



THE CITY OF SAN DIEGO

DEVELOPMENT SERVICES DEPARTMENT
Date of Notice: July 21, 2014
PUBLIC NOTICE
OF THE PREPARATION OF A
SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
AND SCOPING MEETING

SAP No. 24004023

PUBLIC NOTICE: The City of San Diego as the Lead Agency has determined that the project described below will require the preparation of a Subsequent Environmental Impact Report (SEIR) in compliance with the California Environmental Quality Act (CEQA). This Notice of Preparation of a project SEIR and Scoping Meeting was publicly noticed and distributed on July 21, 2014. This notice was published in the SAN DIEGO DAILY TRANSCRIPT and placed on the City of San Diego website at: <http://www.sandiego.gov/city-clerk/officialdocs/notices/index.shtml> under the "California Environmental Quality Act (CEQA) Notices & Documents" section.

SCOPING MEETING: A public scoping meeting will be held by the City of San Diego's Development Services Department on **Wednesday, August 6, 2014, beginning at 6:00 PM and running no later than 8:00 PM** at the Rancho Penasquitos Branch Library, located at 13330 Salmon River Road, San Diego, CA 92129. **Please note that depending on the number of attendees, the meeting could end earlier than 8:00 PM.** Verbal and written comments regarding the scope and alternatives of the proposed EIR will be accepted at the meeting.

Written/mail-in comments may be sent to the following address: **E. Shearer-Nguyen, Environmental Planner, City of San Diego Development Services Center, 1222 First Avenue, MS 501, San Diego, CA 92101** or e-mail your comments to DSDEAS@sandiego.gov with the Project Name and Number in the subject line Number in the subject line within 30 days of the receipt of this notice/date of the Public Notice above. Responsible agencies are requested to indicate their statutory responsibilities in connection with this project when responding. A SEIR incorporating public input will then be prepared and distributed for the public to review and comment.

GENERAL PROJECT INFORMATION:

- **PROJECT NAME:** MERGE 56 PLANNED DEVELOPMENT PERMIT/SITE DEVELOPMENT PERMIT/VESTING TENTATIVE MAP/REZONE
- **PROJECT NUMBER:** 360009
- **COMMUNITY AREA:** Torrey Highlands
- **COUNCIL DISTRICT:** 5 / 6

PROJECT DESCRIPTION: COMMUNITY PLAN AMENDMENT (CPA) to redesignate the site from Commercial Regional (CR) and Medium High Density Residential uses to Local Mixed Use (LMXU); a REZONE from AR-1-1 to CC-3-5 and RX-1-1; PLANNED DEVELOPMENT PERMIT (PDP) to amend PDP No. 53203, for deviations from the zoning requirements in accordance with San Diego Municipal Code 126.0602(a)(1), to ensure consistency with the Torrey Highlands Subarea Plan as required in the plan; SITE DEVELOPMENT PERMIT (SDP) to amend SDP No. 53204 for development on a site that contains Environmentally Sensitive Lands (ESL), for ESL deviations, and for development on a site with historical resources (important archaeological site); a CONDITIONAL USE PERMIT (CUP) for a theater that's greater than 5,000 square feet in size; and a VESTING TENTATIVE MAP (VTM) to subdivide 3 lots into 88 lots (84 RX zoned lots, 2 CC zoned lots, one open

space lot "Lot Z" and one lot for a private street "Lot AA"), that would allow construction of approximately 525,000 square feet of commercial, office, theater and hotel uses and 242 residential dwelling units. The residential units would include a mix of housing types including multi-family (approximately 47 affordable units), townhomes (approximately 111 units), and single family (approximately 84 units). The project would also construct underground utilities (i.e., sewer, water, electrical and storm drains/detention basins), private streets and half-width improvements for Camino Del Sur and Carmel Mountain Road along the frontage of the Merge 56 project site. Furthermore, the project would also construct associated site improvements (i.e. hardscape, site walls, and landscaping).

Final grading and improvement plans would be concurrently processed for the off-site segments of Camino Del Sur and Carmel Mountain Road bordering the limits of Merge 56 project, as well as the southern extension of Camino Del Sur from its planned intersection with Carmel Mountain Road southerly approximately 0.5 mile to Dormouse Road in the neighboring Park Village area. Camino Del Sur would be designed as a four to six-lane major roadway, including 98-foot to 142-foot wide right-of-way, with 78-foot to 112-foot curb-to- curb width and a 14-foot to 24-foot wide median; Carmel Mountain would be designed as a four-lane major roadway, including a 92-foot to 98-foot wide right-of-way, with a 72-foot to 78-foot curb-to-curb width and a 14-foot wide median. In addition, a 24-inch reclaimed water line would be constructed within the Camino Del Sur right-of-way; an 8-inch reclaimed water line would be constructed within Carmel Mountain Road. A 10-inch sewer line is also proposed within the Camino Del Sur right-of-way.

The undeveloped 41.34-acre project site is located in the north-central portion of the City of San Diego, immediately south of State Route 56 (SR-56), east of the planned extension of Camino Del Sur and west of Carmel Mountain Road. The parcel is designated Commercial Regional and Medium High Density Residential within the community plan. The site is zoned AR-1-1 zone (majority of site) and the CC-1-3 zone (northernmost tip), the Airport Land Use Compatibility Overlay Zone (MCAS Miramar), the Airport Influence Area (Review Area 2 - MCAS Miramar), and the MCAS Miramar Real Estate Disclosure Area. (LEGAL DESCRIPTION: Lots 4, 5, and 10, Map No. 15578). **The site is not included on any Government Code listing of hazardous waste sites.**

APPLICANT: Sea Breeze Properties, LLC

RECOMMENDED FINDING: Pursuant to Section 15060(d) of the CEQA Guidelines, it appears that the proposed project may result in significant environmental impacts in the following areas: **Land Use, Transportation/ Circulation and Parking, Biological Resources, Energy, Geologic Conditions, Greenhouse Gas Emissions, Historical Resources (archaeology), Hydrology, Noise, Paleontological Resources, Public Utilities, Water Quality, and Cumulative Effects.**

AVAILABILITY IN ALTERNATIVE FORMAT: To request the this Notice or the City's letter to the applicant detailing the required scope of work (EIR Scoping Letter) in alternative format, call the Development Services Department at (619) 446-5460 (800) 735-2929 (TEXT TELEPHONE).

