

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384



W17a

Filed: 5/13/22
49th Day: Waived
Staff: TR-SD
Staff Report: 11/30/22
Hearing Date: 12/16/22

STAFF REPORT AND RECOMMENDATION ON APPEAL SUBSTANTIAL ISSUE DETERMINATION

Local Government: City of San Diego

Decision: Substantial Conformance Review (SCR)

Appeal Number: A-6-NOC-22-0023

Applicant: Camille Passon

Location: 10010 Torrey Pines Road, North City, San Diego County. (APN 342-010-43)

Project Description: Substantial Conformance Review authorizing revisions to a previous issued and vested Coastal Development Permit. The original permit authorized demolition of two buildings and construction of the 94,200 sq. ft. East Torrey Pines Building including a 578-space underground parking garage, the North Peninsula Underground Parking Facility 4,000 sq. ft. of greenhouses, and a 117,000 sq. ft. Community Center at the Salk Institute for Biological Studies. Design revisions being reviewed consist of a 2,940 sq. ft. increase in the size of the East Torrey Pines Building, revised construction materials on the building front, revisions to roof design and parking garage, and new access improvements.

Appellants: Charles Kaminski

Staff Recommendation: No Substantial Issue

IMPORTANT HEARING PROCEDURE NOTE

This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally, and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local

government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, determine that NO substantial issue exists with respect to the grounds on which the appeal has been filed.

The development before the Commission on appeal is unusual in that it is an appeal not of a coastal development permit, but the City's decision to review changes to a permit through their substantial conformance review (SCR) process. The City's LCP provides this review process for minor modifications to a development permit and allows the modifications to be submitted to the City Manager to determine if the revisions can be found as in substantial conformance with the approved permit. If the revision is determined to be in substantial conformance, no amendment to the CDP is required, and the changes are approved administratively.

The changes approved by the City consist of several design changes to a coastal development permit approved by the City of San Diego in 2008 (ref. City of San Diego CDP No. 126996) authorizing the demolition of two existing buildings (20,000 sq. ft. "West Building" and 9,000 sq. ft. "Accessory Building"), and construction a 94,200 sq. ft. "East Torrey Pines Building" including a 578-space underground parking garage, the North Peninsula Underground Parking Facility, 4,000 sq. ft. of greenhouses, and a 117,000 sq. ft. Community Center at the Salk Institute for Biological Studies. In October 2008, the Commission received the Notice of Final Action for the City's approval, which was not appealed by the Commission or the public. While the permit has been vested, the majority of the development approved in 2008 has yet to be constructed. The applicant is prepared to move forward with the construction of the Torrey Pines Building East including the underground parking structure. However, the applicant has made several design changes since the permit was issued in 2008. These changes include an increase in the size of the Torrey Pines Building East, changes to the parking garage, changes to construction materials to add some wooden elements, improved access options, changes in roof material, and allowing the glass along the front and back of the atrium to be retractable. The City of San Diego approved the proposed design revisions through a Substantial Conformance Review. It is only these design changes that are being reviewed at this time.

The appellant contends that the following changes proposed to the approved project are inconsistent with LCP policies with regard to protection of public views and protection of historical resources: 1) the addition of wood elements to the glass atrium (a central court between two sides of the single building structure) and the bridge connecting the second floors between the atrium, 2) the reduction in height of the structure and bridge by one foot, 3) the changes to the roof design and 4) revising the glass fronting the atrium to be retractable. The appellant asserts that each of these interfere with the

east/west axis established by the existing structures and in terms of coastal resources affect the historical designation of the previous constructed buildings and will block public views from North Torrey Pines Road.

However, with regard to the protection of historical resources present on site, the review process undertaken by the City in 2008 thoroughly reviewed potential impacts to historical resources and three mitigation measures were included in the project to address any potential impacts. These mitigation measures are still included as a part of the project and will be implemented as a part of the subject development request. The changes proposed to the project at this time are minimal and do not raise any new or additional concerns regarding protection of historical structures or resources present.

