



THE CITY OF SAN DIEGO

ADDENDUM TO AN ENVIRONMENTAL IMPACT REPORT

Project No. 1059203
Addendum to EIR No. 360009
SCH No. 2014071065

SUBJECT: Merge 56 Development Project: AMENDMENT TO PLANNED DEVELOPMENT PERMIT to increase the total entitled non-residential square footage from 525,000 square feet (SF) to 791,031 SF and a CONDITIONAL USE PERMIT to allow the child care center (previously added to the project through SCR 689700) to be located within 1,000 feet of research and development (R&D) uses that may use or store hazardous materials. The project includes a revised site plan for Units 4 and 10 that contains an updated mix of R&D, retail, hotel, and shopkeeper uses. The project site is zoned Commercial (CC-3-5), is designated for Local Mixed Use Center (LMXU), and lies within the Torrey Highlands Community Plan Area. The 12.72-acre amendment area (Unit 10 of Map No. 16433) and 5.96-acre-amendment area (Unit 4) are located south of State Route 56 (SR 56) at Camino Del Sur, West of Carmel Mountain Road. The project site is located in the Airport Land Use Compatibility Overlay Zone (ALUCOZ) for Marine Corps Air Station (MCAS) Miramar and Airport Influence Area (AIA) Review Area 2 for the MCAS Miramar. Property is located within Council Districts 5 and 6. (LEGAL DESCRIPTION: Lots 4, 5, and 10 in the City of San Diego, County of San Diego, State of California, according to map thereof No. 15578, filed in the Office of the County Recorder of San Diego County, July 11, 2007, as File No. 2007-0466189, O.R.; APNs 306-424-04, -05, -06, -07, and -08; 306-424-18; and 306-424-30) APPLICANT: Sea Breeze 56.

I. SUMMARY OF PROPOSED PROJECT

The project's Environmental Impact Report (EIR; SCH No. 2014071065) was certified by City Council in May 22, 2018. Since EIR certification, the plans for the non-residential portion of the project have been modified to reconfigure the approved retail, hotel, and office space to reduce retail commercial square footage and increase office square footage beyond the originally entitled 525,000 square feet (SF) of non-residential uses contained within Units 4 and 10 of the Tentative Map. The non-residential uses proposed for the project site would total 791,031 SF, a net increase of 266,031 SF above that approved for the project in 2018. In addition, a portion of the approved commercial/retail and general office uses have been shifted to daycare use, hotel building expansion, and Research and Development (R&D). Thus, amendments to Planned Development Permit (PDP) No. 1266871 and PDP No. 2570887 are proposed to revise the uses and their layout. Specifically, the proposed amendments to PDP No. 1266871 and PDP No. 2570887 would increase the total entitled non-residential square footage from 525,000 SF to 791,031 SF and a Conditional Use Permit (CUP) is now required to allow the child care center (previously added to the project

through a prior Substantial Conformance Review [SCR 689700]) to be located within 1,000 feet of R&D uses that may use or store hazardous materials.

The project changes include a revised site plan with an updated mix of R&D, retail, and hotel, and shopkeeper uses (previously added to the project through SCR 672275). The revised project follows the approval of PDP amendment No. 2570887 (Amendment No. 1), which permitted R&D uses within the CC-3-5 zone of the Merge 56 Development Project site. The current proposed changes are located within Units 4 (Lots 3 and 4) and 10 (Lots 1-6) of the Merge 56 Development Project. No changes are proposed outside of Units 4 and 10, including the residential components in Units 1 through 9 or the public roadway improvements component of the project. The residential component is currently being constructed with occupancy of residences on-going, and the public roadway improvements have been completed.

The Unit 10 site plan proposes relocating the hotel from the northwest corner to a central location, adding 77,031 SF for a total of 131,031 SF within 6 stories, and incorporating 21,448 SF of ground floor retail. Although the square footage of the hotel would increase to accommodate amenities and back-of-house space, no change is proposed to the number of hotel rooms, which remains at 120 rooms, as previously approved. The increase in square footage is also associated with increased square footage per hotel room. Additionally, previous project approvals identified the hotel as 54,000 SF; however, 54,000 SF refers to room space only and did not take into account loading, back of house, corridor, dining and function space, etc. The revised project corrects the understated hotel square footage through the proposed PDP Amendment.

The amount of commercial/retail space within Unit 10 would be reduced with the grocery store, cinema, and other large uses being replaced with flexible spaces that would allow for uses such as a small, farmer's market type offerings, quick serve and sit-down dining, personal service, retail stores, specialized fitness studio, and similar neighborhood-serving commercial uses. In addition to the attached retail space fronting the hotel, a detached 15,000 SF pavilion would be located in Lot 5 of Unit 10. A centralized parking structure would be located to the rear of the hotel with 4.5 subterranean levels and 6 above-grade levels and approximately 2,403 parking spaces.

The project would add two 5-story R&D buildings on Lots 1 and 2 in Unit 10, each with one level of subgrade parking, amenity space, and central utility plants located north of the buildings. The project proposes to alter the approved office building on Lot 6 to a 5-story R&D building with one subgrade level of parking.

The proposed Unit 4 site plan would incorporate an additional 800 SF of retail frontage area around the shopkeeper units (in Lots 3 and 4 facing Private Road M) and add a trellis structure to provide continuity with the design of the proposed pavilion in Unit 10. With the additional 800 SF of retail area currently proposed, retail space for the shopkeeper units in Unit 4 would total 5,552 SF.

The project would include a total of 42,000 SF of commercial/retail uses (consisting of 21,448 SF of ground floor retail associated with the hotel in Unit 10, 15,000 SF associated with the detached pavilion in Unit 10, and 5,552 SF associated with the shopkeeper units in Unit 4); a 120-room, 131,031 SF hotel; and 610,000 SF of R&D. No changes are proposed to the 8,000 SF child care center or the residential uses of the Merge 56 Development Project.

Proposed access and circulation changes would be implemented with the revised project site plan to create circulation to the reconfigured land uses in Units 4 and 10. The proposed improvements would include the following:

- Removal of Private Drive R, which was proposed within the mixed-use portion of the original project, and replacement of Private Drive R with a fire access road and new driveway;
- Addition of one new driveway along Camino Del Sur to access Unit 10, Lot 1 (one of the proposed R&D buildings), and
- Modification to westbound approach lane configuration at the intersection of Private Drive M and Camino Del Sur from one left, one shared through-right, and one exclusive right turn to one shared left-through lane and two exclusive right turn lanes.

The project would maintain overall drainage patterns as previously approved but include adjustments to the Drainage Management Area (DMA) boundaries and routing. DMA 12 would be split into two DMAs, 12a and 12b, with a system of biofiltration basins treating each. DMA 13 would be separated into three DMA's, 13a, 13b, and 13c, each utilizing a modular wetland system (MWS) unit for treatment (Latitude 33 2023a and 2023b). DMA 14a would remain the same but would now use an MWS unit for treatment. Since the project proposes to remove Private Drive R, DMA 4 would be split into 4a and 4b to treat Private Drive T and Private Drive M, respectively. Since a MWS unit has already been installed for the previous DMA 4, DMA 4a would utilize the same unit. DMA 4b would utilize a new MWS unit. Runoff would ultimately be conveyed by private storm drain to Camino Del Sur where all the DMA's would confluence at the vault. It would then connect into the public storm drain which would drain westward into Deer Canyon. The onsite backbone storm drainage systems have been sized to handle the 50-year storm event in the ultimate condition. In addition, the downstream drainage facilities included within Camino Del Sur have also been sized to handle the runoff generated by the revised project.

Landscaping would consist of a combination of broad-headed native shade trees, native accent trees, urban accent trees, foundation and screening shrubs, urban shrubs, ground cover, and vines. Additionally, parkways would be planted with a combination of large parkway trees, small parkway trees, and parkway shrubs. Landscaped areas of the project site would include the areas east of the Lot 6 R&D building; the area north of the Lot 3 R&D building, between the structure and the property line; the large pedestrian gathering area south and west of the two R&D buildings on the west side of the property; south of the hotel and hotel retail areas; and along the proposed roadways. The proposed MWS and biofiltration basins described above would be planted and integrated into the landscape area situated in the public gathering space featuring walkways, plantings and turf proposed between the two westernmost R&D buildings. Additionally, landscaping would occur in the retail portion of the site within Unit 4 and between the retail area and the hotel structure. Enhanced paving materials would be integrated throughout the project site, including uncolored concrete with an enhanced finish, colored concrete with finishes, concrete pavers, and stamped concrete. Both grass pavers and permeable paving would be featured within the fire lane.

Construction activities are anticipated to occur over a period of approximately 20 months, and would consist of grading/excavation, building construction, paving, architectural coating application and landscape installation. While proposed construction activities would occur entirely within the previously mass-graded project site, the project revisions would require cut at depths exceeding the previous grading activities due to the proposed subterranean levels for the R&D buildings and the

Unit 10 parking structure. Construction of the subgrade levels would require cut of approximately 626,700 cubic yards at a maximum depth of 63 feet.

II. ENVIRONMENTAL SETTING

The 72.34-acre Merge 56 Development Project site is located in the north-central portion of the City of San Diego, south of State Route 56 (SR-56), west of the Carmel Mountain Road extension and east of the recently completed extension of Camino Del Sur (Figure 1, *Regional Location*, and Figure 2, *Aerial Photograph*). 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 Camino Del Sur and Carmel Mountain Road. The Merge 56 Development Project site is located within the Torrey Highlands Subarea, Rancho Peñasquitos Community Plan, and the Del Mar Mesa Specific Plan areas.

The 17.76-acre project site for the amendments (located within the Merge 56 Development Project site) is located at 8092 Carmel Mountain Road (APN 306-424-0700) in the CC-3-5 zone, and within the Torrey Highlands Community Plan Area. The 12.72-acre site (Unit 10 of Map No. 16433) and 5.96-acre site (Unit 4) is located south of SR 56 at Camino Del Sur, west of Carmel Mountain Road in the CC-3-5 zone within the Torrey Highlands Plan area (Figure 3, *Proposed Site Plan*).

The entire Merge 56 Development Project site has been fully graded, including Units 4 and 10. Public roadway improvements associated with the project (see Summary of Original Project below) have been constructed. The residential uses associated with the project are currently being constructed, with occupancy of residences on-going.

III. SUMMARY OF ORIGINAL PROJECT

The Merge 56 Development Project was adopted by City Council on May 22, 2018. The approved project is comprised of two project components, a 41.34-acre mixed-use development (with 242 residential dwelling units and 525,000 SF of commercial uses) and 31 acres of public roadway improvements to complete undeveloped segments of Camino Del Sur and Carmel Mountain Road (these segments have since been constructed as part of the project).

