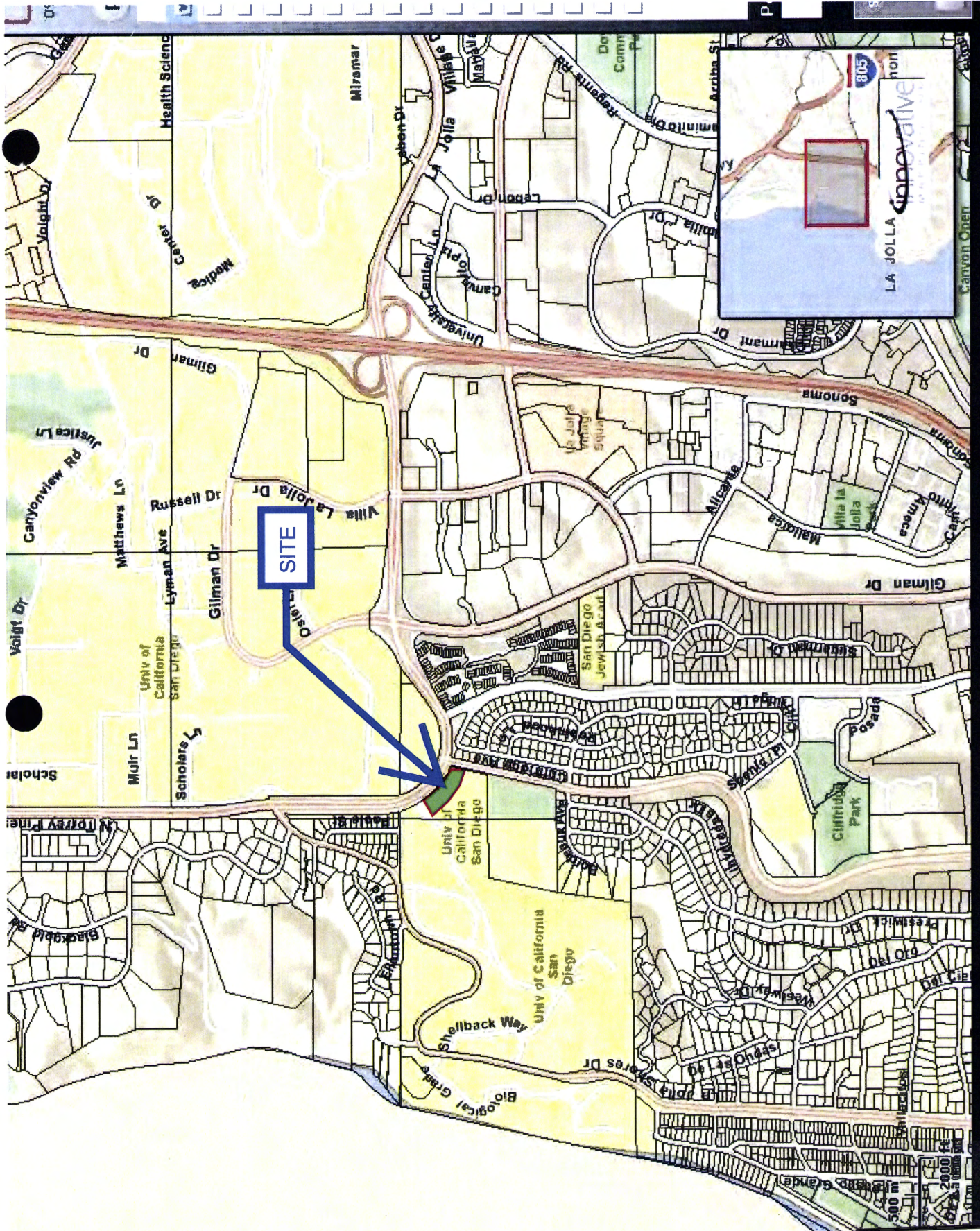
G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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.

The proposed project has been conditioned in order to be found consistent with the visual resource, EHSA and water quality policies of the Coastal Act. Mitigation measures, including conditions addressing biological resources, water quality final plans, and

landscaping 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.