With regard to protection of public views, there are significant ocean view opportunities within the privately held subject site. However, these views are from within the courtyard located west of the previously approved Torrey Pines Building East building and will not be affected in any way by either the previously approved structure or the approved design changes. The approved Torrey Pines Building East will be highly visible from North Torrey Pines Road, but there are minimal public views of the coast or ocean from North Torrey Pines Road, Torrey Pines Scenic View Drive, or any other public vantage point. Furthermore, the proposed revisions to the Torrey Pines Building East are minor and will not significantly change the building's appearance compared to the approved structure. Therefore, the design revisions before the Commission at this time do not raise a substantial issue with regard to view impacts.

Because there are no identified inconsistencies with the City of San Diego LCP and the Coastal Act, staff recommends that the Commission determine that the project raises no substantial issue regarding conformance with the certified LCP and the Chapter 3 policies of the Coastal Act.

Standard of Review: Certified City of San Diego Local Coastal Program and the public access and recreation policies of Chapter 3 of the Coastal Act.

TABLE OF CONTENTS

I. APPELLANTS CONTEND	5
II. LOCAL GOVERNMENT ACTION	5
III. APPEAL PROCEDURES	5
IV. SUBSTANTIAL ISSUE MOTION AND RESOLUTION	7
V. SUBSTANTIAL ISSUE FINDINGS AND DECLARATION.....	7
A. Project Description and Background	7
B. Public Views	11
C. Historic Resources	13
D. Substantial Issue Factors	14
APPENDIX A – SUBSTANTIVE FILE DOCUMENTS	15

EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Ariel of Site](#)

[Exhibit 3 – Site Plans](#)

[Exhibit 4 – View from N. Torrey Pines Road](#)

[Exhibit 5 – View from Torrey Pines Scenic Drive](#)

[Exhibit 6 – View from 1965 Salk Building](#)

[Exhibit 7 – Visual Rendering of the Torrey Pines East Building in 2008 and as presently proposed](#)

[Exhibit 8 – Appeal Forms](#)

[Exhibit 9 – Historic Designation Resolution No. R- 9102272](#)

I. APPELLANTS CONTEND

The project as approved by the City does not conform to the City of San Diego's certified Local Coastal Program (LCP), with regard to protection of public views and protection of historical resources. Specifically, three design elements included in the East Torrey Pines Building, including the atrium, bridge and roof will interfere with the east/west axis established on the site by the existing structures and protected by the historical designation, and these same design elements would also block public views from North Torrey Pines Road.

II. LOCAL GOVERNMENT ACTION

On January 3, 2022, Development Services Department, through Substantial Conformance Review (SCR), found the proposed project changes to be in substantial conformance with the previously approved Coastal Development Permit No. 126996. On January 17, 2022, Charles Kaminski (Appellant) appealed the Development Service Department decision. On April 21, 2022, the Planning Commission denied the appeal.

III. APPEAL PROCEDURES

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits.

Section 30603(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the commission after certification of a local coastal program that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to the de novo portion of the hearing on the merits of the project, then, or at a later date. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, those allowed to testify at the hearing will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to

find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project then, or at a later date, reviewing the project de novo in accordance with sections 13057-13096 of the Commission's regulations. If the Commission conducts the de novo portion of the hearing on the permit application, the applicable standard of review for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program (LCP).

In addition, for projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also applicable Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo portion of the hearing, any person may testify.

The Coastal Act requires that the Commission shall hear an appeal unless no substantial issue exists with respect to the grounds on which the appeal was filed under Section 30603. (§ 30625(b)(2).) Section 13115(c) of the Commission regulations provides that the Commission may consider the following five factors when determining if a local action raises a significant issue:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

The Commission may, but need not, assign a particular weight to a factor.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

The City of San Diego has a certified Local Coastal Program (LCP), and the subject site is located in an area where the Commission retains appeal jurisdiction because it is located between the first public road and the sea. Therefore, before the Commission considers the appeal de novo, the appeal must establish that a substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603. In this case, for the reasons discussed further below, the Commission exercises its discretion to determine that the development approved by the City does not raise a substantial issue with regard to the appellant's contentions regarding coastal resources.