The 41.43-acre mixed-use development (including internal private road improvements) consisted of a mixed-use center containing commercial, office, hotel, and residential uses on a triangular-shaped property, including 525,000 SF of commercial, office, theater/cinema, and hotel uses and 242 residences (i.e., 158 multi-family and 84 single-family). The second component of the project was comprised of 31 acres of public road improvements which completed undeveloped segments of Camino Del Sur and Carmel Mountain Road, Circulation Element roads. The approximately 0.93-mile-long Camino Del Sur extension has been constructed from its previous terminus south of SR-56 and Torrey Santa Fe Road to its intersection with its previous terminus north of Dormouse Road and Park Village Road. The paved portion of Carmel Mountain Road has been realigned north of its previous location and the road has been extended approximately 0.38 mile south from SR-56 right-of-way (ROW) to its planned intersection with Camino Del Sur. Both public roads front the development property and intersect at the southern boundary of the mixed-use development. To date, all 31 acres of public roadway improvements have been constructed.

Subsequent to the 2018 project approval and EIR certification, the project has undergone a series of modifications, including three Substantial Conformance Reviews (SCRs) and a PDP Amendment. Substantial Conformance Review 1 (SCR 1) changed layouts, floor plans, and square footages of

residential uses. No changes were made during SCR 1 to non-residential uses. Substantial Conformance Review 2 (SCR 2) introduced nine shopkeeper units in Unit 4 to maintain an active, pedestrian-oriented streetscape along Carmel Mountain Road and relocated 62,777 SF of commercial and 53,075 SF of office from Unit 4 to Unit 10. The parking structure was also relocated from Unit 4 Lot 1 to Unit 10 and 22 residential units from Unit 10 were moved to Unit 4. The 47 affordable housing units were moved to Unit 10 with design/layout to be provided in a subsequent SCR. Substantial Conformance Review 3 (SCR 3) increased the amount of office space and decreased the amount of commercial space in Unit 10. It also provided the design/layout for the affordable housing units and introduced the adjacent child care center use. No changes were made to Units 4 or 5 as part of SCR 3. PDP Amendment 1 amended the PDP to permit R&D uses in the CC-3-5 zone. R&D was already permitted by the community plan. Reductions to the amount of commercial and office uses allowed for the introduction of 313,000 SF of R&D use.

IV. ENVIRONMENTAL DETERMINATION

The City previously certified the Merge 56 Development Project EIR No. 360009/SCH No. 2014071065 on May 22, 2018. Based on all available information in light of the entire record, the analysis in this Addendum, and pursuant to Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines, the City has determined the following:

- There are no substantial changes proposed in the project which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes have not occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental document was certified as complete or was adopted, that shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous environmental document;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous environmental document;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous environmental would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Based upon a review of the current project, none of the situations described in CEQA Guidelines Sections 15162 and 15164 applies. No changes in circumstances have occurred, and no new information of substantial importance has manifested, which would result in new significant or substantially increased adverse impacts as a result of the project. Therefore, this Addendum has been prepared in accordance with CEQA Guidelines Section 15164. Public review of this Addendum is not required per CEQA.

V. IMPACT ANALYSIS

The analysis provided in this addendum indicates that there are no new significant impacts that would result from the project and that all project-level impacts can be fully mitigated. A comparison of the project’s impacts related to those of the adopted Merge 56 EIR is provided in **Table 1, Impact Assessment Summary**, and discussed in detail below. The following includes the project-specific environmental review pursuant to CEQA. The analysis in this document evaluates the adequacy of the EIR relative to the project.

Table 1 Impact Assessment Summary

Environmental Issues	Merge 56 FEIR Impact Conclusion	Project-Level Analysis	Project Impact Conclusion	Merge 56 EIR Mitigation?	Project-Level Mitigation?
Land Use	Significant, mitigated	No new impacts	Less than significant	Yes	No
Transportation/Circulation	Significant, mitigated	No new impacts	Less than significant	Yes	Yes
Biological Resources	Significant, mitigated	No new impacts	Less than significant	Yes	No
Historical Resources	Significant, mitigated	No new impacts	Less than significant	Yes	No
Paleontological Resources	Significant, mitigated	No new impacts	Significant, mitigated	Yes	Yes
Noise	Less than Significant	No new impacts	Less than significant	No	No
Greenhouse Gas Emissions	Less than Significant	No new impacts	Less than significant	No	No
Visual Effects/Neighborhood Character	Significant, unavoidable	No new impacts	Less than significant	No	No

Land Use

Merge 56 EIR

Applicable Plans and Policies

The project site was designated as Commercial Employment, Retail and Services; Residential; and Parks, Open Space and Recreation in the General Plan Land Use Map. In the Torrey Highlands Subarea Plan, the project site was designated for Commercial Regional (CR) and Medium High Density Residential (MH) use, and the portions of Camino Del Sur and Carmel Mountain Road within the project area were classified as four-lane and six-lane major roads.

The approved project proposed a General Plan Amendment (GPA) to modify the land use category for the project site to Multiple Use to be consistent with the Local Mixed Use Center (LMXU) designation proposed in a Community Plan Amendment (CPA) for the project. The CPA allowed the change in land use designation of the mixed-use development site to LMXU South, which would present opportunities to reconfigure the allowed uses to promote pedestrian activity while maintaining the ability for commercial uses to take advantage of the Camino Del Sur and SR-56 freeway interchange. The portions of Camino Del Sur and Carmel Mountain Road within the project area were re classified as four-lane major roads as part of the project's CPA. Although the project proposed a combination of land uses not specifically envisioned in the CR and MH designations of the Subarea Plan and General Plan, the EIR determined that the project would be consistent with the policies and goals identified in the General Plan and Subarea Plan related to the implementation of a LMXU center, and would further the goals of the City in creating a "village" and walkable community, providing employment opportunities for the region, and integrating a mix of housing types (multi-family and single family) to serve a range of housing needs. The EIR evaluated the project's consistency with General Plan, Subarea Plan, Community Plan, and Specific Plan goals, objectives, and policies. The analysis concluded that the proposed CPA and GPA would be consistent with General Plan policies that promote balanced communities and the development of a variety of different types of land uses within a community in order to offer opportunities for a diverse mix of uses and would also help implement the General Plan and Subarea Plan goal of providing diverse and balanced neighborhoods with housing available for households of all income levels. The EIR concluded that the CPA and GPA would not produce indirect or secondary impacts that were not anticipated in those plans.

According to the EIR, the project would be consistent with the land use designations, zoning, and associated density identified in the General Plan, Torrey Highlands Subarea Plan and Land Development Code (LDC) regulations. Downgraded roadway classifications for the public roads, Camino Del Sur and Carmel Mountain Road, would be capable of accommodating buildout traffic volumes predicted for the area. The EIR analysis indicated that both components of the project would be consistent with applicable polices and regulations contained in the General Plan, Subarea Plan, Community Plan, Specific Plan, and other applicable City plans and policies. The project design would comply with the intent of the Regional Air Quality Strategy and Water Quality Control Plan to protect air and water quality, and the project would be compatible with surrounding land uses. No significant land use policy impacts were identified in the EIR; therefore, no mitigation was required.

Deviation or Variation that Would Result in a Physical Impact

The approved project proposed a rezone of the mixed-use development portion of the project from the entitled zoning of CR-2-1 and RM-3-9 zones to Commercial (CC-3-5) and Residential (RX-1-2). Deviations requested through the PDP included front and rear yard setbacks in the RX zone, front yard setbacks in the CC zone and a deviation from ground floor restrictions where residential uses and residential parking were prohibited on the ground floor in the front 30 feet of the lot. In addition, a street frontage deviation was proposed for certain residential lots that would not have direct frontage to a public street. Proposed deviations from the base zone development regulations that were implemented as part of the project did not cause secondary physical impacts, as they were limited to the project site and did not occur in off-site areas. The project qualified for deviations for impacts to wetlands under the Biologically Superior and Essential Public Project options in the Environmentally Sensitive Lands (ESL) Regulations and land use policy impacts were identified as less than significant. No significant impacts were identified in the EIR; therefore, no mitigation was required.

Conflicts with the MSCP Subarea Plan

Project implementation resulted in 2.2 acres of direct impacts to the Multi-Habitat Planning Area (MHPA) caused by the construction of Camino Del Sur. These impacts have occurred and were mitigated in accordance with the MSCP Subarea Plan, City Biology Guidelines, and ESL Regulations. Indirect impacts to the MHPA through edge effects were identified for the project; however, project compliance with the City's MSCP Land Use Adjacency Guidelines related to public access, invasive plant species, and brush management would ensure impacts were less than significant. Mitigation measures were required to address potentially significant indirect impacts to the MHPA associated with grading/land development, drainage and toxics, lighting, and noise. Less than significant impacts were also identified for compliance with the goals and objectives of the Carmel Mountain and Del Mar Mesa National Resource Management Plan. No significant impacts were identified in the EIR; therefore, no mitigation was required.

Noise Levels Exceeding Standards and Conflicts with an Adopted Airport Land Use Compatibility Plan (ALUCP)

The EIR determined that all residential units would comply with the City's 65 dBA Community Noise Equivalent Level (CNEL) compatibility thresholds with walls proposed at the top of the slope along Carmel Mountain Road, Camino Del Sur, and SR-56, and commercial uses would be below the City compatibility threshold of 75 dBA CNEL at the proposed outdoor use areas. Appropriate noise attenuation measures identified in an interior noise analysis conducted during building permit review would be incorporated into the project design to ensure compliance with the General Plan Noise Element Land Use - Noise Compatibility Guidelines. The EIR concluded that the project would not be impacted by aircraft noise or safety caused by operations at Marine Corps Air Station (MCAS) Miramar. No significant land use compatibility impacts were identified in the EIR, and no mitigation was required.

Project

The Community Plan land use plan designates the project site as LMXU, which allows for "professional, corporate, scientific, and medical offices" as commercial uses. According to the Torrey Highlands Subarea Plan, the LMXU designation is intended for major grocery and drug stores,

pedestrian-oriented shops and stores, including restaurants and civic uses; multi-family housing and mixed-use residential units interspersed with ground floor commercial; and residential densities that decrease as the distance from the commercial center increases. The Subarea Plan further indicates that trails and pedestrian links should be created between residential areas and the center.

The proposed R&D, hotel, and retail uses are consistent with the LMXU designation and provide a mix of uses within the commercial center. The proposed modifications of the project would not require a Community Plan Amendment because no additional average daily trips (ADT) or localized traffic impacts would result, building massing would generally be consistent with the approved project, and the form and efficacy of the commons area would be preserved. As discussed in more detail in the Transportation subsection below, the proposed project changes would result in a 43 percent reduction of ADT from 19,468 trips identified in the EIR to 11,070 trips based on the project revisions, with associated ADT reductions in the A.M. and P.M. peak hours; thus, no additional ADT would be generated as a result of the proposed project changes. Regarding massing, no changes to the massing of structures south of Private Drive M would occur. For the proposed structures north of Private Drive M, changes have been made to the layout and configuration of proposed structures; however, the project massing maintains the larger, multiple-story buildings in the northern portion of the site, with smaller, single-story retail providing transition from the larger-multi-story structures to the north, and the residential uses south.