(G:\Reports\Amendments\2000s\6-07-083-A1 Venter Access Road Stmt.docx)



VICINITY MAP

EXHIBIT NO. 1
APPLICATION NO.
6-07-083-A1
Location Map



Snipes-Dye Associates
civil engineers and land managers
10000 JENSEN DRIVE, SUITE 100, LA JOLLA, CA 92037
TELEPHONE (619) 697-9234 FAX (619) 460-2033
REGISTERED PROFESSIONAL ENGINEER
CIVIL ENGINEERING
NO. 10000 JENSEN DRIVE, SUITE 100, LA JOLLA, CA 92037
CAREER 10-2004

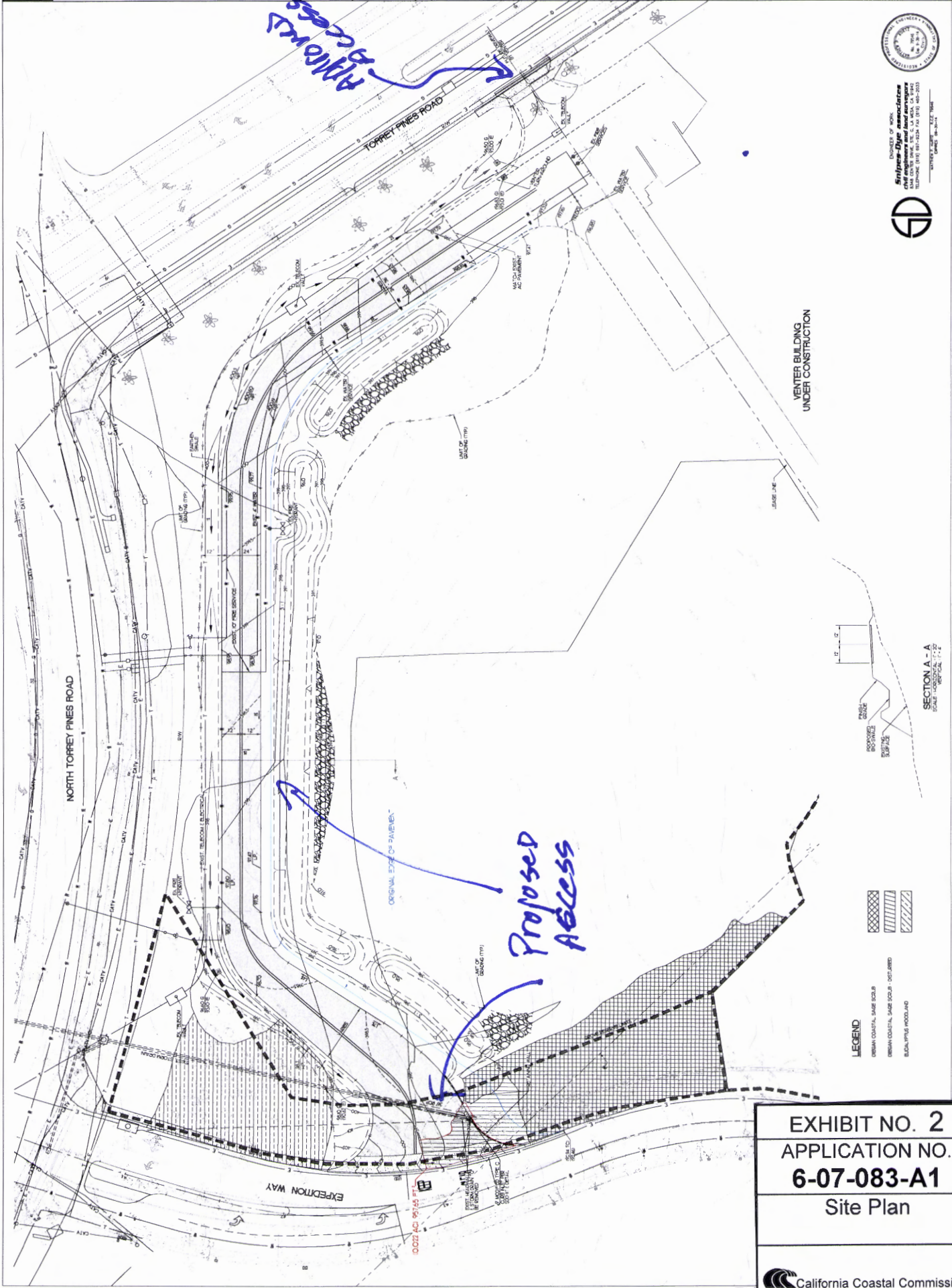


EXHIBIT NO. 2
APPLICATION NO.
6-07-083-A1
Site Plan

California Coastal Commission