IV. SUBSTANTIAL ISSUE MOTION AND RESOLUTION

Motion:

I move that the Commission determine that Appeal No. A-6-NOC-22-0023 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Resolution:

The Commission hereby finds that Appeal No. A-6-NOC-22-0023 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

V. SUBSTANTIAL ISSUE FINDINGS AND DECLARATION

A. Project Description and Background

Project Description

The Salk Institute for Biological Studies (Salk Institute) site is developed with five existing buildings totaling 289,800 square feet. The 26.34-acre site is designated for Industrial/Scientific Research Land Use within the University Community Plan area in the City of San Diego. Surrounding development includes the University of California, San Diego campus to the east, the Estancia hotel and residential development to the south, Torrey Pines State Reserve, and the Pacific Ocean to the west and the Sanford Consortium for Regenerative Medicine (University of California, San Diego) to the north (ref. [Exhibit No. 1](#)).

The original two research buildings were constructed in the 1960's. In 1991 the City approved the construction of a new 113,565 sq. ft. structure, referred to as the East Building, and added 160 additional parking spaces. Construction of this structure was completed in 1995. In 2008, the City approved a Master Plan, certified an EIR, and approved a Coastal Development Permit authorizing a second expansion of the Salk Institute (CDP No. 126996). The development approved included a Tentative Map change, demolition of two buildings (20,000 sq. ft. "West Building" and 9,000 sq. ft. "Accessory Building"), and construction of the 94,200 sq. ft. East Torrey Pines Building including a 578-space underground parking structure, construction of the North Peninsula Underground Parking Facility, 4,000 sq. ft. of new greenhouses, and a new 117,000 sq. ft. Community Center (ref. [Exhibit No. 3](#)). In October 2008, the Commission received the Notice of Final Action for the City's approval, which was not appealed by the Commission or the public.

In 2010 the applicant recorded a Vested Tentative Map (VTM) for the expansion, vesting the 2008 CDP. While none of the major components approved by the 2008 permit have been constructed, several smaller projects authorized by the 2008 Master Plan have been completed and include tenant improvements within the Biophotonics laboratory (2010), electrical improvements (2010), existing Café improvements (2012), Teak Restoration (2016), and Grove landscape improvements (2020). The development that remains to be constructed includes demolition of the West Building and Accessory Building, construction of the East Torrey Pines Building, and construction of an underground parking structure, greenhouses, and Community Center. While the final plans for the Community Center and the greenhouses have yet to be finalized, the applicant is now move forwarding with demolition of the two existing buildings, construction of the East Torrey Pines Building, and construction of the underground parking structure.

The East Torrey Pines Building was approved as a 94,200 sq. ft structure separated in the middle by a glass atrium and connected by a single roof and a bridge providing ADA connection between the second floors of the two sides of the building (ref. [Exhibit Nos. 3, 7](#)). The parking structure will be located underground and below the proposed East Torrey Pines Building.

Subsequent to the 2008 CDP approval, the applicant made several revisions to the East Torrey Pines Building and the parking structure. The design changes are as follows:

- 1) **Size of East Torrey Pines Building.** Increase the East Torrey Pines Building from 94,200 sq. ft. to 97,140 sq. ft. The increase of 2,940 sq. ft. will then be deducted from the allowable development area of the future Salk Community Center to ensure that the previously approved overall size of development on the site is maintained at 476,000 sq. ft.
- 2) **Building Materials:** The East Torrey Pines Building has been modified to include less glazing and more wood on the front of building's exterior as viewed from North Torrey Pines Road. Additionally, the glass in the front and back of the atrium has been revised from fixed in place to being retractable.

- 3) **Bridge:** The elevation of the bridge connecting the two sides of the building on the second floor will be reduced by approximately one foot.
- 4) **Roof Materials.** Originally, the roof was identified as a “cool roof” which is designed to reflect sunlight, thereby cooling itself by efficiently emitting any heat that was absorbed. As revised, the roof will now be designed with a vegetated roof and solar panels. The elevation of the roof will also be reduced by one foot. Additionally, the roof has been revised to have a central opening.
- 5) **New Passenger Drop-off Area:** A new passenger drop-off area has been added on the southern side of the project site, including a public sidewalk along the frontage to provide an arrival option and avoid cars stacking on the street, particularly during special events.
- 6) **East Entry Pedestrian Access and Water Feature.** A new pedestrian access will be added connecting the site to the sidewalk along North Torrey Pines Road, including an ADA accessible ramp and construction of a new water feature at the eastern entry of the site (ref. [Exhibit No. 3](#)). The new pedestrian access will require removal of two existing eucalyptus trees on the east side of the building site.
- 7) **Parking Structure.** As revised, loading spaces originally proposed along the building’s south elevation will be relocated below grade inside the underground parking structure. To accommodate this additional area, the footprint of the underground parking structure has been expanded. Additional changes include 430 mechanized automated parking spaces and 12 electric vehicle stalls with chargers. These modifications would reduce the parking count within this structure from 578 to 442 parking spaces, however, the minimum parking requirement per the approved entitlements will still be met.
- 8) **Location of Vehicle Ramps.** The proposed vehicle ramps located on the northern and southern sides of the site have been relocated west of their original locations.
- 9) **Chinese Fringe Trees.** The location of the replanting Chinese Fringe Trees will be slightly revised from the west side of the East Torrey Pines Building to the passenger drop-off area. This relocation will still satisfy the mitigation measure that requires the trees to be preserved and relocated into the new landscaping.
- 10) **Landscape Palette.** The landscape palette will be revised to include more drought tolerant species.