ADDITIONAL INFORMATION: For environmental review information, contact Elizabeth Shearer-Nguyen at (619) 446-5369. The Scoping Letter and supporting documents may be reviewed, or purchased for the cost of reproduction, at the Fifth floor of the Development Services Department. **For information regarding public meetings/hearings on this project, contact the Project Manager, Jeff Peterson at (619) 446-5237.** This notice was published in the SAN DIEGO DAILY TRANSCRIPT and distributed on November 19, 2013.

Kerry Santoro
Deputy Director
Development Services Department

DISTRIBUTION: See Attached.

ATTACHMENTS: Figure 1: Project Vicinity Map
Figure 2: Aerial Map
Scoping Letter

DISTRIBUTION:

FEDERAL GOVERNMENT

U.S. Environmental Protection Agency (19)

U.S. Fish and Wildlife Service (23)

U.S. Army Corps of Engineers (26)

STATE OF CALIFORNIA

Caltrans District 11 (31)

California Department of Fish and Wildlife (32)

California Regional Water Quality Control Board, Region 9 (44)

State Clearinghouse (46A)

California Department of Transportation (51)

California Transportation Commission (51A)

California Transportation Commission (51B)

CITY OF SAN DIEGO

Mayor's Office (91)

Councilmember Lightner, District 1 (MS 10A)

Councilmember Harris, District 2 (MS 10A)

Councilmember Gloria, District 3 (MS 10A)

Councilmember Cole, District 4 (MS 10A)

Councilmember Kersey, District 5 (MS 10A)

Councilmember Zapf, District 6 (MS 10A)

Councilmember Sherman, District 7 (MS 10A)

Councilmember Alvarez, District 8 (MS 10A)

Councilmember Emerald, District 9 (MS 10A)

Development Services Department

EAS

Project Manager

Transportation Development - DSD (78)

Development Coordination (78A)

Fire and Life Safety Services (79)

Library Department - Government Documents (81)

Central Library (81A)

Rancho San Diego Branch Library (81BB)

Carmel Valley Branch Library (81F) Historical Resources Board (87)

Wetlands Advisory Board (91A)

Tom Tomlinson, Facilities Financing (93B)

Michael Pridemore, San Diego Police Department (MS776)

Larry Trame, San Diego Fire-Rescue (MS603)

City Attorney (93C)

OTHER ORGANIZATIONS AND INTERESTED INDIVIDUALS

San Diego Transit Corporation (112)

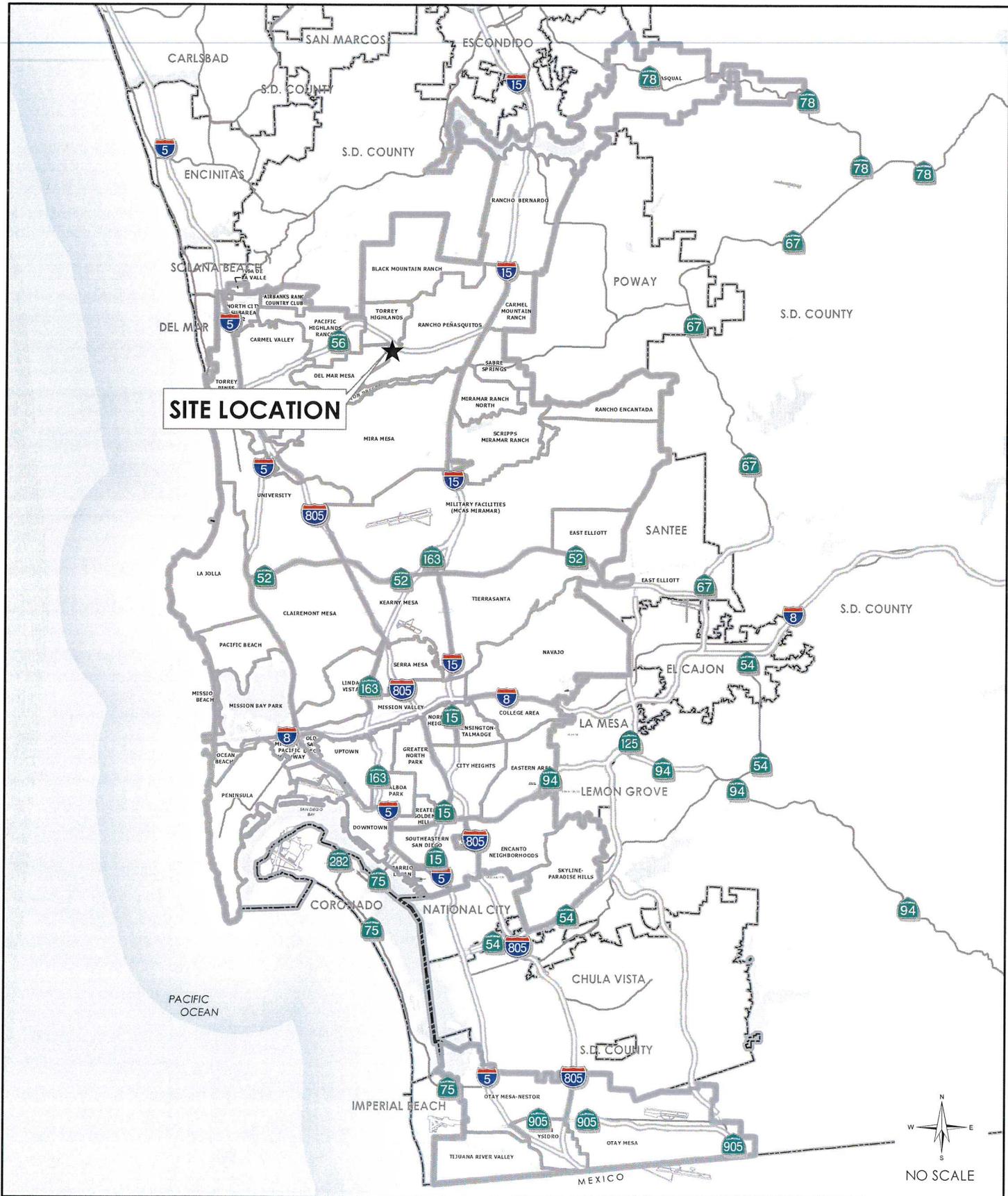
Poway Unified School District (124)