THE VENTER INSTITUTE

SITE PLAN - SETBACK

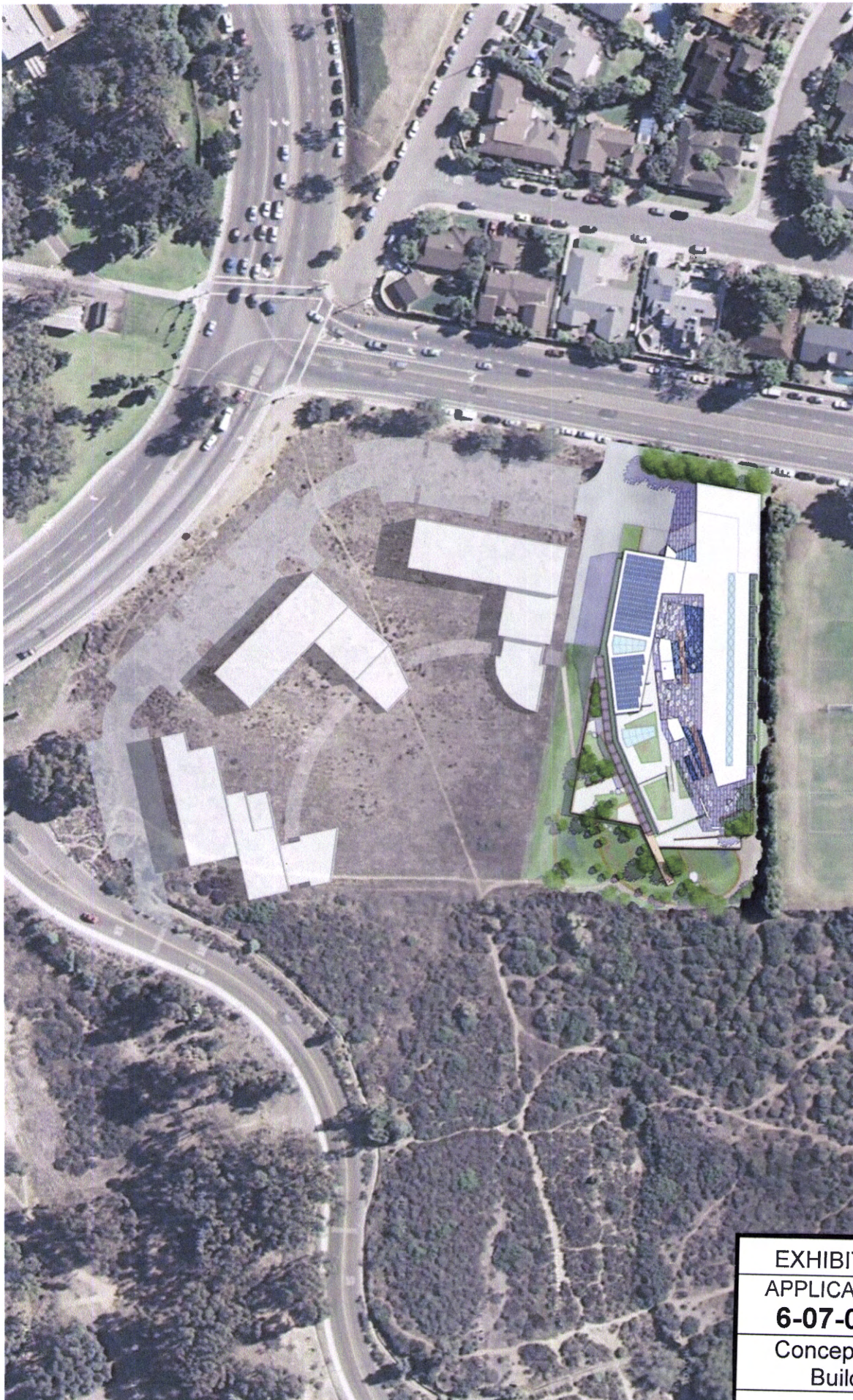


EXHIBIT NO. 4
APPLICATION NO.
6-07-083-A1
Conceptual Site
Build-out



THE CITY OF SAN DIEGO

September 18, 2013

Lee McEachern
California Coastal Commission
7575 Metropolitan Drive, Ste. 103
San Diego, CA 92108-4402

Reference: UCSD application for Coastal Development Permit (Driveway Expedition Way)

Mr. McEachern:

Pursuant to your request, I shall provide background information relating to UCSD's application for a driveway from Expedition Way to the Venter Institute.