The East Torrey Pines Building will still be a 2-story structure separated by a glass atrium and connected by a roof and second-level bridge as previously approved. No new development or other changes to previous approved developments have been identified as part of the subject appeal.

In January of this year, the applicant submitted the above revisions to the City to be approved through a Substantial Conformance Review process (SCR). The City’s LCP provides this review process for minor modifications to a development permit and allows

the modifications to be submitted to the City Manager to determine if the revisions can be found as in substantial conformance with the approved permit. If the revision is determined to be in substantial conformance, no amendment to the CDP is required, and the changes are approved administratively. Substantial conformance is defined by San Diego Municipal Code section 113.0103 as:

A revision to a development that was approved through a permit or tentative map [that] complies with the objectives, standards, guidelines, and conditions for that permit or tentative map.

On January 3, 2022, City of San Diego staff determined that the modifications proposed by the applicant were in substantial conformance with the EIR, Coastal Development Permit, and associated plans approved by City in 2008, and therefore the SCR was approved. The staff decision was appealed to the Planning Commission by Charles Kaminski (Appellant). On April 21, 2022, the Planning Commission upheld staff's decision and denied the appeal. Because the project is located within the Commission's CDP appeal jurisdiction, an appealable Notice of Final Action for the SCR was submitted to the Commission in May of this year. The appellant filed a Coastal Commission appeal on April 13, 2022.

Background

In 1957, Jonas Salk began the creation of a collaborative research institute known as the Salk Institute for Biological Studies. In 1960 Mr. Salk was gifted 27-acres from the City of San Diego and then partnered with architect Louis Kahn to begin designing the research center. As designed, the project included two large stone laboratory structures separated by a travertine courtyard. The courtyard is bisected by a water-filled tunnel that flows from east to west before dropping over the edge of the courtyard into a pool in the lower garden (ref. [Exhibit No. 6](#)). Given the unique architecture and iconic sunset views from the western buildings of the Salk Institute, it has become a destination for residents of San Diego and visitors alike.

On February 27, 1991, the City designated the Salk Institute as a Local Designated Historic Resource identified as Site No. 304 in the Register of Historic Landmarks for the City of San Diego. The basis of this designation considered several factors including its association with Louis Kahn and Jonas Salk as well as for its architectural significance. In 1992 the Salk Institute became the recipient of a 25-Year Award from the American Institute of Architects (AIA), was featured in the AIA exhibit, "Structures of Our Time: 31 Buildings That Changed Modern Life." In August 2005, the California State Historical Resources Commission (SHRC) concurred with neighbors of the Institute (La Jolla Farms Homeowners and Friends of Salk Canyon), which nominated the Salk Institute for listing on the National Register of Historic Places (NRHP). As of this date the Salk Institute is not on the National Register of Historic Places, but the two western laboratories are designated as historic by both the City of San Diego and the State of California.

B. Public Views

The subject site is located within the University Community Plan area and the Community plan provides several applicable objectives for maintaining visual resources, including:

Objectives

Ensure visual and physical access to natural canyons, resource areas and scenic vistas.

Ensure that the massing of structures and design detail of new buildings contribute to a visually coherent streetscape.

Improve pedestrian interaction between the UCSD campus and the surrounding community.