The revised project site plan contains numerous pedestrian connections and maintains the common areas for visitors to the center, maintaining pedestrian connections and open spaces for the project site. The project maintains the existing pedestrian connections between the mixed-use center and the residential uses to the south. The revised project contains increased pedestrian zones, with two pedestrian zones adjacent the proposed R&D structures on the western portion of the site, pedestrian zones near the hotel entrance and around the retail in the central portion of the site, and near the R&D building on the eastern portion of the site. Pedestrian connections are included along project roadways and throughout the site, connecting the R&D buildings, retail, and hotel uses, and parking structure with pedestrian paths, consistent with the Subarea Plan policies.

The revised project would remain consistent with General Plan policies that promote balanced communities and the development of a variety of different types of land uses within a community in order to offer opportunities for a diverse mix of uses, as analyzed in the EIR. The proposed changes to the mixed-use portion of the project, in concert with the overall Merge 56 Development Project, would continue to help implement the General Plan and Subarea Plan goal of providing diverse and balanced neighborhoods with housing available for household of all income levels.

In regard to the Regional Air Quality Strategy, as discussed above, the project would result in an approximately 43 percent reduction in daily traffic, and thus, corresponding decreases in operational mobile source emissions. As discussed in the update to the Air Quality Memo (Bluescape Environmental 2023b), both revised project's construction and operation emissions would be below San Diego Air Pollution Control District (SDAPCD) significance criteria, and proposed uses are consistent with long-term plans for the region. With the reduction in operational emissions associated with mobile source emissions (i.e., project traffic), the project would not result in inconsistencies with the Regional Air Quality Strategy.

The project would comply with all applicable City and related water quality standards and Hydromodification Management requirements, with conformance to be provided through the use of

appropriate low impact development, source, control, priority project, and treatment control best management practices for the project. Hydromodification of the project site would utilize the same storage vault previously approved for the project, with a minor location shift and rotation of the vault to better work with the proposed site plan. No changes to sizing of the vault are required for the project. Thus, the project would not result in inconsistencies with the Water Quality Control Plan for the San Diego Basin.

The proposed project follows the approval of PDP amendment No. 2570887 (Amendment No. 1), which permitted R&D uses within the CC-3-5 zone of the Merge 56 Development Project site. The CC-3-5 zone allows for a mix of pedestrian-oriented, community-serving commercial uses and residential uses according to SDMC Section 131.0507(b)(3). The purpose of the CC-3-5 zone is “to accommodate development of a high intensity, pedestrian orientation.” The project changes would feature a revised site plan with an updated mix of R&D, retail, hotel, and shopkeeper uses would be consistent with the allowed uses of the CC-3-5 zone, and no new deviations from the CC-3-5 zone are proposed as part of the project revisions.

A CUP is proposed to allow the child care center (previously added to the project through SCR 689700) to be located within 1,000 feet of proposed R&D uses that may use or store hazardous materials. Specifically, two of the proposed R&D structures would be located within 1,000 feet of the child care center. The City of San Diego requires developers to comply with the CUP requirements for allowing a child care center to be located within 1,000 feet of a use that may handle or store hazardous materials, consistent with the requirements of SDMC Section 141.0606(c)(1) and (2):

- (1) Child care centers are not permitted within 1,000 feet of any known business that:
 - (A) Has or is required to have a permit from the County of San Diego Hazardous Materials Division ... and handles regulated substances above the Threshold Quantity as listed in the California Code of Regulations, Title 19 Section 2770.5;
 - (B) Handles compressed flammable gases in excess of 1,500 pounds; or
 - (C) Handles flammable liquids in excess of 10,000 gallons.
- (2) The 1,000-foot separation distance shall be measured from the property line of the proposed child care facility to the use, storage, or handling areas for the regulated substances. Businesses may satisfy the separation requirements on-site. The child care center operator has the burden of proof of demonstrating compliance with the separation requirement.

To comply with the CUP requirement, a project that exceeds the amounts of hazardous material storage or usage listed in the City Code and is located within 1,000 feet of a child care center, would require a deviation per SDMC Section 141.0606 (c)(4), which requires the preparation of a Health Risk Assessment Study (HRA). While the future tenants of the proposed R&D buildings and their associated hazardous materials use are not known at this time, it is expected that R&D-type uses would not require the use of regulated substances above the threshold quantities identified in SDMC Section 141.0606(c)(1) and it is not expected that the project would require a deviation consistent with SDMC Section 141.0606(c)(4). Nonetheless, an HRA has been prepared for the project (Bluescape Environmental 2023a), the results of which are summarized herein.

The R&D building (R&D Building 1) proposed for construction on the eastern portion of the project site is located approximately 162 feet west of the child care center. The next nearest R&D building

proposed for the project (R&D Building 2) is located approximately 884 feet west of the child care center. The third R&D building (R&D Building 3) proposed for the project would not be located within 1,000 feet of the child care center. The first two buildings are the subject of the HRA referenced herein since they are proposed within 1,000 feet of the child care center.

The amounts of chemicals stored and used at typical biotech R&D facilities are so small that accidental spills or explosions do not cause impacts that occur even a few feet away from the release point (Bluescape Environmental 2023a). In addition, laboratories are required to have safety measures in place (e.g., training workers to quickly clean up spills and having neutralizers in place to minimize short-term impacts from toxic chemicals) to control any accidental spills. The R&D building tenants would be required to complete a Hazardous Materials Business Plan (HMBP) before starting operation including handling and use of covered hazardous materials, as required by the County of San Diego Department of Environmental Health and Quality (DEHQ). The DEHQ must approve the HMBP including review of potential impacts, or the R&D building tenants cannot begin operation. The purpose of the HMBP is to prevent or minimize damage to public health, safety, and the environment, from a release or threatened release of a hazardous material. The HMBP also provides emergency response personnel with adequate information to help them better prepare and respond to chemical-related incidents at regulated facilities. It is expected that after meeting the permit conditions of occupancy and the DEHQ requirements for the HMBP, including the proposed and approved control devices or systems, any risk of impacts on the child care center and/or nearby residents would be minimized to acceptable levels.

Based on the analysis contained in the HRA, spills or explosions of hazardous materials at any of the R&D facility buildings at the project site are not expected to represent a health risk to the children and workers at the proposed child care center or at the nearby residences at levels considered to be hazardous. Future R&D tenants would be required to comply with occupancy permit conditions related to the use of laboratory equipment and related operations, compliance with applicable rules and regulations relating to emissions standards and the use of any hazardous materials associated with such equipment, and identification of emission control devices or systems installed to control or contain potential hazards. The County of San Diego DEHQ would require any R&D tenant to comply with SDAPCD Rule 11 and to complete a Hazardous Materials Business Plan prior to beginning operations, that requires analysis of proposed chemical usage and controls. For any R&D tenants, additional analysis of actual planned usage of hazardous materials identified would be conducted by the County of San Diego DEHQ as conditions of occupancy. Based on the requirements and conditions that would be required for future tenants of the R&D buildings prior to occupancy, the requirement for a CUP would not result in a physical impact.

Direct impacts to 2.2. acres to the MHPA occurred as a result of the grading for the Merge 56 Development Project and were mitigated to a less than significant level in accordance with the Multiple Species Conservation Plan (MSCP) Subarea Plan, City Biology Guidelines, and ESL Regulations. The proposed project revisions would occur entirely within the existing, graded project site, and would not result in additional direct impacts to the MHPA. Additionally, the project revisions would not be located adjacent to the MHPA. The extension of Camino Del Sur constructed as part of the Merge 56 Development Project and the associated manufactured slopes and road ROW separate the 17.76-acre project site from the MHPA by more than 300 feet. As such, Land Use Adjacency Guidelines would not apply, and no indirect impacts to the MHPA would occur. The proposed project changes would not result in new impacts, would not have impacts on the MHPA, and the project is consistent with the MSCP.

The project occurs only within the 17.76-acre commercial portions of the mixed use development area. Thus, no changes to the residential noise compatibility as discussed in the EIR would occur. The City of San Diego's Land Use - Noise Compatibility Guidelines require interior noise levels office buildings be reduced to 50 dBA CNEL. The EIR noise study assumed that project design would feature a minimum of sound transmission class (STC) 26 rated dual pane windows and mechanical ventilation, and the uses would achieve the necessary interior noise reductions to meet the City's 50 dBA CNEL standard. Appropriate noise attenuation measures identified in an interior noise analysis conducted during building permit review would be incorporated into the project design to ensure compliance with the General Plan Noise Element Land Use - Noise Compatibility Guidelines. As discussed in the EIR, the 60 dBA CNEL from MCAS Miramar is situated approximately 5 miles south of the project, and the project would not be exposed to noise levels in excess of 65 dBA CNEL. The revised project would not result in new impacts associated with airport noise.

Based on the foregoing analysis and information, there is no evidence that the project would require a major change to the EIR. The project would not result in any new significant impact, nor would the project result in a substantial increase in the severity of impacts from that described in the EIR.

Transportation/Circulation

Merge 56 EIR

Transportation

The EIR identified less than significant direct project impacts to intersections, street segments, freeway mainline segments, and freeway on-ramps; however, cumulative transportation impacts related to level of service (LOS) at six intersections, two street segments, and four freeway mainline segments were determined to be significant upon buildout of the project. Mitigation measures Tra-1 through Tra-6 were required to mitigate the project's cumulatively significant impacts to intersections, and included payment of Facilities Benefit Assessment (FBA) fees towards improvements at Camino Del Sur/SR-56 ramps port of *Torrey Highlands PFFP Project No. T-1.3* (Tra-1 and Tra-2); restriping of the northbound approach to provide an additional northbound left-turn lane at the Carmel Mountain Road/Black Mountain Road intersection (Tra-3); payment of fair share contributions to improvements for SR-56 westbound and eastbound ramps at Black Mountain Road associated with *Rancho Peñasquitos PFFP Project No. T-2D* (Tra-4 and Tra5); and payment of fair share contribution for improvements at Black Mountain Road/Park Village Road associated with *Rancho Peñasquitos PFFP Project No. T-2D* (Tra-6). Mitigation measures Tra-7 and Tra-8 were required to mitigate the project's cumulatively significant impacts to street segments and consisted of the payment of fair share contributions toward the unfunded portion of *Rancho Peñasquitos PFFP Project No. T-2D* for improvements. Mitigation measure Tra-9, which required payment of FBA fees toward construction of the *Torrey Highlands PFFP Project No. T-1.2B* to expand SR-56 from I-5 to I-15 to a six-lane freeway, was required to mitigate the project's cumulatively significant impacts to freeway segments. While the project included mitigation measures Tra-1 through Tra-9 to reduce cumulative impacts, these measures would only partially mitigate cumulative impacts. Thus, cumulative impacts were determined to be significant and unmitigated due to the timing of the Torrey Highlands PFFP Project No. T-1.3 and Project No. T-1.2B, lack of adequate funding in the PFFP and proposed removal of Rancho Peñasquitos PFFP Project No. T-2D as part of Black Mountain Ranch CPA.