UCSD is the fee owner of the real property (APN: 344-120-01) located at the south west corner of Torrey Pines Road and North Torrey Pines Road. The Venter Institute leases a portion of this property. The City of San Diego is the owner of the real property (APN: 344-120-21) which contains a 17-foot strip of land that fronts the UCSD parcel along Torrey Pines Road (see attached exhibit).

According to Ann Gonsalves, Senior Traffic Engineer with Development Services Department, in UCSD's 2007 Final Mitigated Negative Declaration for the Venter Institute project, UCSD stated that a driveway to Expedition Way would be constructed with development of the three parcels of the "Upper Mesa" site (of which the Venter parcel the fourth parcel).

In 2007, Development Services requested an access to Expedition Way be installed along with development of the first parcel for the Venter project, both because access would be facilitated by the existing traffic signal at North Torrey Pines Road/Expedition Way, and also to avoid loss of on-street parking along Torrey Pines Road.

Development Services believes these are legitimate reasons why primary access to the Venter Institute site should occur on Expedition Way, rather than on Torrey Pines Road.



Real Estate Assets

1200 Third Avenue, Suite 1700, MS 51A • San Diego, CA 92101-4199
Tel (619) 236-6020 Fax (619) 236-6706


EXHIBIT NO. 5

APPLICATION NO.

6-07-083-A1

**Letter from City of
San Diego Real
Estate Department**

1 of 5

 **California Coastal Commission**

Page 2
Mr. McEachern
September 18, 2013

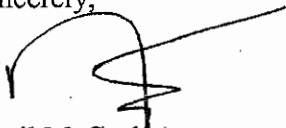
In November of 2011, UCSD contacted the City of San Diego's Real Estate Assets Department requesting an easement for a curb cut, across City Property, to service the Venter Institute which was being developed at 4120 Torrey Pines Road. After review by Real Estate Assets and Development Services Departments, and a subsequent submittal to the Land Use and Housing Committee, the request was denied. In August 2013, the City of San Diego granted a 6-month Right of Entry permit to UCSD and the Venter Institute.

The permit for access over the City owned property commences on October 1, 2013 and expires March 31, 2014. The permit includes the following:

- Venter and UCSD are permitted to temporarily use the planned Fire Access as a temporary Primary access point.
- As a condition of the Right of Entry permit, prior to utilization of the Fire Access, a raised median must be installed by UCSD south of the center of the intersection of Torrey Pines Road and North Torrey Pines Road. This median must continue south past the Venter Institute driveway curb cut.
- Once the planned driveway on Expedition Way is opened, the entire length of the driveway opening must be secured with a 26-foot gate which must be kept closed and locked. The emergency Fire Access shall then be signed as "Emergency Access Only."

If you need additional information please contact me at (619) 236-6987 or Ann Gonsalves, Development Services Department at (619) 446-5294.