San Diego Unified School District (125)

Rancho Santa Ana Botanic Garden at Claremont (161)

OTHER ORGANIZATIONS AND INTERESTED INDIVIDUALS - CONTINUED

Sierra Club (165)
San Diego Canyonlands (165A)
San Diego Natural History Museum (166)
San Diego Audubon Society (167)
San Diego Audubon Society (167A)
California Native Plant Society (170)
Ellen T. Baulder, PHd (175)
Citizens Coordinate for Century 3 (179)
Endangered Habitats League (182A)
Vernal Pool Society (185)
Carmen Lucas (206)
South Coastal Information Center (210)
San Diego Archaeological Center (212)
Save Our Heritage Organisation (214)
Ron Christman (215)
Clint Linton (215B)
Frank Brown – Inter-Tribal Cultural Resources Council (216)
Camp Band of Mission Indians (217)
San Diego County Archaeological Society (218)
Kumeyaay Cultural Heritage Preservation (223)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution [Notice Only] (225A-S)
California State Parks, San Diego Coast District (378A)
California Department of Parks & Recreation (378B)
Torrey Pines Associates (379)
Rancho de los Penasquitos Planning Board (380)
San Diego Gas & Electric (381)
Friends of Los Penasquitos Canyon Preserve (382)
Rancho Penasquitos Town Council (383)
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Los Penasquitos Canyon Preserve Citizens Advisory Committee (385)
Friends of Rose Canyon (386)
Torrey Highlands - Subarea IV (487)
Gary Levitt, Sea Breeze Properties, LLC, Applicant
Kim Baranek, Baranek Consulting, Consultant
Anna L. Colamussi-Yentile, Latitude 33 Planning & Engineering, Consultant



SITE LOCATION



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Vicinity Map

CITY OF SAN DIEGO • Planning and Neighborhood Restoration Department

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Aerial Map

CITY OF SAN DIEGO • Planning and Neighborhood Restoration Department



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THE CITY OF SAN DIEGO

July 18, 2014

Gary Levitt
Sea Breeze Properties, LLC
3525 Del Mar Heights Road # 246
San Diego, CA 92130

**SUBJECT: Scope of Work for Subsequent Environmental Impact Report for the Merge 56
Planned Development Permit/Site Development Permit/Vesting Tentative
Map/Rezone project (Project Tracking No. 360009)**

Dear Mr. Levitt:

Pursuant to Section 15060(d) of the California Environmental Quality Act (CEQA), the Environmental Analysis Section (EAS) of the City's Development Services Department has determined that the proposed project may have significant effects on the environment, and the preparation of a Subsequent Environmental Impact Report (SEIR) is required.

The Merge 56 Planned Development Permit/Site Development Permit/Vesting Tentative Map/Rezone (Merge 56) project is a subset of a larger subdivision project entitled by the City of San Diego in 2005 and formerly referred to as the Rhodes Crossing project (Project No. 3230; SCH No. 2002121089). An off-site component of the Merge 56 project is public road improvements that were approved by the City, including Camino Ruiz North Roadway (LDR No. 40-0386; SCH No. 2000121031) and Camino Del Sur Project (LDR No. 41-0248; SCH NO. 2001121109). The name of Camino Ruiz North was changed to Camino Del Sur by City Council Resolution R-2003-709 on January 14, 2003.

Subsequent to approval of the Rhodes Crossing project and nearby public roads, several new vernal pools were identified within the right-of-way for the future Camino Del Sur- North. In addition, the project applicant has filed an application to modify proposed uses within Units 4, 5 and 10 of the Rhodes Crossing project, adjust project grading, and disturb two isolated vernal pools and a small drainage channel formerly proposed in open space lots. These changes to the

characteristics of the approved project proposed by the applicant and/or the circumstances surrounding the project require revisions to the existing entitlements and certified CEQA documents pursuant to Section 15162(a) of the State CEQA Guidelines. The SEIR should state where the previous documents are available and can be reviewed (consistent with Section 15162[d] of the State CEQA Guidelines).

The purpose of this letter is to identify the specific issues to be addressed in the SEIR. The SEIR shall be prepared in accordance with the attached "City of San Diego Technical Report and Environmental Impact Report Guidelines" (updated May 2005). The project issues to be discussed in the SEIR are outlined below. A Notice of Preparation will be distributed to the Responsible Agencies and others who may have an interest in the project. Scoping meetings are required by CEQA Section 21083.9(a)(2) for projects that may have statewide, regional or area-wide environmental impacts. The City's EAS staff has determined that this project meets this threshold. Prior to preparation of the SEIR, a public scoping meeting will be held at the Rancho Penasquitos Branch Library, located at 13330 Salmon River Road, San Diego, CA 92129. The meeting will be held on August 6, 2014 from 6:00PM to 8:00PM to gather input. Please note that depending upon the number of attendees the meeting could end earlier than 8:00PM.

Please note, changes or additions to the scope of work may be required as a result of input received in response to the Scoping Meeting and Notice of Preparation. In addition, the applicant may adjust the project over time and these changes would be disclosed in the SEIR.

The Project that shall be the subject of the SEIR is briefly described as follows:

Project Location: The Merge 56 project site consists of 41.34 acres of undeveloped land in the north-central portion of the City of San Diego (formerly identified as Units 4, 5 and 10 of the Rhodes Crossing project). The property is situated in the communities of Torrey Highlands and Rancho Peñasquitos, immediately adjacent to the State Route 56 (SR-56) right-of-way. Regional access to the site is from SR-56, Interstate 5 (I-5) and Interstate 15 (I-15); local access to the site is from the southern termini of Camino Del Sur and Carmel Mountain Road, as well as from the existing section of Camino Del Sur between Dormouse Road and Park Village Drive. The Merge 56 project consists of two components, the on-site mixed-use development proposal (including on-site road improvements) and off-site road improvements to complete undeveloped segments of Camino Del Sur and Carmel Mountain Road, Circulation Element roads. The off-site Camino Del Sur extension would be from its current terminus south of SR-56 to its intersection with Dormouse Road, immediately north of Park Village Drive. The existing paved portion of Carmel Mountain Road would be widened and extended south from Sundance Avenue to its planned intersection with Camino Del Sur. Both public roads front the Merge 56 project site and intersect at its southern project boundary. Right-of-way for both road extensions is predominantly undeveloped. The Multiple Habitat Planning Area (MHPA) is situated within or west of the rights-of-way for the road extensions but not within the proposed development site.