Impacts to California Department of Transportation (Caltrans) facilities (i.e., freeway segments) were determined to be significant and unavoidable because the City cannot ensure that the mitigation necessary to avoid or reduce the impacts to a level below significance (i.e., Tra-9) would be implemented prior to occurrence of the impact. Therefore, the EIR determined that impacts to freeway mainline segments were significant and unavoidable.

Circulation Movements/Public Access

The EIR identified less than significant impacts associated with circulation movement and public access. The internal street network within the mixed-use development component combined with the proposed trail connections along Camino Del Sur would accommodate pedestrian and bicycle access to points within and beyond the project areas, including access into the Del Mar Mesa area and MHPA to the west of the project site. Specifically, the project, as analyzed in the EIR, would construct a trail connection leading from the road to provide hikers and bikers an opportunity to access existing adopted trails from the public ROW and would not restrict access to any formally recognized trail system in the project area. No significant impacts were identified in the EIR; therefore, no mitigation was required.

Alternative Transportation

Implementation of the Merge 56 Development Project would be consistent with adopted policies, plans, and programs supporting alternative transportation. The project provided additional pedestrian and bicycle facilities that would connect with existing facilities, consistent with adopted plans supporting alternative transportation modes. The project is consistent with the City's General Plan Mobility Element goal of supporting multi-modal transportation and the Urban Design Element goal to create mixed-use, walkable villages. Thus, project implementation would not result in significant impacts related to conflicts with adopted policies, plans or programs supporting alternative transportation, and no mitigation was required.

Project

The proposed project revisions would result in a reduction of project ADT from 19,468 average daily trips identified in the EIR, to 11,070 average daily trips. P.M. peak hour trips would be reduced from 2,095 to 1,031 trips [with 315 trips in (reduced from 929) and 716 trips out (reduced from 1,166)], and A.M. peak hour trips would decrease from 1,192 to 1,020 trips [with 786 trips in (reduced from 806) and 234 trips out (reduced from 386)]. As discussed above, the EIR determined that the project would not result in significant, direct impacts on the street network. The 43 percent reduction in ADT that would occur as a result of the revised project's traffic volume changes may reduce transportation impacts on the street network and would not result in direct significant impacts to intersections, street segments, freeway mainlines, or metered freeway on-ramps.

With less project traffic generated than assumed in the prior FEIR, the revised project would only contribute to cumulatively significant impacts previously identified in the Merge 56 FEIR. FEIR mitigation measures Tra-1 through Tra-6 were required to mitigate the project's cumulatively significant impacts to intersections. FEIR mitigation measures Tra-7 and Tra-8 were required to mitigate the project's cumulatively significant impacts to street segments. FEIR mitigation measure Tra-9 was required to mitigate the project's cumulatively significant impacts to freeway segments.

Mitigation measures Tra-1 and Tra-2 have not yet been implemented due to timing of the PFFP project, but the project would be required to pay applicable FBA fees towards improvements in compliance with Tra-1 and Tra-2. Mitigation measure Tra-3 has not been implemented but would remain a condition of project approval, as shown in the MMRP in Section VI of this Addendum. Additionally, mitigation measure Tra-9 has not been implemented due to timing of the PFFP project, but the project would be required to pay applicable FBA fees towards SR-56 freeway widening improvements identified in Tra-9. Subsequent to the Merge 56 Development Project EIR certification and project approval, the City Council approved a Rancho Peñasquitos CPA for Black Mountain Road (Black Mountain Road CPA–Project No. 357262, adopted November 17, 2020, R-2021-232), which eliminated the need for the fair share obligations of the Merge 56 Development Project EIR mitigation measures Tra-4 through Tra-8 for the widening of the Black Mountain Road project. Thus, mitigation measures Tra-4 through Tra-8 were not completed and are no longer required.

The 31 acres of public roadway improvements have already been completed for the project. In addition, the majority of private, internal drives have already been constructed for the project. Proposed access and circulation changes would be implemented with the revised project site plan to create circulation to the reconfigured land uses in Units 4 and 10. The proposed improvements would include the following:

- The removal of Private Drive R, which was proposed within the mixed-use portion of the original project; replacement of removed Private Drive R with a fire access road and new driveway;
- The addition of one new driveway along Camino Del Sur to access Unit 10, Lot 1 (one of the proposed R&D buildings); and
- A change in westbound approach lane configuration at the intersection of Private Drive M and Camino Del Sur from one left, one shared through-right, and one exclusive right turn to one shared left-through lane and two exclusive right turn lanes.

An access analysis was completed for the project, which demonstrates that all the street segments and roundabouts function satisfactorily with the proposed site design and land use changes (Urban Systems Associates 2023). As such, less than significant impacts to circulation movements and public access would occur as a result of the project.

The project revisions would not negatively impact alternative transportation modes or safety. Similar to the approved project, the project revisions would be consistent with adopted policies, plans, or programs supporting alternative transportation, including those in the Mobility Element of the General Plan. The project includes pedestrian and bicycle facilities, including bicycle lanes and parking, within the mixed-use portion which would connect with existing facilities in the area, consistent with adopted plans supporting alternative transportation modes.

Based on the foregoing analysis and information, there is no evidence that the project would require a major change to the EIR. The project would not result in any new significant impact, nor would the project result in a substantial increase in the severity of impacts from that described in the EIR.

Biological Resources

Merge 56 EIR

Sensitive Vegetation Communities

The EIR identified direct impacts to 61.74 acres of sensitive vegetation communities, including vernal pools, road pools, southern willow scrub, mule fat scrub, freshwater marsh, scrub oak chaparral, Diegan coastal sage scrub (including -disturbed), Diego coastal sage scrub-southern mixed chaparral ecotone, southern mixed chaparral, chamise chaparral (including -disturbed), and non-native grassland as a result of implementation of the Merge 56 Development Project. Significant impacts were identified because the impacted communities were wetlands or Tier I through Tier IIIB habitats.

Mitigation to reduce impacts to a less than significant level included: biological monitoring during construction (Bio-1); off-site creation of vernal pool habitat (at a 3:1 ratio) in accordance with a vernal pool mitigation plan approved by the City, United States Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW) for 0.041 acre of vernal pool impacts (Bio-2); off-site creation of wetland habitat (at a 3:1 ratio) for impacts to 0.5 acre of wetland/riparian habitat (Bio-2); and preservation of a minimum of 51.8 acres of suitable habitat/mitigation credit for direct impacts to 61.2 acres of sensitive upland vegetation communities and Nuttall's scrub oak (Bio-3). The upland mitigation requirement was to be met through the assignment of credits in the Deer Canyon Mitigation Bank and/or acquisition of land available at the Crescent Heights site or East Elliott community for 32.7 acres of upland mitigation, for 1.7 acre of credits in the Deer Canyon Mitigation Bank for impacts to scrub oak chaparral, and 17.4 acres of mitigation for impacts to Tier II and Tier III habitats at the Anderprizes mitigation site (in the City of San Diego). The upland habitat mitigation requirement for the mixed use component occurred through the use of credits in the City's Deer Canyon Mitigation Bank and preservation of upland habitat at the East Elliott parcel. Mitigation for Camino Del Sur impacts were met through use of credits in the Deer Canyon Mitigation Bank and at the Anderprizes mitigation site in accordance with the Conservation Credit Agreement among San Diego Association of Governments (SANDAG) and other signatories for regional transportation projects and local streets and roads.

Sensitive Plant Species

The EIR identified direct impacts to several sensitive plant species, including Nuttall's scrub oak, summer holly, and spine shrub due to the numbers of individuals impacted and/or their high levels of sensitivity. Direct impacts to Nuttall's scrub oak, summer holly, and spine shrub were mitigated through preservation of habitat prescribed in EIR mitigation measure Bio-3. The Deer Canyon Mitigation Bank supports Nuttall's scrub oak, summer holly and spine shrub. Implementation of EIR mitigation measure Bio-3 reduced impacts to sensitive plant species to a less than significant level.

Sensitive Wildlife Species

Direct impacts to San Diego fairy shrimp, coastal California gnatcatcher and its habitat, orange-throated whiptail, coast horned lizard, western spadefoot, two-striped garter snake, Cooper's hawk, and black-tailed jackrabbit were identified in the EIR. Direct impacts to San Diego fairy shrimp were determined to be significant, requiring mitigation. Mitigation to reduce impacts to San Diego fairy shrimp were identified in EIR mitigation measure Bio-4 and included consultation with USFWS through a Section 7 Consultation with the Corps; vernal pool creation in the of-site mitigation

identified in mitigation measure Bio-2; and measures to be implemented to protect San Diego fairy shrimp and its habitat in the off-site vernal pool preserves adjacent to the project. Direct impacts to coastal California gnatcatcher and its habitat within the MHPA were considered significant and required mitigation (Bio-5) in accordance with the MSCP Subarea Plan (the acquisition and preservation of Diegan coastal sage scrub habitat in accordance with mitigation measure Bio-3). Direct impacts to coastal California gnatcatcher and its habitat outside of the MHPA are authorized under the City's subarea Plan and were, therefore, less than significant. Direct impacts to orange-throated whiptail, coast horned lizard, western spadefoot, two-striped garter snake, and Cooper's hawk were determined to be less than significant because they are MSCP Covered Species or impacts were limited, and no mitigation was required. Impacts to the San Diego black-tailed jackrabbit were significant due to the acreage of its potential habitat to be impacted and potential injury and mortality to individuals. Potentially significant impacts to sensitive animal species with moderate to high potential to occur in the Project area, including silvery legless lizard, Coronado skink, Bell's sage sparrow, California horned lark, Dulzura pocket mouse, and northwestern San Diego pocket mouse were identified in the EIR. Mitigation for impacts to San Diego black-tailed jackrabbit and sensitive animal species with moderate to high potential to occur, consisted of protection during construction (Bio-1), acquisition and preservation of habitat in accordance with mitigation measure Bio-3, and implementation of mitigation measure Bio-5. Mitigation measure Bio-5 required covering of all steep-walled trenches or excavations, or the installation of exclusion fencing around trenches or excavations. Mitigation measure Bio-5 also required three-times-daily inspections by a biologist, inspection by a biologist prior to backfilling, relocation of any entrapped wildlife, and relocation of any native, vertebrate species in the path of construction.

Impacts to MSCP Covered Species with moderate potential to occur (i.e., southern California rufous-crowned sparrow and northern harrier) were determined to be less than significant, as impacts to populations of these species were not substantial. No mitigation was required; however, mitigation for impacts to sensitive species offset potential direct impacts to these species.