Sincerely,



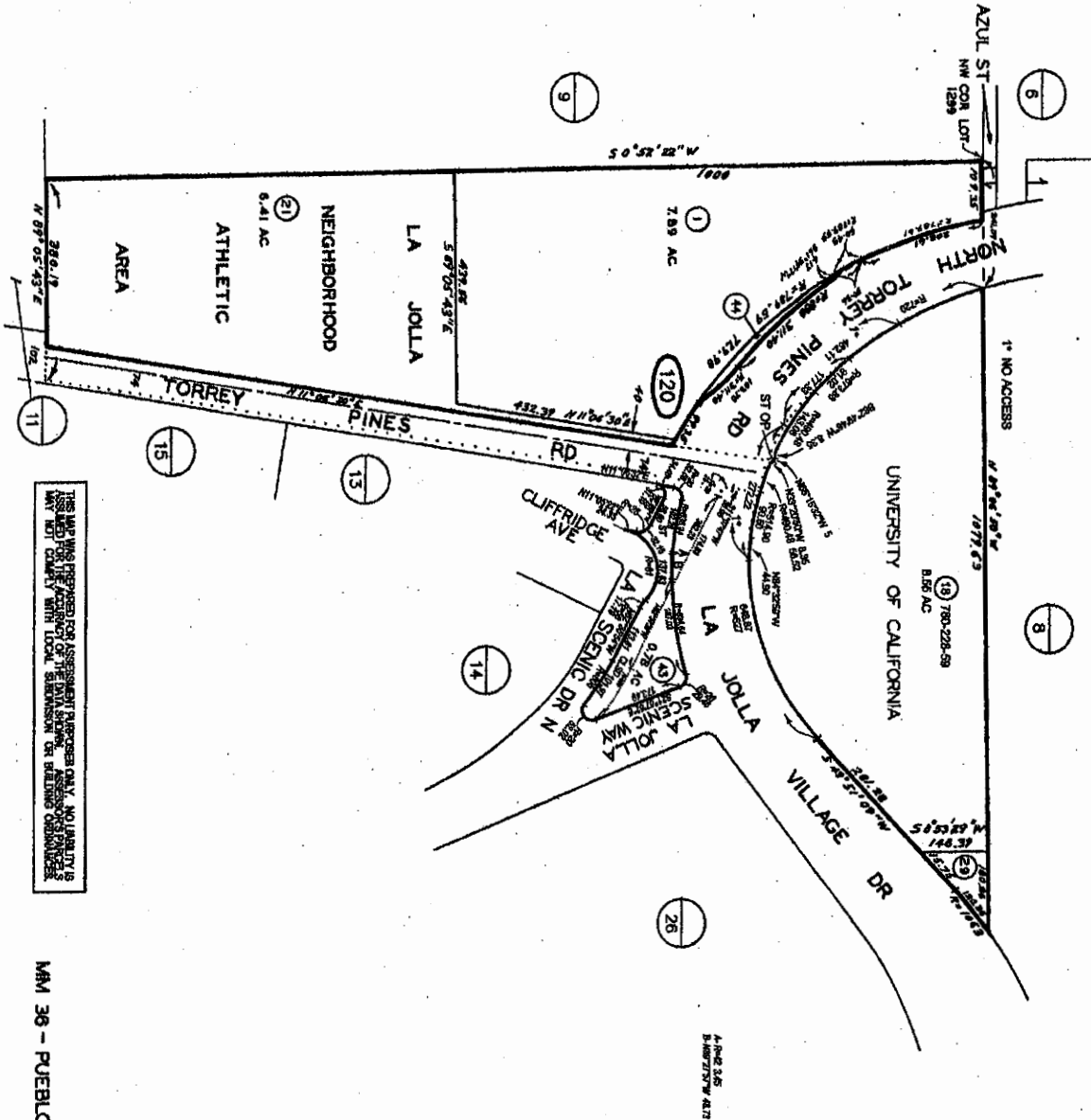
April McCusker
Supervising Property Agent

AM/cb

344-12

08

SAN DIEGO COUNTY
ASSESSOR'S MAP
BOOK 344 PAGE 12



THIS MAP WAS PREPARED FOR A SPECIFIC PURPOSE ONLY. NO LIABILITY IS
MADE FOR ANY OTHER PURPOSES. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR
ANY AND ALL CLAIMS AND DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES,
WHICH MAY BE INCURRED BY ANY PARTY AS A RESULT OF THE USE OF THIS MAP.

NAM 36 - PUEBLO LANDS - FOR LOT 1299

CHANGES			
BLK/OLD	NEW	REMARKS	DATE
120	27	18	7/25
42	15	27	1/26
26	18	105	4/21
18	105	4/21	
26	107	11/22	

344-12
1"=200'