Project Description: The Merge 56 project involves a Community Plan Amendment (CPA) to amend the site's land use designation in the Torrey Highlands Subarea Plan from Commercial Regional (CR) and Medium High Density Residential (MHD) to Local Mixed Use (LMXU) to allow for a mix of commercial, professional, corporate, scientific/medical office, hotel uses, as well as varying residential land uses. A corresponding Rezone is proposed to modify underlying zoning from Agriculture (AR-1-1) to Community Commercial (CC-3-5) and Residential Small Lot (RX 1-2). The CPA was initiated by the Planning Commission in September 2013.

The project proposes to modify and reconfigure land uses approved for Units 4, 5 and 10 as part of the Rhodes Crossings project. Instead of constructing 273,855 square feet of self storage, 250,000 square feet of commercial and 242 multi-family residences, the Merge 56 project proposes approximately 525,000 square feet of commercial, office, theater and hotel uses and up to 242 residential dwelling units. The residential units would include a mix of housing types including multi-family (approximately 47 affordable units), townhomes (approximately 111 units), and single family (approximately 84 units). Commercial uses would occupy approximately 14 acres of the site, while multi-family residential uses would occupy approximately 6 acres and single-family residential development would occupy approximately 10.4 acres. Roads and slopes would occupy the balance of the development site. Revisions to the approved land uses and their configuration would require a number of permit amendments outlined below.

In addition to developing commercial, theater, office, hotel and residential uses, the applicant would construct underground utilities (i.e., sewer, water, electrical and storm drains/detention basins), private streets and half-width improvements for Camino Del Sur and Carmel Mountain Road along the frontage of the Merge 56 project site. Private streets would provide internal circulation and occupy approximately 1.4 acres of the site, while approximately 3.2 acres would be used for public road right-of-way. Parking to serve the on-site uses would be provided in several above-ground structures and various surface lots integrated among the various land uses.

Final grading and improvement plans would be concurrently processed for the off-site segments of Camino Del Sur and Carmel Mountain Road bordering the limits of Merge 56 project, as well as the southern extension of Camino Del Sur from its planned intersection with Carmel Mountain Road southerly approximately 0.5 mile to Dormouse Road in the neighboring Park Village area. Camino Del Sur and Carmel Mountain Road are capital improvement projects identified in the Torrey Highlands and Rancho Peñasquitos Public Facilities Financing Plans (PFFP). Camino Del Sur would be designed as a four to six-lane major roadway, including 98-foot to 142-foot wide right-of-way, with 78-foot to 112-foot curb-to-curb width and a 14-foot to 24-foot wide median; Carmel Mountain would be designed as a four-lane major

roadway, including a 92-foot to 98-foot wide right-of-way, with a 72-foot to 78-foot curb-to-curb width and a 14-foot wide median. Together, the on- and off-site roads would provide local access to the Merge 56 project, surrounding properties and local community. In addition, a 24-inch reclaimed water line would be constructed within the Camino Del Sur right-of-way; an 8-inch reclaimed water line would be constructed within Carmel Mountain Road. A 10-inch sewer line is also proposed within the Camino Del Sur right-of-way.

Discretionary Approvals: The above-described land use changes and improvements would require the following entitlements: Community Plan Amendment (CPA) to redesignate the site from Commercial Regional (CR) and Medium High Density Residential uses to Local Mixed Use (LMXU); a Rezone from AR-1-1 to CC-3-5 and RX-1-1; Planned Development Permit (PDP) to amend PDP No. 53203, for deviations from the zoning requirements in accordance with San Diego Municipal Code 126.0602(a)(1), to ensure consistency with the Torrey Highlands Subarea Plan as required in the plan; Site Development Permit (SDP) to amend SDP No. 53204 for development on a site that contains Environmentally Sensitive Lands (ESL), for ESL deviations, and for development on a site with historical resources (important archaeological site); a Conditional Use Permit (CUP) for a theater that's greater than 5,000 square feet in size; and a Vesting Tentative Map (VTM) to subdivide 3 lots into 88 lots (84 RX zoned lots, 2 CC zoned lots, one open space lot "Lot Z" and one lot for a private street "Lot AA").

EIR FORMAT/CONTENT REQUIREMENTS

The SEIR serves to inform governmental agencies and the public of a project's environmental impacts. Emphasis in the SEIR must be on identifying feasible solutions to environmental problems. The objective is not to simply describe and document an impact, but to actively create and suggest mitigation measures or project alternatives to substantially reduce significant adverse environmental impacts. The adequacy of the SEIR will depend greatly on the thoroughness of this effort.

The SEIR must be written in an objective, clear, and concise manner, in plain language. Each section/issue area of the EIR should provide a descriptive analysis of the project followed by a comprehensive evaluation of the issue area. Use graphics and tables to replace extensive word descriptions and to assist in clarification. Conclusions must be supported with quantitative, as well as qualitative information, to the extent feasible.

Prior to public review, Conclusions to be attached at the front of the draft SEIR will also need to be prepared. The Conclusions cannot be prepared until an approved draft has been submitted and accepted by the City. The SEIR shall include a title page including the Project Tracking System (PTS) number and the date of publication. The entire SEIR must be left justified and shall include a table of contents and an executive summary of the following sections:

I. INTRODUCTION

Introduce the purpose of the project with a brief discussion of the intended use and purpose of the SEIR. Discuss how the decision to prepare a SEIR, pursuant to CEQA Guideline Section 15162(a), was determined and how the SEIR may be used as the basis for subsequent approvals, as appropriate; and describe the parameters for such future use of the SEIR. This section shall describe and/or incorporate by reference any previously certified environmental documents that cover the project site including any EIRs. This section shall briefly describe areas where the project is in compliance or non-compliance with assumptions and mitigation contained in these previously certified documents. Additionally, this section shall provide a brief description of any other local, state and federal agencies that may be involved in the project review and/or any grant approvals.