Direct impacts to non-native grassland would result in a loss of raptor foraging habitat outside the MHPA, which would be offset by habitat-based mitigation. Mitigation measure Bio-7, which required acquisition and preservation of non-native grassland in accordance with mitigation measure Bio-3, reduced significant impacts to a less than significant level.

Indirect impacts to raptor nesting were not expected, and indirect impacts from fugitive dust and roadkill were identified as less than significant. No mitigation was required.

Wetlands

The EIR identified substantial adverse impacts on Waters of the United States (WUS), Waters of the State (WS), and City Wetlands through direct removal, filling, hydrological interruption of other means as a result of the Merge 56 Development Project. The project qualified for ESL Regulations Deviations for these impacts based on four criteria outlined in the City Biology Guidelines. While the project avoided impacts to vernal pools and their watersheds outside of the project impact footprint to the maximum extent practicable through project design, and permanent fencing was required to protect immediately adjacent vernal pool preserves, impacts to wetland and jurisdictional resources were determined to be significant, requiring mitigation. Mitigation requirements identified in the *Rhodes Crossing Mitigation Plan* for the vernal preserves adjacent to Carmel Mountain Road (for the mixed-use portion of the Merge 56 Development Project) and EIR mitigation measure Bio-8, which identifies replacement mitigation through the use of credits at the El Cuervo Norte Wetland

Mitigation Site in Los Peñasquitos Canyon Preserve and off-site creation of wetland/riparian habitat along the creek in McGonigle Canyon, reduced significant impacts to a less than significant level. Mitigation Measures Bio-1, Bio-4, and Bio-9 were identified to avoid or minimize potential indirect impacts to off-site vernal pool preserves. Mitigation measure Bio-9 required construction monitoring and reporting during grading of the public roads in the vicinity of the off-site vernal pools during construction and for three years following construction. These measures were implemented during mass grading of the project site and during the construction of the roadways and residential portions of the project site.

Wildlife Corridors and Nursery Sites

As discussed in the EIR, impacts associated with the project, including the extension of the two-lane, southern portion of Camino Del Sur, would not interfere substantially with the movement of wildlife in an already highly constrained corridor. Impacts to wildlife corridors or nursery sites were determined to be less than significant and no mitigation was required in the EIR.

Multiple Species Conservation Program

The City's ESL Regulations require that development avoid impacts as much as possible to MHPA lands. Impacts to approximately 2.22 acres of the MHPA were identified in the EIR as unavoidable, and City Circulation Element roadways are permitted within the MHPA. These impacts, therefore, did not conflict with the MSCP or its policies. Impacts to the sensitive vegetation communities within MHPA, however, were identified as significant (as discussed above), and mitigation was required. Impacts to disturbed habitat in the MHPA were determined to be less than significant per Table 3 of the City's Biology Guidelines, and no mitigation was required. The Merge 56 Development Project as analyzed in the EIR was also determined to be consistent with the Area Specific Management Directives of the MSCP. Implementation of Mitigation Measures Bio-1 through Bio-9 was required consistent with the City's MSCP Subarea Plan and Biology Guidelines to reduce direct and indirect impacts to sensitive vegetation communities and species in the MHPA to below a level of significance.

Project

The entire Merge 56 Development Project site, including the public roadway improvements, has been fully graded and is undergoing development or is completed (in the case of the public roadway improvements). The sensitive vegetation impacts identified in the EIR have already occurred. All biological mitigation measures have been implemented, including those specific to sensitive vegetation communities. While final grading and excavation activities would occur within the mixed-use development portion of the site (in Unit 10), the project revisions would not result in disturbance outside of the existing graded footprint, and thus, would not result in additional impacts to sensitive vegetation communities. No additional mitigation is required.

As discussed above, the area proposed for construction activities under the revised project has been fully graded, biological impacts have occurred, and mitigation for impacts identified in the EIR has been undertaken. The project revisions would occur entirely within the graded footprint of the project, no additional impacts to sensitive plant species would occur, and no additional mitigation would be required.

Impacts to sensitive wildlife species occurred during grading of the project site, and mitigation was implemented, as identified in the EIR. The current project would not result in additional impacts to sensitive wildlife species beyond those that were identified in the EIR that have already occurred. While finished grading would occur within the Unit 10 portion of the project site, none of the grading would occur adjacent to habitats for sensitive species. No additional impacts would occur, and no additional mitigation would be required.

There are no wetlands on the graded project site. Wetland impacts identified in the EIR have already occurred and mitigation has been implemented for wetland impacts. No additional impacts would occur and no additional mitigation would be required.

As discussed in the EIR, the project site is located in an already highly constrained corridor. Proposed development would occur within the boundaries of the already graded project site. No new impact to wildlife corridors and nursery sites would occur.

The entire Merge 56 Development Project site and off-site roads have been fully graded and are undergoing development or are completed. The project site is completely within the already-graded Merge 56 Development Project site. No additional MSCP impacts would occur beyond those identified in the EIR. The 2.2 acres of direct MHPA impacts identified in the prior EIR have already occurred as a result of site grading and development on other portions of the project site, and biological mitigation measures have been implemented, as discussed above. The portion of the project site remaining for development is not within or adjacent to the MHPA, and no indirect impacts would occur.

Based on the foregoing analysis and information, there is no evidence that the project would require a major change to the EIR. The project would not result in any new significant impact, nor would the project result in a substantial increase in the severity of impacts from that described in the EIR.

Historical Resources

Merge 56 EIR

Historic Structures, Objects or Sites; Prehistoric Resources, Sacred Sites and Human Remains

Two cultural resources were encountered during surveys on the Merge 56 Development Project site. These resources included SDI-13077H, a historical archaeological site that was found to be not historically significant, and SDI-13078, a prehistoric habitation site that was recommended California Register of Historical Resources (CRHR) eligible in 1996, with the research potential exhausted by a data recovery effort. Based on the assessment of these two resources, and the data recovery effort previously conducted on SDI-13078, the EIR determined that the Merge 56 Development Project would not result in the alteration or destruction of any prehistoric or historic buildings, structures, objects or sites; religious or sacred sites/uses; or human remains. As such, no significant impacts to these resources would occur. However, the EIR noted the potential for the occurrence of unknown subsurface resources, including historic and archaeological resources. Based on that potential, the EIR identified potentially significant impacts to historical resources. EIR mitigation measure Hist-1 required monitoring and associated activities prior to the start of construction; during construction; and after construction within 100 feet of the two previously recorded sites on the mixed-use portion of the project, within the ROW for Camino Del Sur, and within the eastern trail alignment to

Darkwood Canyon. Implementation of mitigation measure Hist-1 reduced impacts to a less than significant level.

Project

As discussed previously, the entire Merge 56 Development Project site has been mass graded. Consistent with the requirements of EIR mitigation measure Hist-1, archaeological monitoring was conducted during the mass grading of the project site and no resources were discovered during grading activities. While finish grading and excavation would be required within the Unit 10 portion of the project site, the area has already been mass graded and would not include land disturbance outside of the mass graded area. No new impacts would occur as a result of the project revisions, and impacts to historical resources would not occur.

The Notice of Preparation for the Merge 56 Development Project EIR was filed with the Governor's Office of Planning and Research in July 2014, prior to the requirements for consultation associated with Assembly Bill 52 (AB 52). However, the City consulted with local tribal governments in accordance with Senate Bill 18 in February 2014. The revised project does not require AB 52 consultation as the project does not require the preparation of a Negative Declaration, Mitigated Negative Declaration, or an EIR.

Based on the foregoing analysis and information, there is no evidence that the project would require a major change to the EIR. The project would not result in any new significant impact, nor would the project result in a substantial increase in the severity of impacts from that described in the EIR.

Paleontological Resources

Merge 56 EIR

The geologic formations underlying the mixed-use development component of the project site include the Quaternary-age, very old paralic deposits (formerly Lindavista Formation), and the Tertiary-age Stadium Conglomerate and Mission Valley Formation. Shallow landfill deposits were also noted on the mixed-use development site. Because of high sensitivity for paleontological resources within the Mission Valley Formation and Stadium Conglomerate, and moderate sensitivity within the Linda Vista Formation, grading into these sensitive formations could potentially destroy fossil resources. The Merge 56 Development Project EIR indicates that the mixed-use development portion of the project required 272,000 cubic yards of cut at a maximum depth of 31 feet and trenching for utilities systems for the mixed-use portion of the project, and grading of approximately 32 acres at depths up to 52 feet for the Circulation Element roads. Therefore, implementation of the Merge 56 Development Project had the potential to result in significant impacts to paleontological resources. EIR mitigation measure Paleo-1, which required paleontological monitoring during construction activities and (if applicable) resource recovery (per standard City paleontological mitigation requirements) was required to reduce impacts to a less than significant level.

Project

Grading of the Merge 56 Development Project site is complete. Paleontological monitoring occurred at the project site as part of the mass grading activities for the entire Merge 56 Development Project and no resources were discovered during grading activities. While proposed activities in Unit 10 would occur entirely within the previously mass-graded project site, the project revisions would

require cut at depths exceeding the previous grading activities due to the proposed subterranean levels for the R&D buildings and the Unit 10 parking structure. Construction of the subgrade levels would require cut in excess of previous activities and would encroach into undisturbed formational layers. The project would require cut of approximately 626,700 cubic yards at a maximum depth of 63 feet, which would exceed the City's significance threshold for impacts to high sensitivity geologic formations (more than 1,000 cubic yards of material at depths of 10 feet or more) and for moderate sensitivity geologic formations (more than 2,000 cubic yards of material at depths of 10 feet or more). Thus, the revised project would result in the potential for impacts to paleontological resources within areas of high and moderate paleontological sensitivity. The project would implement EIR mitigation measure Paleo-1 to reduce impacts to paleontological resources to a less than significant level.

Based on the foregoing analysis and information, there is no evidence that the project would require a major change to the EIR. The project would not result in any new significant impact, nor would the project result in a substantial increase in the severity of impacts from that described in the EIR.

Noise

Merge 56 EIR

Ambient Noise/ Noise Ordinance Compliance

The City regulates noise associated with construction equipment and activities through enforcement of noise ordinance standards (e.g., days of the week and hours of operation) and imposes conditions of approval for building or grading permits, thus, there is a procedure in place that allows for variance to the noise ordinance. Division 4 of Article 9.5 of the SDMC addresses the limits of disturbing or offensive construction noise. The SDMC states that, with the exception of an emergency, it is unlawful to conduct any construction activity as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12-hour period from 7:00 a.m. to 7:00p.m.