The Salk Institute can be broken into three distinct sections (ref. [Exhibit No. 2](#)). The westernmost part of the property is developed with the historic and well-known western laboratory buildings that provide ocean/sunset views (ref. [Exhibit No. 6](#)). Inland and east of the western laboratory buildings are the two “Eastern” buildings constructed in 1995. These are not historically designated, and because of the reduction in elevation on this portion of the site, only intermittent views of the ocean are possible in this area. The subject site where the East Torrey Pines Building will be sited is located further inland than the existing “Eastern” buildings, in the easternmost portion of the site which is currently developed with an at-grade parking lot adjacent to North Torrey Pines Road.

The potential impacts to visual resources resulting from the construction of the East Torrey Pines Building were analyzed by the City through the 2008 CDP, which was not appealed (ref. Notice of Final Action No. 6-NOC-08-202). The basic components of the building as approved in 2008, including that it is 2 stories, separated by an inner glass-fronted atrium, and connected by a single roof and a bridge connecting the second levels of each side of the structure, remain unchanged, and are not before the Commission through the subject appeal. The modifications approved through the SCR completed by the City make small design revisions to each of these elements.

The design revisions to the East Torrey Pines Building being disputed by the appellant include 1) the addition of wood elements on the glass atrium and bridge, 2) the change in roof design from being reflective to including solar panels and vegetation, 3) the reduction in height of the bridge and roof by one foot, 4) the revision of the glass walls of the atrium from being fixed to place to being retractable. The appellant asserts that these revisions will result in the obstruction of public views from North Torrey Pines Road to the ocean.

The University Community Plan describes the Salk Institute as a “land use of strong identity, both visually and functionally.” However, the Community Plan does not identify any public view corridors or public visual resources on or across the site. The well-known and iconic views associated with the property generally begin at the travertine

courtyard west of the two existing buildings on the east side of the site, all of which are seaward of the proposed East Torrey Pines Building (Exhibit Nos. 2, 6). There is no development being proposed on this portion of the site, and the views from this area will remain unchanged. Furthermore, the Salk Institute campus is private property, and the private view is not specifically protected under the LCP except potentially as described below under Historic Resources. The Salk Institute allows tours and certain public functions within the travertine courtyard, but the general public is not allowed on the site without checking in at a security station.

The previous approved East Torrey Pines Building will be highly visible from North Torrey Pines Road. Commission staff have visited the site and determined that while the gap between the existing buildings across the site is visible from North Torrey Pines Road, there are no significant ocean or significant coastal vantages visible from the any public areas surrounding the site (ref. [Exhibit Nos. 4, 5](#)) including the roads and sidewalk areas of North Torrey Pines Road and Torrey Pines Scenic Drive. There is a very small ocean view from one area on the sidewalk located west of Torrey Pines Drive, however, this view coincides with the location of the previously approved glass atrium and thus is not expected to significantly disrupt this one minor vantage. The glass atrium was approved in 2008 with the intent to maintain the general design of the site that includes a corridor between the buildings. The proposed minor revisions that are the subject of this appeal will not substantially change the approved design or the views to the ocean or shoreline from surrounding public vantage points. The changes approved by the city only slightly modify the materials used and decrease the elevation of the overall structure (including roof and bridge) by one foot. Therefore, even if there were significant public views across the site, the changes approved by the City at this time would not have an impact on the availability of those views.

Therefore, the design revisions approved by the City to the previously approved East Torrey Pines Building will not have any impact on existing public vantages from North Torrey Pines Road and Torrey Pines Scenic Drive compared to the approved project, nor will they in any way alter the ocean/sunset views as viewed from within the privately held campus and between the two historic western laboratory structures.

While there are no significant public views to the ocean through the property, visual access will be enhanced through some of the design modifications. Firstly, as currently proposed, a new pedestrian accessway will be constructed connecting the site with North Torrey Pines Road (ref. [Exhibit No. 3](#)). The construction of this accessway requires the removal of two eucalyptus trees, and the removal of the trees may open up additional views of the Salk Institute campus. Additionally, as revised, the glass atrium separating the two sides of the East Torrey Pines Building has been revised to include a retractable system that can be opened. This may slightly increase views of the Salk Institute itself from N. Torrey Pines Road as compared to the previously approved design; but again, will not have any impact public views of the coast or ocean as no significant views are present.

Therefore, the appellants assertions that the proposed design changes will impact public coastal views do not raise a substantial issue.