II. ENVIRONMENTAL SETTING

Describe the precise location of the project with an emphasis on the physical features of the site and the surrounding area and present it on a detailed topographic map and a regional map. Provide a local and regional description of the environmental setting of the project. Describe any upcoming changes to the area and any cumulative changes that may relate to the project site. Include the existing and planned land uses in the vicinity, on- and off-site resources, the community plan area land use designation(s), whether or not the project is located within the MHPA, existing zoning, all utility easements and any required maintenance access, and any overlay zones within this section. Provide a recent aerial photo of the site and surrounding uses, and clearly identify the project location.

III. PROJECT DESCRIPTION

Per CEQA Guideline Section 15124, the SEIR shall include a discussion of the goals and objectives of the project, in terms of public benefit (increase in housing supply, employment centers, etc.). Project objectives will be critical in determining the appropriate alternatives for the project, which would avoid or substantially reduce potentially significant impacts. As stated in CEQA Section 15124 (b), "A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding consideration, if necessary. The statement of objectives should include the underlying purpose of the project." This section shall also provide a detailed discussion of all features of the project. Describe all the discretionary actions involved in the project. List and explain the requirements for permits or approvals from federal, state, and local agencies. Describe the proposed project's components, including the commercial, residential and office uses, on- and off-site circulation improvements,

landscaping concepts, and utility improvements. Project phasing also should be discussed in this section. This discussion shall address the whole of the project.

IV. HISTORY OF PROJECT CHANGES

This section of the SEIR shall outline the history of the project and any physical changes that have been made to the project in response to environmental concerns identified during the review of the project.

V. ENVIRONMENTAL IMPACT

This section shall analyze those environmental categories having a potential for adverse environmental impacts because of the project's effect on the existing conditions and or modifications to the prior certified CEQA documents. Explain why the SEIR meets the requirements for subsequent analysis under Section 15162 of the State CEQA Guidelines, which requires that changes to the project that may result in significant impacts and that were not evaluated and disclosed in the previous CEQA documents be reviewed. The SEIR must include a complete discussion of the existing conditions, thresholds, impact analysis, significance, and mitigation for all the environmental issue sections. The SEIR must represent the independent analysis of the Lead Agency. The City's current CEQA Significance Determination Thresholds (2011) shall be used to establish significant effects unless otherwise directed by the City.

In general, the SEIR shall discuss all potential direct and indirect impacts associated with each environmental issue area listed below. Lastly, the SEIR should summarize each required technical study or survey report within each respective issue section, and all requested technical reports must be included as the appendices to the SEIR and summarized in the text of the document.

In each environmental issue section, mitigation measures to avoid or substantially lessen impacts must be clearly identified and discussed. The ultimate outcome after mitigation should also be discussed (i.e., significant but mitigated, significant and unmitigated). If other potentially significant issue areas arise during detailed environmental investigation of the project, consultation with the Development Services Department is required to determine if these areas need to be added to the SEIR. As supplementary information is required, the SEIR may also need to be expanded.

Land Use

Issue 1: Would the proposal conflict with the environmental goals, objectives, or guidelines of the General/Community Plan in which it is located?

Issue 2: Would the proposal require a deviation or variance and the deviation or variance would in turn results in a physical impact on the environment?

Issue 3: Would the proposal conflict with the provisions of the City's Multiple Species Conservation Program (MSCP) Subarea Plan or other approved local, regional or state habitat conservation plan?

Issue 4: Would the proposal result in the exposure of people to noise levels which exceed the City's Noise Ordinance or are incompatible with the Noise Compatibility Guidelines (Table NE-3) in the Noise Element of the General Plan?

As indicated under Project Description, the proposed project includes the filing of a Community Plan Amendment and Rezone, and amendments to Planned Development Permit (PDP No. 53203), Site Development Permit (SDP No. 53204), Conditional Use Permit (CUP No. 53205), Vesting Tentative Map (VTM No. 7938), SDP No. 40-0386 (Camino Del Sur North /Carmel Mountain Road) and SDP No. 3278 (Camino Del Sur South).

The impacts of the land use changes must be disclosed in the SEIR. The SEIR shall also evaluate consistencies/ inconsistencies (including all deviations, variances, etc.) with local, state, and federal regulations (i.e., the City's General Plan, Torrey Highlands Subarea Plan, Rancho Peñasquitos Community Plan, and City of San Diego Land Development Code). If the project is found to be inconsistent with any adopted land use plans or their policies, the SEIR would disclose and analyze any physical effects that may result from the inconsistency that could be considered significantly adverse. Policy inconsistencies, if any, caused by project-related noise shall be summarized from the noise technical report referenced below.

The proposed commercial, hotel and/or office structures may approach the height limits of the proposed zoning. The bulk, scale and/or setbacks of any proposed structures that deviate from or exceed the development regulations in the Land Development Code should be discussed relative to other land uses in the surrounding communities. Potential deviations from the ESL or wetland buffer regulations in the Land Development Code should also be noted. If the project would result in physical impacts on the environment due to any deviations or variances, the physical impacts could be considered significantly adverse.

The site and off-site roads are located within and adjacent to the Multiple Habitat Planning area of the MSCP, therefore potential land use conflicts with the MSCP Subarea Plan could occur as it relates to compliance with the MSCP Land Use Adjacency Guidelines must be disclosed. The potential policy impacts shall be discussed in the Land Use section of the SEIR, as well as the Biological Resources section.