Cumulative noise levels during project grading activities for the mixed-use portion of the project were identified in the EIR as 72 dBA at the nearest property line, located 250 feet from the construction activities, over a 12-hour period and were expected to comply with the City's 75 dBA L_{EQ} 12-hour standard at the property lines. The EIR indicates that commercial buildings may be constructed after the residential units have been constructed and occupied. The anticipated commercial building construction noise with the equipment all working together would be 73.9 dBA at the nearest proposed residential property line 100 feet from the building construction over a 12-hour period. Therefore, the EIR indicates that the construction activities within the mixed-use component of the project were expected to comply with the City's 75 dBA L_{EQ} 12-hour standard at the property lines, and the EIR identifies less than significant impacts.

The EIR indicates that temporary construction noise impacts would occur during road construction, with cumulative noise levels of 80.3 dBA at 50 feet from the center of the roadway construction over a 12-hour period. The average distances from the centerline of the proposed roadway extension to the existing residences is approximately 250 feet and the noise levels would drop 14 decibels at that distance. Based upon physical constraints and normal roadway grading operations and slope preparation, the EIR identifies a combination of a dozer and grader working with the use of a water truck at the limits of work nearest the existing residences along the roadways in a single area at any

given time. This activity would be intermittent as the grading progresses along the roadway alignment. The EIR identifies cumulative noise levels would be 74.8 dBA L_{EQ} at a distance of 50-feet from the equipment. Therefore, road construction activities would be expected to comply with the City's 75 dBA L_{EQ} 12-hour standard at the property lines and no significant impacts were identified in the EIR.

The City's Noise Abatement and Control Ordinance also regulates fixed source and/or operational noise, as measured at the property line between the noise generator and the adjacent receptor. The noise limits are in terms of a one-hour average sound level (or L_{EQ}). The allowable noise limits vary according to the land use and time of day (refer to EIR Table 5.6-2). Operational noise sources associated with the project include noise associated with increased on- and off-site traffic (discussed under Transportation Noise subheading below) and operational noise sources such as delivery trucks and mechanical ventilation. For the mixed-use portion of the project, the EIR indicates that the most sensitive property line to the operational noise sources is the property line at the proposed townhomes south of Private Drive M. All other property lines are located further from the noise sources and have a commercial zoning, allowing a less restrictive noise standard or a higher noise level. Delivery trucks would result in unmitigated exterior noise levels for truck drive-by noise and truck engine noise of 66.5 dBA L_{EQ} at a distance of 25 feet from the loading dock. The grocery loading dock included in the project's mixed-use development is proposed at a distance of approximately 350 feet from the closest residential property line, resulting in a noise level reduction of 22.9 dBA due to the distance between the loading dock and the residential property line. Noise levels at the residential property line were determined to be 37.6 dBA L_{EQ} , which is below the 50 dBA L_{EQ} property line standard required by the City Noise Ordinance. Additionally, rooftop mechanical ventilation units (HVAC) would be installed on buildings. The proposed HVAC operational noise levels would be 38.0 dBA or less, based on distance and parapet walls surrounding the HVAC units to shield them visually and acoustically. Therefore, operational noise associated with HVAC would be in compliance with the City's daytime 55 dBA and nighttime 50 dBA property line standards contained in the City Noise Ordinance.

The combined noise levels of both sources of operational noise (i.e., delivery trucks and HVAC equipment) would collectively result in noise levels projected to be at or below 41.5 dBA L_{EQ} and operational noise levels would comply with the daytime and nighttime noise standards at the closest residences to the southwest. The EIR identifies less than significant impacts.

In compliance with the City Noise Ordinance, construction activities are limited to between the hours of 7:00 a.m. and 7:00 p.m. and would not increase noise levels over 75 dBA L_{EQ} at noise sensitive receptors during both the development and road construction. Noise impacts at property lines resulting from operational features of the project (e.g., delivery trucks and HVAC and refrigeration units) were identified as less than significant per the Noise Ordinance and City noise thresholds. No significant impacts were identified, and no mitigation was required.

Transportation Noise

The EIR indicates that the project would have the potential to result in transportation noise exposure to noise sensitive land uses from project traffic and noise impacts due to the extension of public roads. The EIR analyzed three traffic scenarios to determine potential transportation noise impacts as a result of the Merge 56 Development Project. These scenarios included existing traffic on the southerly segment of Camino Del Sur at the time the roadway would open without project traffic, projected near-term noise conditions plus the added noise from project-related traffic, and a

comparison between the existing conditions without the project and near-term conditions with the project. The EIR concluded that the project would contribute to less than 0.8 dBA CNEL increase in existing noise levels and would not expose noise-sensitive land uses to excessive noise, as the 65 dBA CNEL would occur within the road ROW. Therefore, the project's direct contributions to off-site roadway noise increases would not cause any significant impacts to existing or future noise sensitive land uses along Camino Del Sur. The extension of Carmel Mountain Road would not occur adjacent to existing noise sensitive land uses; therefore, no impacts were identified in the EIR.

With regard to the long-term noise exposure addressed by the Noise Element policies in the General Plan, because Camino Del Sur is projected to carry approximately half the daily trips anticipated in the Community Plan (i.e., less than 8,500 ADT compared to 18,000 ADT), the EIR indicated that future noise levels along the proposed segment of road would be approximately 3 dBA less than previously projected. Therefore, long-term exterior noise levels at homes along Camino Del Sur, as well as near Park Village Elementary School, would continue to meet the City's noise standard and be compatible with the Noise Element of the General Plan.

Transportation noise produced by the proposed extensions of Camino Del Sur and Carmel Mountain Road would not expose existing noise-sensitive land uses to levels in excess of the City's noise standard of 65 dBA CNEL and would be consistent with the Noise Element of the General Plan. No significant impacts were identified and no mitigation was required.

Project

The following assessment of construction-related noise for the project is based on a Supplemental Construction Noise Evaluation (Ldn Consulting 2023) prepared for the project. The evaluation was prepared to address site plan changes, as well as the supplemental construction activities associated with the finish grading and construction of the revised project. Mass grading of the project site has already occurred; however, fine grading and excavation for subterranean levels would be required for the project. The most effective method of controlling construction noise is through local control of construction hours and by limiting the hours of construction to normal weekday working hours.

Division 4 of Article 9.5 of the SDMC addresses the limits of disturbing or offensive construction noise. The SDMC states that, with the exception of an emergency, it is unlawful to conduct any construction activity as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12-hour period from 7:00 a.m. to 7:00p.m.

The project would require underground excavation and potentially shoring, in addition to finished grading and building construction. The affordable housing and child care center to the east of the current project location and the townhomes to the south would be occupied at the time of construction of the commercial and office portions of the revised project and are noise sensitive land uses (NSLU). The affordable housing and child care center would be located to the east at a distance of approximately 150 feet, and the residential townhomes would be located to the south at a distance of approximately 220 feet. Noise levels at these NSLU must comply with the City's 75 dBA L_{EQ} 12-hour standard.

Cumulative levels associated with site excavation would be 71.1 dBA over a 12-hour period at the affordable housing and child care center, and 67.7 dBA over a 12-hour period at the townhomes. These noise levels conservatively assume equipment would be working closely together at the

location nearest to the identified NSLU; however, more typically during construction, the equipment would be spread out over the site at larger distances and the noise levels would be lower than those identified. Therefore, construction noise associated with proposed site excavation would comply with the City's 75 dBA L_{EQ} 12-hour standard at the nearest NSLU to the east and the south.

If shoring is required within the excavation site, shoring equipment could potentially include a vibratory drill, a compacter, an excavator, a water truck, and/or a crane to hoist equipment from the excavation site. With shoring equipment working closely together at the nearest location to the NSLUs, cumulative noise levels would be 75.1 dBA over a 12-hour period at the affordable housing and child care center, and 71.8 dBA over a 12-hour period at the townhomes. As discussed above, these noise levels are based on cumulative noise with equipment placed at the nearest location to the NSLU. During excavation and shoring activities, the equipment would be spread out over the site at larger distances and noise levels would be lower. For this reason, even though cumulative noise levels estimated for the NSLUs at the affordable housing and child care center are calculated at 75.1 dBA, exceeding the City's standard by 0.1 dBA, this noise level is conservative and based on simultaneous operation at the on-site location nearest to the NSLUs, and actual noise levels would be less. As such, they are not expected to exceed the City's 75 dBA L_{EQ} 12-hour standard at the nearest NSLU to the east and the south. Noise levels at the townhomes are estimated to be 71.8 dBA over a 12-hour period and also would not exceed the City's 75 dBA L_{EQ} 12-hour standard at the nearest NSLU to the east and the south.

Noise levels associated with concrete pouring during construction activities, with equipment working closely together at the nearest location, would be 75.3 dBA at the affordable housing and child care center, and 72.0 dBA at the townhomes. However, with equipment operating at larger distances, the reported noise levels would be lower and would not be expected to exceed the City's 75 dBA L_{EQ} 12-hour standard at the nearest NSLU to the east and the south.

Building construction noise levels would be the same as those identified in the EIR, and with equipment working together, the cumulative noise levels would be 73.9 dBA at a distance of 100 feet from the building construction over a 12-hour period. The NSLUs are located at distances of approximately 150 feet (for the affordable housing and child care center) and 220 feet (for the residential townhomes), and thus, noise levels would be lower than the identified 73.9 dBA at the NSLUs.

Operational noise sources from the project include noise associated from on- and off-site traffic (discussed below) and operational noise sources such as delivery trucks and mechanical ventilation. While the proposed project includes modifications to the project uses within the mixed-use center, the stationary noise sources associated with the proposed uses would be similar to those analyzed in the EIR. No new sources of operational noise would result from the proposed project changes. Appropriate noise attenuation measures identified in an interior noise analysis conducted during building permit review would be incorporated into the project design to ensure compliance with the City's Noise Abatement and Control Ordinance. As demonstrated above, project operation would not exceed the City's 75 dBA L_{EQ} 12-hour standard at the nearest NSLU to the east and the south, and no new operational impacts would occur.

As discussed in the Transportation subsection of this Addendum, the project would result in a reduction of ADT from 19,468 identified in the EIR, to 11,070 (a reduction of approximately 43 percent). Thus, corresponding reductions of transportation noise would occur on area roadways, including along Camino Del Sur. The EIR concluded that the Merge 56 Development Project would

contribute a 0.8 dBA CNEL increase in existing transportation noise levels and would not expose NSLUs to excessive noise, as the 65 dBA CNEL for Camino Del Sur transportation noise would occur within the road ROW. Thus, the transportation noise associated with the project revisions would result in less of an increase in dBA CNEL (i.e., the transportation noise increase would be less than the 0.8 dBA CNEL identified in the EIR) and the project's direct contributions to off-site roadway noise increases would not cause significant impacts to existing or future NSLUs along Camino Del Sur.

With regard to the long-term noise exposure addressed by the Noise Element policies in the General Plan, the revised project, which would reduce project traffic by approximately 43 percent, would result in less transportation noise along Camino Del Sur. Thus, future noise levels along the segment of Camino Del Sur that has been constructed as part of the Merge 56 Development Project would be reduced as compared to the noise levels identified in the EIR, and they would not exceed long-term exterior noise levels to NSLUs along Camino Del Sur or near Park Village Elementary School. The project would continue to meet the City's noise standard and be compatible with the Noise Element of the General Plan.