EXHIBIT A-1

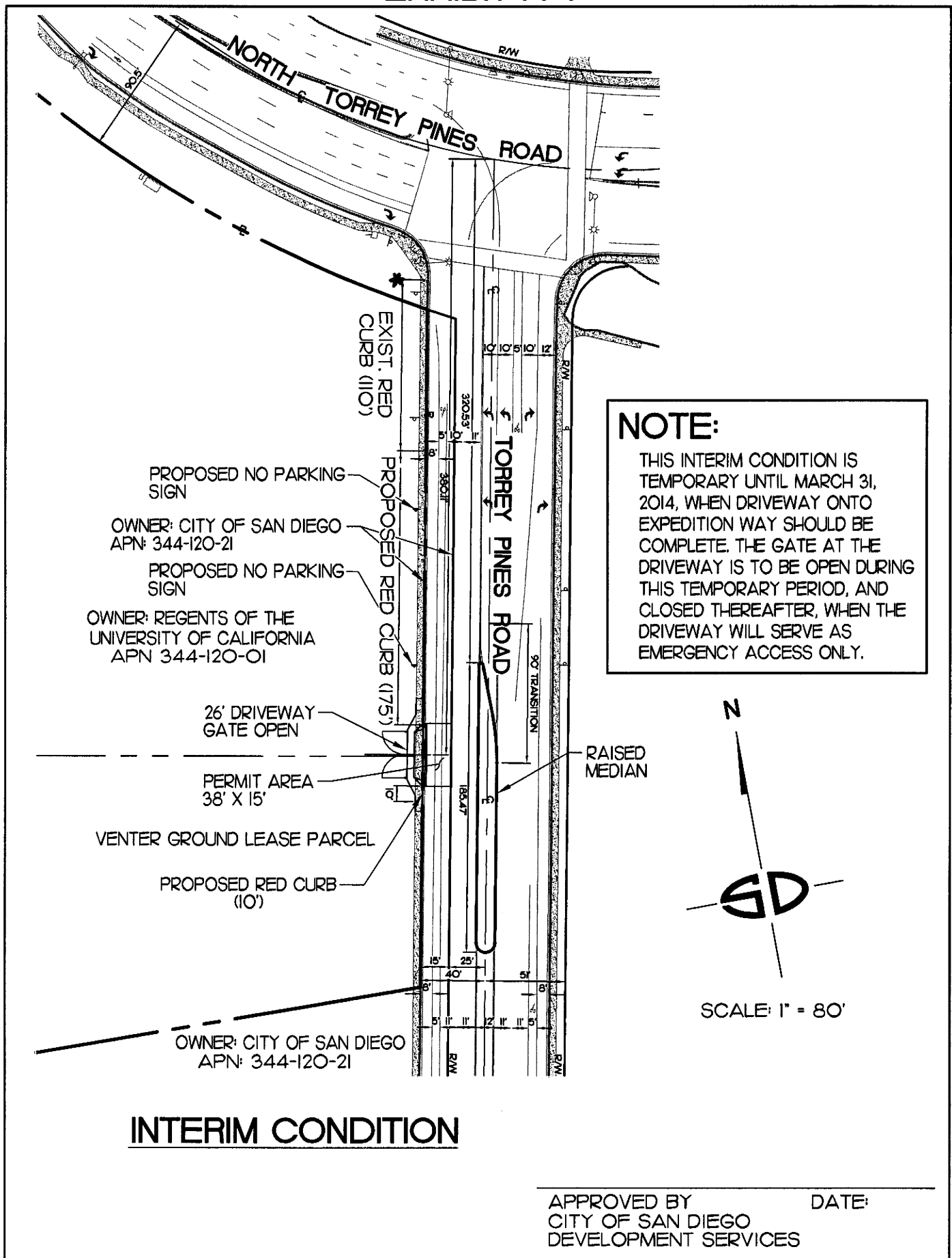
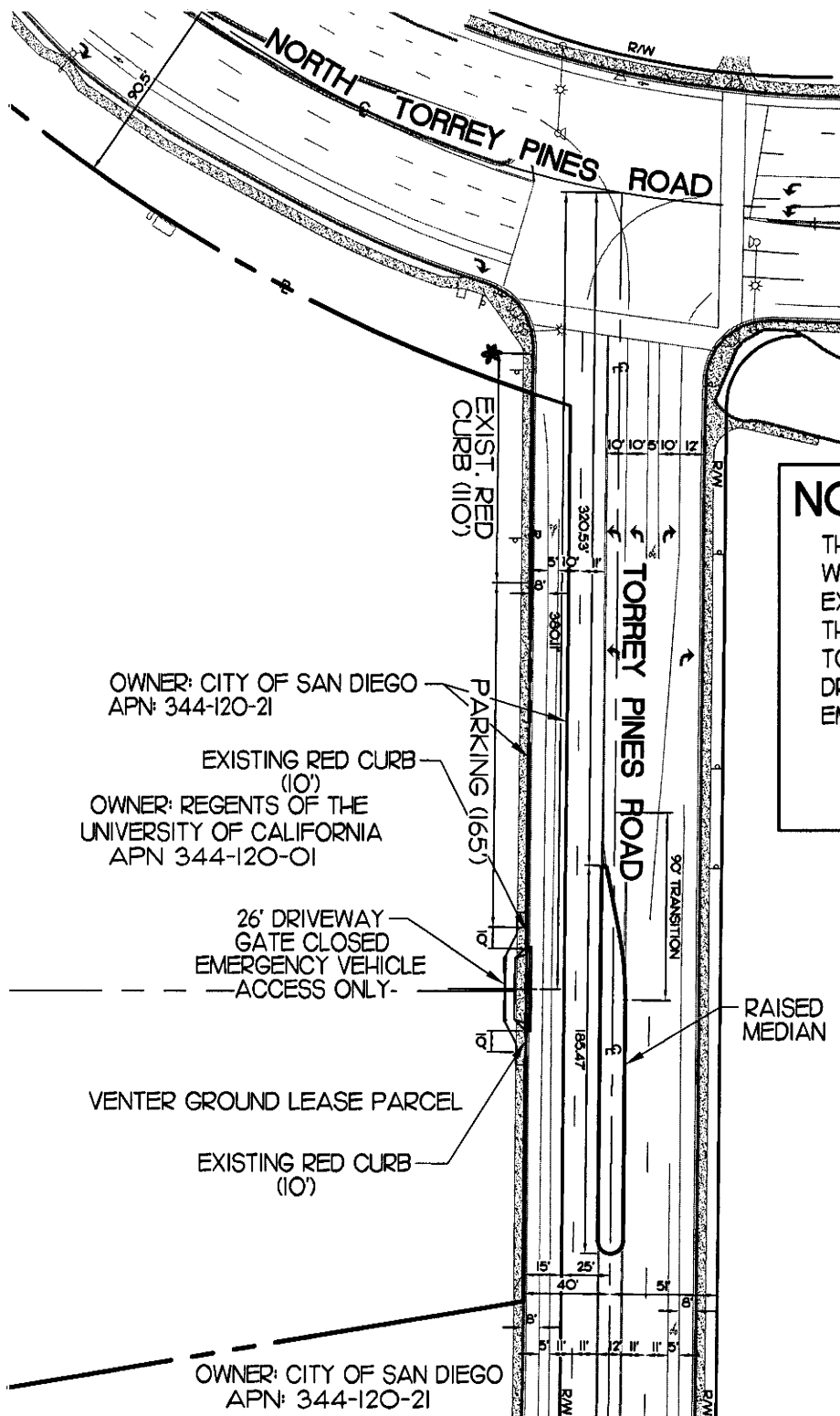
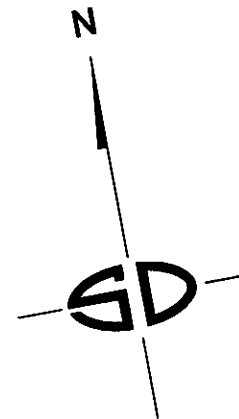