Transportation/Circulation/Parking

- Issue 1: Would the proposal result in an increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system?**
- Issue 2: Would the proposal result in the addition of a substantial amount of traffic to a congested freeway segment, interchange, or ramp?**
- Issue 3: Would the proposal have a substantial impact upon existing or planned transportation systems?**
- Issue 4: Would the proposal result in substantial alterations to present circulation movements including effects on existing public access areas?**
- Issue 5: Would the proposal conflict with adopted policies, plans or programs supporting alternative transportation modes?**

Changes to planned land uses and buildout of those uses would increase traffic volumes and has the potential to result in direct and/or cumulative impacts on the surrounding local circulation network. Therefore, a traffic study must be prepared for this project to the satisfaction of the City Engineer analyzing the changes to the traffic characteristics of the proposed project, resulting from the land use changes. The traffic study would be required to analyze the expected trips from the proposed project and document any impacts on intersections, roadways and freeways. The traffic study shall include descriptions and graphics of the conditions during near-term and at project buildout. The traffic study would form the basis of the impact analysis for this section of the SEIR.

The SEIR shall present mitigation measures that are required to reduce significant impacts identified in the traffic study and discuss if those measures will mitigate impacts to below a level of significance. If the project results in traffic impacts, which cannot be mitigated to below a level of significance, the Alternatives section of the SEIR should include a project alternative that will avoid or further reduce traffic impacts.

The SEIR section shall also address the project's walkability, pedestrian linkages, bicycle connectivity and transit opportunities taking into consideration applicable policies encouraging alternative methods of travel.

Biological Resources

- Issue 1: Would the proposal result in substantial adverse impacts, either directly or through habitat modifications, to any species identified as a candidate, sensitive or special**

status species in the MSCP or other local or regional plans, policies or regulations, of by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?

Issue 2: Would the proposal result in a substantial adverse impacts on any Tier I, Tier II, Tier IIIA or Tier IIIB habitats as identified in the Biology Guidelines of the Land Development Code or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS?

Issue 3: Would the proposal result in a substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pools, riparian areas, etc.) through direct removal, filling, hydrological interruption, or other means?

Issue 4: Would the proposal conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Conservation Community Plan (NCCP) or other approved local, regional or state habitat conservation plan, either within the MSCP plan area or in the surrounding region?

Issue 5: Would the proposal introduce a land use within an area adjacent to the Multiple Habitat Planning Area (MHPA) that would result in adverse edge effects?

Issue 6: Would the proposal introduce a land use within an area adjacent to the MHPA that would result in adverse edge effects?

Issue 7: Would the proposal result in a conflict with any local policies or ordinances protecting biological resources?

Issue 8: Would the proposal result in the introduction of invasive species of plants into a natural open space area?

The project site supports sensitive biological resources, including Tier I, II or III habitats, listed species, wetlands and vernal pools. The MHPA occurs adjacent to and within portions of the project site. The project will impact sensitive biological resources and has the potential to result in direct and/or cumulative impacts to adjacent biological resources in the MHPA. The site has been previously assessed for impacts to biological resources as part of the Rhodes Crossing and Camino Del Sur/Carmel Mountain Road projects. An updated biological resources technical report must be prepared to the satisfaction of City staff.

The biological resources technical report must incorporate the results of updated field surveys and identify all impacts to biological resources consistent with the ESL regulations, the Biology

Guidelines, and the MSCP Subarea Plan. The biological resources technical report would form the basis of the impact analysis for this section of the SEIR.

The SEIR shall present mitigation measures that are required to reduce significant impacts. Discuss if those measures will mitigate impacts to below a level of significance. If the project results in biological resources impacts, which cannot be mitigated to below a level of significance, the Alternatives section of the SEIR should include a project alternative that will avoid or further reduce biology impacts.

Evidence must be provided that all required agency (USFWS, CDFW) permits and authorizations have been acquired for impacts to sensitive species not covered by the MSCP.

Energy

Issue 1: Would construction and operation of the proposal result in the use of excessive amounts or electrical power?

Issue 2: Would the proposal result in the use of excessive amounts of fuel or other forms of energy (including natural gas, oil, etc.)?

Appendix F of the State CEQA Guidelines requires that potentially significant energy implications of a project shall be considered in an EIR to the extent relevant and applicable to the project. Particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy should be included in this section. The SEIR shall address the estimated energy use for the project and assess whether the project would generate a demand for energy (electricity and/or natural gas) that would exceed the planned capacity of the energy suppliers. A description of any energy and/or water saving project features would also be included in this section (with cross-references to the GHG emissions discussion, as appropriate). This section shall describe any proposed measures included as part of the project that would conserve energy and reduce energy consumption, and shall address all applicable issues described within Appendix F of the CEQA Guidelines.

Geologic Conditions

Issue 1: Would the proposal be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in an on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Issue 2: Would the proposal result in a substantial increase in wind or water erosion of soils, either on or off the site?

Issue 3: Would the proposal expose people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?

The project site is located in geologic hazard categories 32, 51, 52 and 53 as indicated on the San Diego Seismic Safety Study maps. These categories indicate that the majority of the site is situated in "level mesa underlain by terrace deposits and bedrock" with a nominal risk to low risk. Other portions of the project area are categorized as "level to sloping terrain, unfavorable structure" with low to moderate risk. The site is mapped for "liquefaction, low potential, fluctuating groundwater, minor drainages." Geotechnical testing and analysis was conducted in conjunction with the Rhodes Crossing and Camino Del Sur/Carmel Mountain Road projects; an updated geotechnical investigation shall be prepared to re-address the revised project. The SEIR analysis shall be based on a review of available reports and maps showing potential geologic hazard areas and areas known where adverse soil conditions occur on site.

The SEIR shall discuss the potential for either short- or long-term erosion impacts to soils. Geological constraints on the project site, including groundshaking, ground failure, landslides, erosion, shallow groundwater and geologic instability, shall be addressed, as well as seismicity and seismic hazards due to faulting in the project area.

Greenhouse Gas Emissions

Issue 1: Would the proposal generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

Issue 2: Would the proposal conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of GHGs?

The SEIR shall provide a description of the existing global climate change context in which climate change impacts are occurring and are expected to occur in the future; a summarization of the relevant state laws that address climate change; a description of relevant statewide and/or regional GHG inventories to which the project would contribute; a quantification of the project's direct and indirect GHG emissions and compare them to baseline conditions; a discussion of whether the project would enhance or impede the attainment of state GHG reduction targets and its relationship to local plans and policies; and a description of the cumulative, global climate change impacts to which the project would contribute. The projected GHG emissions with and without the project shall be provided and incorporated into a qualitative discussion of the significance of the emissions relative to global climate change. Sustainability measures and project design features shall be taken into consideration in the GHG analysis.