Based on the foregoing analysis and information, there is no evidence that the project would require a major change to the EIR. The project would not result in any new significant impact, nor would the project result in a substantial increase in the severity of impacts from that described in the EIR.

Greenhouse Gas Emissions

Merge 56 EIR

Greenhouse Gas Emissions

Potential impacts related to greenhouse gas (GHG) emissions from implementation of the Merge 56 Development Project would be less than significant, as the project proposes a mix of land uses and a series of project design features which would generate less GHG emissions than contemplated in the growth and land use projections in the City's Climate Action Plan (CAP). In some instances, the project would exceed the standards contained in the GHG reduction strategies outlined in the CAP consistency checklist. A CAP Consistency Checklist is part of the CAP and contains measures that are required to be implemented on a project-by-project basis to ensure that the specified emission targets identified in the CAP are achieved. Projects that are consistent with the CAP as determined through the use of the Checklist may rely on the CAP for the cumulative impact analysis of GHG emissions. A CAP Consistency Checklist was prepared for the Merge 56 Development Project and the project was determined to be consistent with the CAP Consistency Checklist. Thus, the Merge 56 Development Project resulted in a less than significant impact related to GHG emissions.

Conflicts with Plans or Policies

The Merge 56 Development Project would not conflict with any of the applicable General Plan policies in the Conservation, Mobility and Urban Design elements directed at reducing GHG emissions. The project implements a number of measures which support the General Plan's City of Villages Strategy, including policies for the promotion of walkability and bicycle use, polices promoting transit-supportive development and, thus, would not conflict with any of the applicable General Plan policies in the Conservation, Mobility, and Urban Design elements directed at reducing

GHG emissions. Impacts related to conflicts with applicable plans and policies addressing GHG emissions were determined to be less than significant and no mitigation was required.

Project

A project-specific CAP Consistency Checklist was prepared to evaluate the revised project's consistency with the GHG emissions reductions and underlying assumptions of the CAP. The CAP Consistency Checklist requires a three-step review of the project to determine consistency with the GHG projections and programs outlined in the City's CAP. For the applicable steps, the project has been found to be consistent with the CAP, as summarized below.

The first step of determining CAP consistency for discretionary development projects is to assess the project's consistency with the land use assumptions used in the CAP. As discussed in the Land Use section of this Addendum, the project is consistent with the land use designations for the project site. The land use plan designates the site as LMXU, which allows for "professional, corporate, scientific, and medical offices" as commercial uses. The proposed R&D, retail, and hotel uses are consistent with the LMXU designation. The site is zoned CC-3-5. R&D (i.e., scientific) uses are permitted by the Torrey Highlands Subarea Plan and PDP 2570887, which amended PDP 1266871 to specifically allow for R&D uses in the CC-3-5 zone.

In regard to Step 2 of the CAP Consistency Checklist, the project design would comply with the GHG reduction strategies in the CAP by including the following components, which would be included conditions of approval:

- Cool/green roofs
- Use of low-flow fixtures/appliances
- Electrical vehicle charging
- Designated and secure bicycle parking spaces
- Shower facilities
- Transportation Demand Management Program

A Step 3 conformance evaluation is not required because the project does not require a land use designation amendment (i.e., the project is consistent with the planned land use for the site), and Step 1 demonstrates the project would be consistent with the General Plan and Torrey Highlands Subarea Plan. As shown in the CAP Consistency Checklist, the project's contribution cumulative statewide GHG emissions would be less than considerable.

The project consists of a mixed-use development that is consistent with the existing planned land use for the project site. The project would implement the GHG reduction strategies discussed above, support the City of Villages Strategy, and promote walkability and bicycle use. As the project would be consistent with applicable strategies for the reduction of GHG emissions, as discussed above, the project would not result in a significant impact relative to plans, policies, or regulations aimed at reducing GHG emissions.

Based on the foregoing analysis and information, there is no evidence that the project would require a major change to the EIR. The project would not result in any new significant impact, nor would the project result in a substantial increase in the severity of impacts from that described in the EIR.

Visual Effects and Neighborhood Character

Merge 56 EIR

Scenic Vistas or Views

Implementation of the Merge 56 Development Project would not result in substantial alteration or blockage of public views from critical view corridors, designated open space areas, public roads, or public parks. As analyzed in the EIR, the mixed-use development would include commercial/office structures up to six stories in height, while the residential uses would be two stories for single-family residences, and two to three stories for the townhomes. Drivers and their passengers along local public roads would not be subject to blockages of public views. The Merge 56 Development Project mixed-use development would comply with height limitations for applicable zones and would not block designated public view corridors or a public viewing area of a public resource.

The road extensions and the associated trail connections proposed as part of the Merge 56 Development Project would provide the community new opportunities to view the open space areas south and west of their alignments, including views into Deer Canyon and Darkwood Canyon, as well as Los Peñasquitos Canyon Preserve (from southbound Camino Del Sur). The road extensions would not cause substantial view blockage from a public viewing area of a public resource.

The EIR concluded that the Merge 56 Development Project would comply with local bulk and scale regulations and would not block a designated public view corridor or a public viewing area of a public resource that is considered significant by the applicable community plan. Therefore, less than significant impacts to public views would occur as a result of the project and no mitigation was required.

Neighborhood Character

The EIR indicates that the mix of uses proposed for the Merge 56 Development Project would be consistent with existing patterns of development in the area, where clusters of commercial/office uses occur near interchanges and are interspersed between residential and commercial development. The project would not exceed the allowed height or bulk regulations and existing patterns of development in the surrounding area by a significant margin. Architecturally, the project would feature a contemporary appearance and range of building materials, as well as landscaping that would provide enhancements as well as effective screening. The project would not result in the loss of a community identification symbol or landmark. The portions of the project that would be publicly visible would not result in a negative appearance since all retaining walls requiring deviations would be terraced, landscaped and situated in low visibility areas.

The public road component of the project would continue the existing patterns of development in the surrounding area and would not result in the loss of a community identification symbol or landmark. The portions of the public road that would be publicly visible would not result in a negative appearance since all retaining walls requiring deviations would be terraced, landscaped and situated in low visibility areas.

For the reasons discussed above, the EIR identified less than significant neighborhood character impacts and no mitigation was required.

Landform Alteration

Implementation of the Merge 56 Development Project required approximately 1,357,000 cubic yards of cut and fill, exceeding the City's 2,000 cubic yard per graded acre significance threshold and would exceed the 10-foot-high significance threshold for manufactured slopes. The public roads component also required disturbance of steep slopes, including 8.7 acres of steep hillsides considered sensitive resources under the Environmentally Sensitive Land Regulations (as defined in SDMC Section 143.0101). A series of retaining walls reduced impacts associated with landform alternations to the extent feasible, however, the EIR identified significant and unavoidable impacts associated with landform alteration.

Light and Glare

The Merge 56 Development Project includes a contemporary architectural style, which uses a combination of materials, including glass concrete, steel, stucco, and natural stone. The glass exterior of the office building would not feature light reflectivity greater than 30 percent and landscape screening would be integrated into the design so as not to produce excessive amounts of glare. The project would comply with the City Street design standards and the lighting for wayfinding, safety, security and landscape/architectural accents would be constructed to comply with the City's Lighting Ordinance. The EIR concluded that project impacts associated with light and glare would be less than significant and no mitigation was required.

Project

The project site is not located within any formally designated view corridors or viewsheds. The project would result in the construction of multi-story buildings, including three five-story R&D buildings, a six-story hotel, and a parking structure with six above-grade levels. The proposed structures vary from those proposed and analyzed in the Merge 56 Development Project EIR. Specifically, the Merge 56 Development Project, as analyzed in the EIR, included structures within the mixed-use development area ranging from two to six stories, while the proposed project includes uses that would range from single-story (such as the retail) up to six stories (for the hotel and the above-grade portion of the parking structure). The three R&D buildings would each be five-story structures. The project would be conditioned to meet setback and height requirements per the LDC. As such, the project would comply with height limitations for applicable zones. Additionally, as the project site is not located within formally designated view corridors or viewsheds, the proposed project would not block designated public view corridors or a public viewing area of a public resource.

The project revisions maintain the existing land use and zoning designation of the project site. The proposed changes to the mixed-use portion of the project would be conditioned to meet setback and height requirements per the City's LDC. The project would conform to the development regulations of the CC-3-5 zone in terms of bulk and scale of structures and would not create a disorganized appearance or substantially conflict with City codes.

As analyzed in the EIR, proposed structures within the mixed-use area ranged from two to six stories and reduce in scale with distance from SR-56. Under the revised project, structures range from one to six stories in height, with the six-story structures located to the north in the portion of the site adjacent to SR-56 and Camino Del Sur, consistent with the proposed development patterns of the Merge 56 Development Project identified in the EIR. The project would continue to feature a

comprehensively designed mixed-use center featuring a contemporary appearance and range of building materials (i.e., glass, concrete, steel, stucco, and natural stone) and landscaping that would provide enhancements as well as effective screening. All signage would conform to the City sign ordinance and not create a stark contrast with the surrounding environment.

As analyzed in the EIR, the Merge 56 Development Project would not result in the loss, isolation, or degradation of a community identification symbol, or landmark identified in the General Plan, Subarea Plan, or Community Plan. The project site has been mass graded, and the project revisions would not alter the conclusions regarding community symbols or landmarks identified in the EIR.

The project's visibility would remain as described in the EIR. Specific to the mixed-use portion of the project, visibility from existing public vantage points (i.e., SR-56) would be limited to the north-facing facades of the R&D buildings and the parking structure north of the hotel because structure heights would reduce with distance from the freeway. Although the configurations of the proposed buildings have shifted slightly, the project maintains the overall scale and bulk of the approved project, with a maximum structure height of six stories, as analyzed in the EIR. The project revisions would conform to the development regulations of the CC-3-5 zone in terms of bulk and scale of structures and would not significantly alter visibility due to excessive bulk and scale.

The project site has already been mass graded and landform alteration impacts identified in the EIR have already occurred. The revised project would require excavation for one level of below grade parking associated with each of the R&D buildings, and four and a half levels of the subterranean parking associated with the parking structure, with a maximum cut depth of 63 feet within the mass graded site. No modifications to natural topography or steep slopes governed by the ESL Regulations would be required to implement the revised project.

The proposed mixed-use development would introduce additional light fixtures and may contribute to increases in light in the project area; however, lighting associated with the project would be similar to those proposed for the mixed-use portion of the project as analyzed in the EIR. Street lights would be installed according to current City Street design standards and the lighting for wayfinding, safety, security and landscape/architectural accents would be constructed to comply with the City's Lighting Ordinance. Exterior lighting would be directed away from the adjoining properties and shielded to reduce impacts to the adjacent light-sensitive uses and public ROW. Lighting sources would be required comply with the City's standards for low-sodium bulbs to protect the nighttime sky and intense and visible security or flood lighting is strictly prohibited. Additional glare would be minimized by the variety of materials and limited glazing being used on the façade of the proposed structures. The project would comply with the regulations in the LDC related to light and glare.