EXHIBIT A-2



NOTE:

THIS ULTIMATE CONDITION IS WHEN DRIVEWAY ONTO EXPEDITION WAY IS COMPLETE. THE GATE AT THE DRIVEWAY IS TO BE LOCKED CLOSED AND THE DRIVEWAY WILL SERVE AS EMERGENCY ACCESS ONLY.



SCALE: 1" = 80'

ULTIMATE CONDITION

APPROVED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES

DATE:

CALIFORNIA COASTAL COMMISSION

San Diego Coast Area Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421
(619) 767-2370
www.coastal.ca.gov



Page: 1

Date: May 8, 2008

Permit Application No.: 6-07-083

COASTAL DEVELOPMENT PERMIT

On April 10, 2008, the California Coastal Commission granted to:

University of California, San Diego

this permit subject to the attached Standard and Special Conditions, for development consisting of

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

more specifically described in the application filed in the Commission offices.

The development is within the coastal zone at

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

Issued on behalf of the California Coastal Commission by

PETER M. DOUGLAS
Executive Director

Laurinda Owens
By: LAURINDA OWENS
Coastal Program Analyst

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part that: "A Public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION'S OFFICE. 14 Cal. Admin. Code Section 13158(a).

EXHIBIT NO. 6
APPLICATION NO. 6-07-083-A1
Original Permit Conditions
1 of 6
California Coastal Commission

Date_____
Signature of Permittee

COASTAL DEVELOPMENT PERMIT

Date: May 8, 2008

Permit Application No.: 6-07-083

Page 2 of 6

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.

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.

COASTAL DEVELOPMENT PERMIT

Date: May 8, 2008

Permit Application No.: 6-07-083

Page 3 of 6

- 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.