Historical Resources (archaeology)

Issue 1: Would the proposal result in an alteration, including the adverse physical or aesthetic effects and/or destruction of a prehistoric or historic building (including an architecturally significant building), structure, object or site?

Issue 2: Would the proposal result in any impact to existing religious or sacred uses within the potential impact area?

Issue 3: Would the proposal result in the disturbance of any human remains, including those interred outside of formal cemeteries?

Historical resources may potentially be directly or indirectly affected by project implementation and shall be discussed in this section of the SEIR. The site has been previously assessed for impacts to prehistoric resources as part of the Rhodes and Camino Del Sur/Carmel Mountain Road projects. An update to that prior report shall be prepared to determine if any new historical/archaeological resources may be located on or off site. The updated study shall also assess the current status of sites discovered as part of the prior analysis. If potentially significant impacts are identified, the SEIR shall identify requirements for archaeological monitoring during grading operations and specify mitigation requirements for any discoveries.

Hydrology/Water Quality

Issue 1: Would the proposal result in a substantial increase in impervious surfaces and associated increased runoff?

Issue 2: Would the proposal result in a substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes?

Issue 3: Would the proposal develop wholly or partially within the 100-year floodplain identified in the FEMA maps or impose flood hazards on other properties?

Anticipated changes to existing drainage patterns and runoff volumes should be addressed in the SEIR. Drainage and water quality impacts were previously assessed as part of the Rhodes Crossing and Camino Del Sur/Carmel Mountain Road projects. An updated hydrology study must be provided and measures to protect on-site and downstream properties from increased erosion and siltation must be identified. The SEIR shall address the project's potential for impacting the hydrologic conditions within the project area and downstream, and discuss site planning and drainage design techniques to reduce runoff volumes and velocities, if appropriate. The water quality analysis shall discuss the project's potential to cause sedimentation due to erosion, urban runoff carrying contaminants and direct discharges of

pollutants. Compliance with the City's Storm Water Standards is generally considered to preclude water quality impacts.

Noise

Issue 1: Would the proposal result in or create a significant increase in the existing ambient noise levels?

Issue 2: Would the proposal result in the exposure of people to future transportation noise levels which exceed standards established in the General Plan?

A noise technical report shall be prepared which shall consist of a comparison of the change in noise levels projected along affected roadways (as identified in the traffic study) resulting from project implementation. The noise technical report shall also address construction-related noise and commercial equipment noise impacts. This analysis and the discussion in the SEIR shall focus on noise sensitive receptors that would be subject to potentially significant exterior and interior noise impacts as a result of the proposed project and shall include a discussion of potential measures that could be utilized to reduce vehicular and equipment noise levels.

Paleontological Resources

Issue 1: Would the proposal require over 1,000 cubic yards of excavation in a high resource potential geologic deposit/formation/rock unit, or over 2,000 cubic yards of excavation in a moderate resource potential geologic deposit/formation/rock unit?

The SEIR should include a paleontological resources discussion that identifies the underlying formation(s) and the likelihood of uncovering paleontological resources during grading activities. The SEIR should identify the depth of cut (in feet) and amount of grading (in cubic yards) that would result from any grading activities. The project area is underlain by the following formations as discussed in the prior CEQA documents for Rhodes Crossing and Camino Del Sur/Carmel Mountain Road projects: Mission Valley, Stadium Conglomerate, Linda Vista and Torrey Sandstone. The formations are assigned a high to low sensitivity rating based on their resource potential. If the City's thresholds, stated above, are exceeded, specific conditions (monitoring and curation) would be required to mitigate impacts to a level below significance.

Public Utilities

Issue 1: Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, the construction of which would create physical impacts with regard to the following: water and solid waste disposal?

Issue 2: Would the proposal result in the use of excessive amounts of water?

The SEIR shall provide a discussion of water supply and whether project build-out was considered in the 2010 Urban Water Management Plan; an identification of water uses, including commercial, office and residential demands; a determination of the water supply necessary to serve the demand of project; an identification of reasonably foreseeable water supply sources and alternative sources which would include anticipated dates of previously untapped sources becoming available; consultation with the City Water Department to determine its ability to serve the project; a determination of cumulative demands the project would place on projected water supply; and a comparison demand of project build-out with projected water supply from both short-term and long-term water sources and disclosure of impacts and/or deficits. A Water Study will be completed to determine if appropriate water facilities are available to serve the development. The analysis and conclusions of the studies shall be included in the SEIR. Additionally a Water Supply Assessment (WSA) will be completed to determine if appropriate water supplies are available to serve the project. The analysis and conclusion of a WSA shall be included in the SEIR.

The SEIR will include a discussion of the project's construction and operational effects on the City's ability to handle solid waste. According to Assembly Bill 341, the City is required to divert at least 75 percent of its solid waste from landfill disposal through source reduction, recycling, and composting by 2020. The proposed project meets the City's threshold of constructing 40,000 square feet or more of building space and therefore a Waste Management Plan must be prepared by the applicant, approved by the City's Environmental Services Department, and summarized in the SEIR. The plan must address recycling and solid waste disposal, for demolition, construction, and post-construction occupancy phases of the project.

VI. MANDATORY DISCUSSION AREAS

In accordance with CEQA Section 15126, the SEIR must include a discussion of the following issue areas:

- A. Any significant environmental effects that cannot be avoided if the proposed project is implemented. Include impact threshold criteria used. Provide mitigation measures where appropriate; including triggers, details, responsible entities, and a monitoring and report schedule. Include a sentence on the significance of each impact area discussed, with effect of the proposed mitigation if appropriate. Do not include analysis in this sentence.
- B. Any significant irreversible environmental changes that would result from the implementation of the proposed project.