Based on the foregoing analysis and information, there is no evidence that the project would require a major change to the EIR. The project would not result in any new significant impact, nor would the project result in a substantial increase in the severity of impacts from that described in the EIR.

VI. MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) INCORPORATED INTO THE PROJECT

The project shall be required to comply with the applicable mitigation measures outlined within the MMRP of the previously certified EIR (No. 360009/SCH No. 2014071065) and those identified in the

project-specific analyses herein. The following MMRP identifies measures that specifically apply to this project.

A. GENERAL REQUIREMENTS: PART I – Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website: <http://www.sandiego.gov/development-services/industry/standtemp.shtml>.
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS: PART II – Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRECONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent, and the following consultants: Qualified Paleontological Monitor.

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION: (a) The PRIMARY POINT OF CONTACT is the RE at the Field Engineering Division 858-627-3200; (b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call RE and MMC at 858-627-3360.

2. **MMRP COMPLIANCE:** This Project, Project No. 1059203 and/or Environmental Document No. 1059203, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be

reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc).

Note: Permit Holder’s Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency: Not Applicable
4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the LIMIT OF WORK, scope of that discipline’s work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

Note: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
Transportation	Verification of Traffic Mitigation	Prior to issuance of the first building permit
Paleontological Resources	Paleontological Resources Measures	Prior to Preconstruction Meeting
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

Specific MMRP Issue Area Conditions/Requirements:

EIR Tra-1: Camino Del Sur/SR-56 Westbound Ramps. Prior to issuance of the first building permit, the owner/permittee shall pay FBA fees toward the construction of *Torrey Highlands PFFP Project No. T-1.3* to provide the northbound to westbound loop on-ramp at Camino Del Sur/SR-56 Westbound Ramps, to the satisfaction of the City Engineer.

EIR Tra-2: Camino Del Sur/SR-56 Eastbound Ramps. Prior to issuance of the first building permit, the owner/permittee shall pay FBA fees toward the construction of *Torrey Highlands PFFP Project No. T-1.3* (corresponding to *Black Mountain Ranch PFFP Project No. T-15.1*) to provide the southbound to eastbound loop on-ramp at Camino Del Sur/SR-56 Eastbound Ramps, to the satisfaction of the City Engineer.

EIR Tra-3: Carmel Mountain Road/Black Mountain Road. Prior to issuance of the first building permit, the owner/permittee shall assure by permit and bond the restriping of the northbound approach to provide an additional northbound left-turn lane within the existing curb-to-curb width, mirroring the geometry of the southbound approach and restripe the northbound receiving lanes and red curb an additional 160 feet north of Carmel Mountain Road, to the satisfaction of the City Engineer.

EIR Tra-9: SR-56 from Carmel Valley Road to Black Mountain Road (Eastbound and Westbound). Prior to issuance of the first building permit, the owner/permittee shall pay FBA fees toward the construction of the *Torrey Highlands PFFP Project No. T-1.2B* to expand SR-56 from I-5 to I-15 to a six-lane freeway, to the satisfaction of the City Engineer.

EIR Paleo-1:

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site-specific records search has been completed. Verification includes, but is not limited to, a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored - Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The

Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.

- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries - In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries - All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries - If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.

- b. Recording Sites with the San Diego Natural History Museum. The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
 - 2. MMC shall return the Draft Monitoring Report to the PI for revision or for preparation of the Final Report.
 - 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 - 4. MMC shall provide written verification to the PI of the approved report.
 - 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
 - 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
 - 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
 - 1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 - 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
 - 1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 - 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

VII. SIGNIFICANT UNMITIGATED IMPACTS

The Merge 56 Development Project EIR No. 360009/SCH No. 2014071065 (EIR) indicated that significant impacts related to visual effects/neighborhood character (land form alteration) and cumulative transportation/circulation would not be fully mitigated to below a level of significance. Because there were significant unmitigated impacts associated with the original project approval, the decision maker was required to make specific and substantiated CEQA Findings, which stated: (a) specific economic, social, or other considerations which make infeasible the mitigation measures or project alternatives identified in the Final EIR, and (b) the impacts have been found acceptable because of specific overriding considerations and adopt a Statement of Overriding Considerations. Given that there are no new or more severe significant impacts that were not already addressed in the EIR, new CEQA Findings and Statement of Overriding Considerations are not required.

The revised project would not result in any additional significant impacts nor would it result in an increase in the severity of impacts from that described in the previously certified EIR.

VIII. CERTIFICATION

Copies of the addendum, the certified EIR, the **Mitigation Monitoring and Reporting Program**, and associated project-specific technical appendices, if any, may be reviewed by appointment in the office of the Development Services Department, or purchased for the cost of reproduction.



Jeff Szymanski, Senior Planner
Development Services Department

September 8, 2023
Date of Final Report

Analyst: Marlene Watanabe

Attachments:

Figure 1: Regional Location

Figure 2: Aerial Photograph

Figure 3: Project Site Plan

Environmental Impact Report No. 360009/SCH No. 2014071065

IX. REFERENCES

Bluescape Environmental

- 2023a *Project Number PRJ-1059203: Merge 56 Development: Research & Development Facility Hazardous Materials Screening Health Risk Assessment for Potential Impacts on a Proposed Child Care Center and the Nearest Residences*. February 16.
- 2023b *Project Number PRJ-1059203: Merge 56 Development: Research & Development Facility Update to the 2015 Air Quality Study for the Merge 56 Development for Proposed Changes to Unit 10*. March 14.

City of San Diego

- 2015 *Climate Action Plan*. December.

Latitude 33

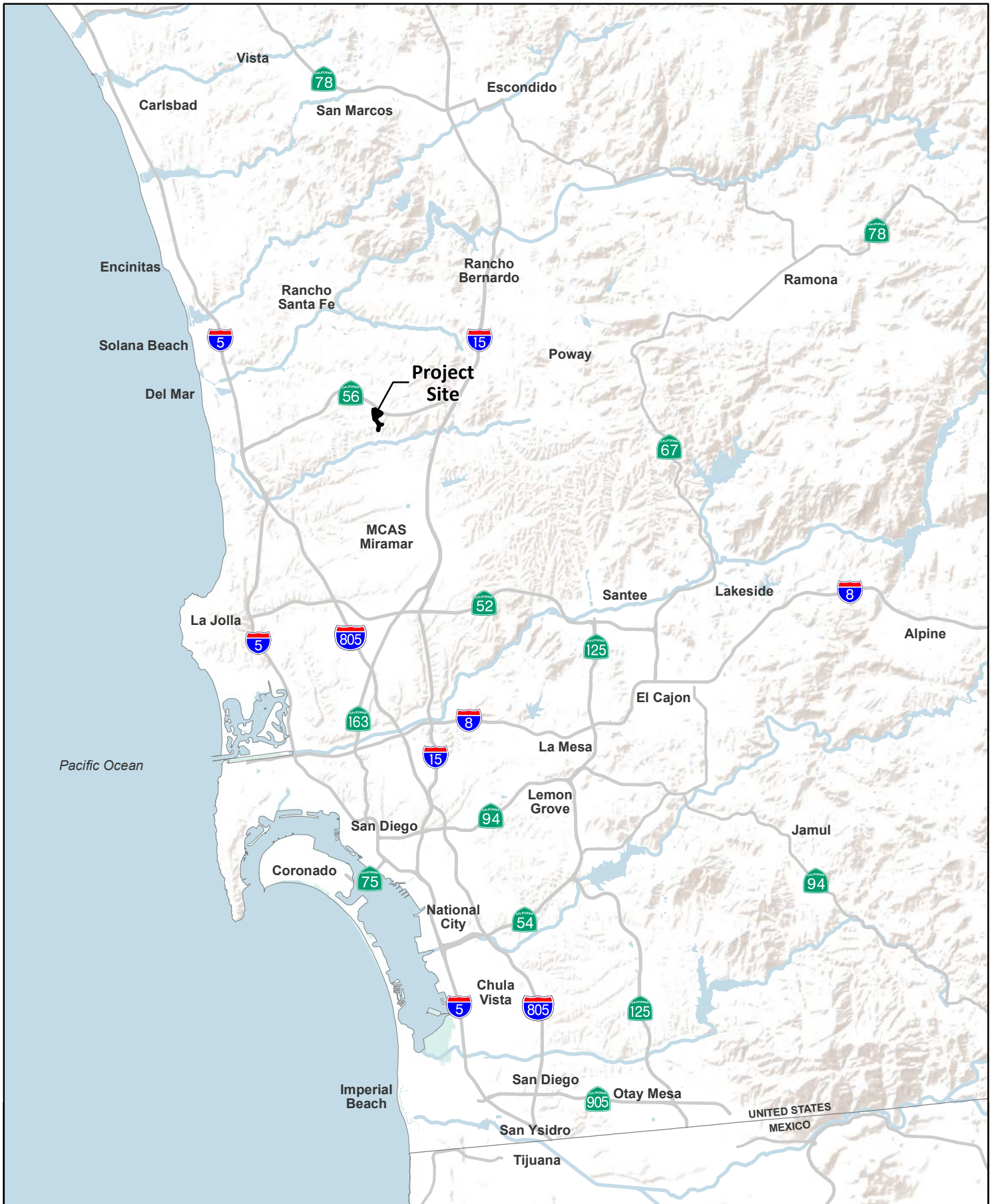
- 2022 *Climate Action Plan Consistency Checklist, Merge 56 Modifications to Units 4 and 10*.
- 2023a *Merge 56 – Unit 10: Lots 1, 2, 3, 4, 5, & 6, Unit 4: Lots 3 & 4 – PDP #2 (PRJ-1059203) Addendum Letter to Merge 56 Onsite Unit 1 and 2 Storm Water Quality Management Plan*. May 23.
- 2023b *Merge 56 – Unit 10: Lots 1, 2, 3, 4, 5, & 6, Unit 4: Lots 3 & 4 – PDP #2 (PRJ-1059203) Addendum Letter to Drainage Report*. March 20.

Ldn Consulting, Inc.

- 2023 *Supplemental Construction Noise Evaluation for Modifications to Units 4 and 10 of the Merge 56 Development*. May 8.

Urban Systems Associates

- 2023 *PRJ 1059203 Merge 56 Amendment Access Analysis*. May 4.



Sources: Esri, USGS, NOAA



Figure 1

Regional Location

MERGE 56 DEVELOPMENT PROJECT



Aerial Photo: Nearmap 2022



Figure 2

Aerial Photograph

MERGE 56 DEVELOPMENT PROJECT