COASTAL DEVELOPMENT PERMIT

Date: May 8, 2008

Permit Application No.: 6-07-083

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- 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 permittee'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.

COASTAL DEVELOPMENT PERMIT

Date: May 8, 2008

Permit Application No.: 6-07-083

Page 5 of 6

- 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:

COASTAL DEVELOPMENT PERMIT

Date: May 8, 2008

Permit Application No.: 6-07-083

Page 6 of 6

- 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.

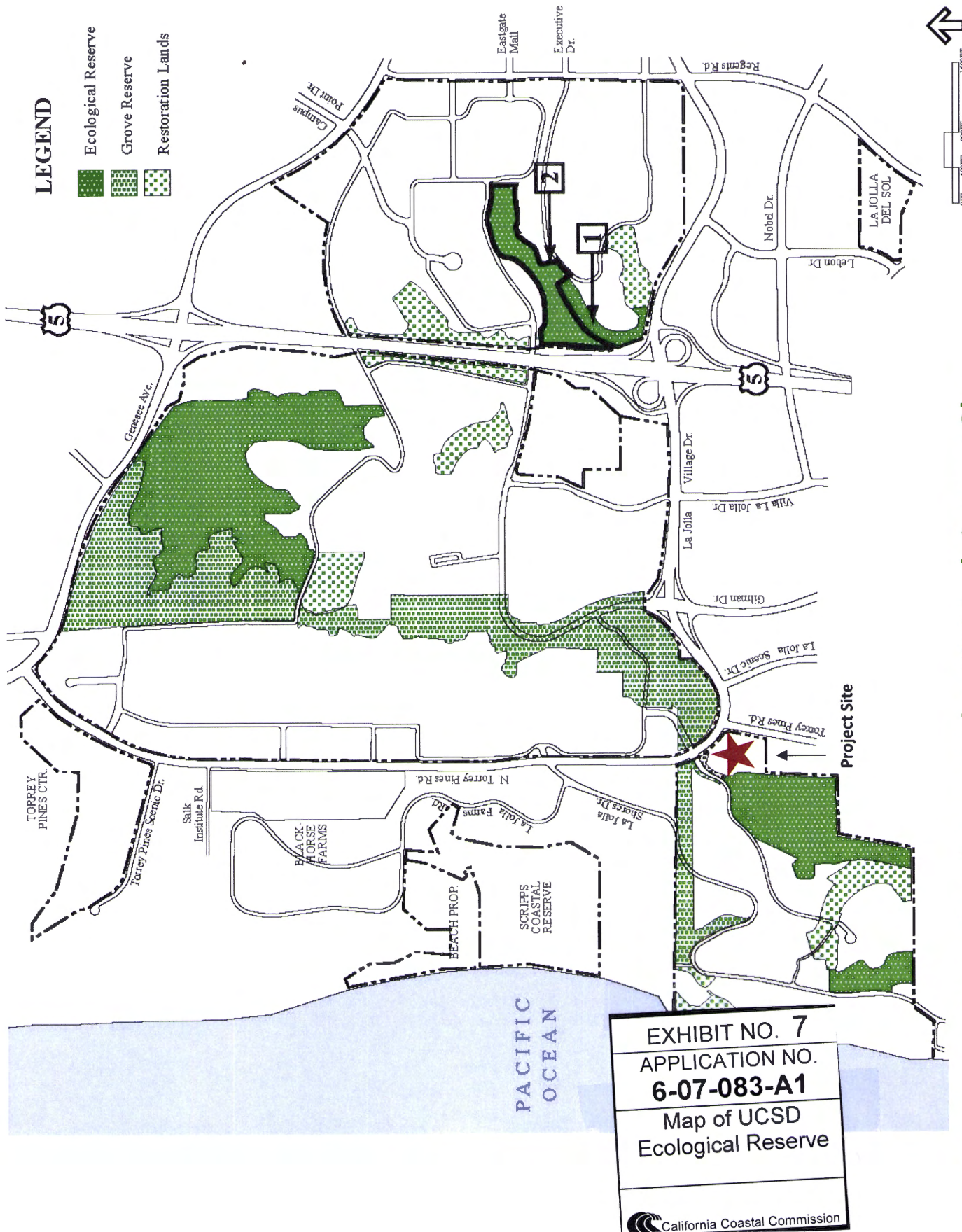


EXHIBIT NO. 7
 APPLICATION NO.
6-07-083-A1
 Map of UCSD
 Ecological Reserve