C. Growth-inducing impacts of the proposed project. The Growth Inducement analysis should conclude: 1) how the project is directly and indirectly growth inducing (i.e., fostering economic or population growth by land use changes, construction of additional housing, etc.), and 2) if the subsequent consequences (i.e., impacts to existing infrastructure, requirement of new facilities, roadways, etc.) of the growth inducing project would create a significant and/or unavoidable impact, and provide for mitigation or avoidance. Address the potential for growth inducement through implementation of the proposed project; accelerated growth could further strain existing community facilities or encourage activities that could significantly affect the environment. This section need not conclude that growth-inducing impacts, if any, are significant unless the project would induce substantial growth or concentration of population that would lead to significant environmental impacts.

VII. CUMULATIVE EFFECTS

When this project is considered with other past, present, and reasonable foreseeable future projects in the project area, implementation could result in significant environmental changes, which are individually limited but cumulatively considerable. Therefore, in accordance with Section 15130 of the CEQA Guidelines, potential cumulative impacts must be discussed in a separate section of the SEIR. If required, this section would update the cumulative discussion contained in the certified CEQA documents.

VIII. EFFECTS NOT FOUND TO BE SIGNIFICANT

Provide a discussion of the environmental issue areas that were determined not to be significant or significant effects that would not be substantially more severe (pursuant to Section 15162 of the CEQA Guidelines) and describe the reasons for this determination. Mitigation measures from the certified or adopted CEQA documents that would still be relevant and applicable to the proposed project shall be cited in this section. For the Merge 56 project, including off-site roads, these effects include agricultural resources, air quality and odor, health and safety, mineral resources, public services and facilities, and visual quality/community character. If issues related to these areas or other potentially significant issues areas arise during the detailed environmental investigation of the project, consultation with EAS is recommended to determine if subsequent issues area discussion needs to be added to the SEIR. Additionally, as supplementary information is submitted (such as with the technical reports), the SEIR may need to be expanded to include these or other additional issue areas.

IX. ALTERNATIVES

The SEIR must place major attention on reasonable alternatives that avoid or mitigate the project's new significant impacts for the topics that are addressed in detail in the environmental impact analysis. These alternatives should be identified and discussed in detail and should

address all new significant impacts. The alternatives analysis should be conducted in sufficient detail to clearly assess the relative level of impacts and feasibility. See Section 15364 of the CEQA Guidelines for the CEQA definition of "feasible."

This section should provide a meaningful evaluation, analysis and comparison of alternatives impacts as compared to those of the proposed project (matrix format recommended). These alternatives should be addressed in detail and address all new significant impacts of the proposed project. The alternatives evaluation should be conducted in sufficient graphics, narrative and detail to clearly assess their relative impacts and feasibility.

Preceding the detailed alternatives analysis, provide a section entitled "Alternatives Considered but Rejected." This section should include a discussion of preliminary alternatives that were considered but not analyzed in detail. The reasons for rejection must be explained in detail and demonstrate to the public the analytical route followed in rejecting certain alternatives.

The analysis should consider the ability of each alternative to meet the project objectives while reducing significant environmental impacts. The following alternatives, at a minimum, must be considered:

A. No Project/Development Under Existing Plans

This alternative should describe an alternative that would develop the site in accordance with existing entitlements, zoning and/or existing land use plans. Describe any future development of the site that could occur. Discuss the environmental effects that could increase or decrease as a result of this alternative, such as land use and traffic.

B. No Project/No Development

This alternative would include no changes to the existing site conditions. The site would remain undeveloped and vacant. Describe any environmental effect changes that would occur if the site remained in its current state.

C. Reduced Development Alternative

If the traffic study shows a substantial increase in traffic volumes in the community as a result of build-out of the proposed project, a Reduced Development Alternative that reduces the overall traffic impacts should be presented with the Draft SEIR. Work with the City's EAS and Transportation Development staff to determine the development intensity that should be considered in this alternative.

If through the environmental analysis process, other alternatives become apparent which would mitigate potentially significant impacts; these alternatives must be discussed with EAS staff prior to including them in the SEIR. It is important to emphasize that the alternatives section of the SEIR should constitute a major part of the report. The timely processing of the environmental review will likely be dependent on the thoroughness of effort exhibited in the alternatives analysis.

X. MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation measures should be clearly identified and discussed. A Mitigation, Monitoring and Reporting Program (MMRP) for each issue area with significant impacts is mandatory and projected effectiveness must be assessed (i.e., all or some CEQA impacts would be reduced to below a level of significance, etc.). The list of measures in the MMRP should include all new measures contained in the SEIR, as well as measures from the certified CEQA documents that are still relevant and applicable to the proposed project, as revised. At a minimum, the MMRP should identify: 1) the department responsible for the monitoring; 2) the monitoring and reporting schedule; and 3) the completion requirements. In addition to separate issue area mitigation discussions in the various topics of the SEIR, a consolidated, stand alone, verbatim, all issue area MMRP should also be included in the SEIR in a separate section and a duplicate separate copy must also be provided to EAS.

XI. REFERENCES

Material must be reasonably accessible. Use the most up-to-date possible and reference source document.

XII. INDIVIDUALS AND AGENCIES CONSULTED

List those consulted in preparation of SEIR. Seek out parties who would normally be expected to be a responsible agency or an interest in the project.

XIII. CERTIFICATION PAGE

Include City and Consulting staff members, titles and affiliations.

XIV. APPENDICES

Include the NOP, Scoping Meeting Notice and comments received on the NOP and at the Scoping Meeting (Scoping Meeting verbal transcript). Include all accepted technical studies.

Mr. Gary Levitt

July 18, 2014

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In conclusion, prior to starting work on the SEIR, it is recommended that we meet with your staff to discuss this proposed scope of work and the environmental review process. Furthermore, if the project description changes, and/or supplementary information becomes available, the SEIR may need to be expanded to include additional issue areas which would be require consultation with EAS. Please contact Elizabeth Shearer-Nguyen, Senior Planner, at (619) 446-5369, if you have any questions regarding the CEQA analysis; or Jeff Peterson, Project Manager at (619) 446-5237, for general questions regarding the proposed project.

Sincerely,



Kerry Santoro

Deputy Director

Development Services Department

KS/les

cc: E. Shearer-Nguyen, Environmental Analysis Section
Environmental Project File
Jeff Peterson, Project Management Division
Kim Baranek, Baranek Consulting Group
Anna L. Colamussi-Yentile, Latitude 33 Planning & Engineering, Consultant