C. Historic Resources

The University Community Plan contains the following policy that addresses historical resources and states:

Resource Management Element - Goals

Ensure the effective preservation and management of significant archaeological and historic resources.

In addition, the Coastal Act contains the following policy:

Section 30253(e)

Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

The appellant contends that the design changes included in the City's Substantial Conformance review are inconsistent with the LCP because the design does not maintain the east/west visual axis of the existing western laboratory structures, which as previously described, have been designated as historic by both the City of San Diego and the State of California. As previously approved and currently proposed, the East Torrey Pines Building will be a single building, separated into two parts. These parts will be connected by a single roof, a glass atrium, and a bridge connecting the second floors on each side of the atrium. The atrium corridor on the East Torrey Pines Building will match the alignment of the space between the western laboratory buildings as well as the Eastern Buildings constructed in 1995. As revised, wooden features will be added to the front of the structure and bridge, the elevation of the atrium and bridge will be reduced by one foot, and the roof redesigned from a reflective surface to a green roof, including landscaping and solar panels. The appellant asserts that these changes will result in adverse impacts to the historical resources present on the site. The appellant further asserts that the glass at the front and back of the atrium, the bridge, and the roof should be removed in their entirety, and the building should be constructed as two separate buildings in order to adequately maintain the historical resources on site.

As previously discussed, the Salk Institute has been designated as historic by both the City of San Diego and the State of California. However, the resolution approving the site as historical included findings that clarified that the historical designation, "in no way intended to curtail the future development of other areas of the site as was originally intended" (ref. [Exhibit No. 9](#)).

All of the elements the appellant suggests removing—the glass front/back, bridge, and roof—are part of the previously approved project. Potential impacts to historical resources were reviewed as a part of the 2008 Master Plan, EIR, and the accompanying CDP. As previously described, that permit allowed construction of several new buildings, including the East Torrey Pines Building. At that time, the development was reviewed against the Secretary of the Interior's Standards for

Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings [Rehabilitation Standards]. These standards provide guidance for reviewing proposed work to historic properties. As a part of this review, it was determined that the development originally proposed at that time was not fully consistent with two of the Rehabilitation Standards. To address the identified inconsistencies, the EIR/Master Plan/CDP identified the following three mitigation measures:

1. The relocation of healthy Chinese Fringe trees from the parking lot to a new location in proximity to their original placement.
2. The landscape concept plan will restore as much of the Salk Institute's original perimeter plantings as possible.
3. The final design for the Torrey East Building shall feature a ground-level, two-story transparent atrium space designed to permit limited visibility along the same axis as the courtyard of the original laboratory building.

In response to the mitigation measures identified, the East Torrey Pines building was redesigned to be separated in the center by a glass atrium. Thus, as approved, the two sides of the building will be connected by a transparent front and back, a single roof and second floor bridge connecting the two side of the structure. The Historical Resources Board was consulted, reviewed the proposed mitigation measures, and ultimately recommended approval of the Master Plan and CDP, including the above-described mitigation measures. These measures remain requirements of the CDP and will be implemented with the development as currently proposed. The currently proposed revisions to the roof (reflective to vegetated and solar panels), atrium (glass walls to be retractable, additional of wood elements) and bridge (elevation reduced by one foot) have a very limited scope and will still allow fully application of the mitigation measures approved in 2008. Thus, the historical resources located on the site will be adequately protected and the appellant's contention does not raise a substantial issue.

D. Substantial Issue Factors

Generally speaking, the Commission considers five factors when deciding whether a project raises a "substantial issue." None of the factors support a finding of substantial issue regarding the issues raised in this appeal. As discussed above, the contentions raised by the appellant did not demonstrate the City lacked factual and legal support to approve the proposed development. The design revisions made would not result in any impacts to public views to the ocean or and the measures to protect the historic resources on the site identified in 2008 are still being provided. No other coastal resources, including public access will be affected. Therefore, the objections to the project suggested by the appellant do not raise any substantial issues of regional or statewide significance. The City's approval of this coastal development permit will not create an adverse precedent for future interpretation of this LCP.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- EIR No. 44675
- City of San Diego Coastal Development Permit No. 126996
- Notice of Final Action No. 6-NOC-08-202
- City of San Diego Local Coastal Program