



THE CITY OF SAN DIEGO

ENVIRONMENTAL IMPACT REPORT

Project No. 360009
SCH No. 2014071065

SUBJECT: MERGE 56 (AKA MERGE 56 DEVELOPMENT PROJECT): The project is comprised of two project components, a mixed-use development and public roadway improvements. The Mixed Use Development Component would require a GENERAL PLAN AMENDMENT from Commercial Employment, Retail and Services; Residential; and Parks, Open Space and Recreation to Multiple Use; a COMMUNITY PLAN AMENDMENT (CPA) to redesignate the site from Commercial Regional (CR) and Medium High Density Residential to Local Mixed Use (LMXU) within the Torrey Highlands Subarea Plan; a REZONE from Regional Commercial (CR-2-1) and Multi-family Residential (RM-3-9) to Community Commercial (CC-3-5) and Residential Small Lot (RX-1-2); a PLANNED DEVELOPMENT PERMIT (PDP) to amend PDP No. 53203; a SITE DEVELOPMENT PERMIT (SDP) to amend SDP No. 53204; a CONDITIONAL USE PERMIT (CUP) to allow a cinema/theater greater than 5,000 square feet in size; and a VESTING TENTATIVE MAP (VTM) to amend VTM No. 7938 to resubdivide from 3 lots to ~~400~~ 107 lots (84 Residential Small Lot zoned lots, ~~seven~~ 12 Community Commercial zoned lots, ~~five~~ seven open space lots, and four lots for private drives) for construction of a 41.34-acre mixed use development project. The mixed-use development would be comprised of approximately 525,000 square feet of commercial, office, theater and hotel uses and 242 residential dwelling units (both multi-family and single-family). The project would also construct associated site improvements (i.e. utilities (water, sewer, and electrical), storm drains/detention basins, internal private streets, hardscape, site walls, and landscaping). Various deviations are being requested from the CC-3-5 and RX-1-2 development regulations, including over-height walls.

The Public Roads Component would require a CPA to reclassify Camino del Sur from a four-lane major road to a modified two-lane collector for the segment from Carmel Mountain Road south to Dormouse Road, and to reclassify Carmel Mountain Road from a four lane major road to a modified two-lane collector road within the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan; a SITE DEVELOPMENT PERMIT to amend SDP Nos. 3278 and 40-0386, a RIGHT-OF-WAY (ROW) and UTILITY VACATION for Camino Del Sur and Carmel Mountain Road to modify the dedicated ROW as well as a water easement vacation to construct approximately 31 acres of undeveloped Circulation Element public roadways, comprised of unbuilt portions of Camino del Sur and Carmel Mountain Road. A deviation from the Environmentally Sensitive Lands Regulations would be required Various deviations are being requested from the development regulations.

The combined 72.34-acre undeveloped project site is located within the Torrey Highlands Subarea, Rancho Peñasquitos Community Plan, and the Del Mar Mesa Specific Plan areas. The Torrey Highlands Subarea Plan designates the mixed-use portion Commercial Regional and Medium High Density Residential; the segment of Camino del Sur on site is classified as a four-lane major road; and, the on-site segment of Carmel Mountain Road is classified as a 4-lane major road. The Rancho Peñasquitos Community Plan classifies a portion of Camino Del Sur as a four-lane major road. The Del Mar Mesa Specific Plan designates a portion of Camino Del Sur right-of-way, immediately south of the existing terminus, as Multiple Species Conservation Plan (MSCP)/Open Space. The site is zoned Regional Commercial (CR-2-1) and Multi-family Residential (RM-3-9); additionally, the project is within the Airport Influence Area (Review Area 2 - MCAS Miramar) and the MCAS Miramar Real Estate Disclosure Area.

UPDATE: December 29, 2017. Clarifications/revisions, additional information, and typographical corrections have been made to the final Environmental Impact Report when compared to the distributed draft environmental document. In accordance with the California Environmental Quality Act (CEQA) Section 15088.5, the addition of new information that clarifies, amplifies, or makes insignificant modifications and would not result in new impacts or no new mitigation does not require recirculation.

Pursuant to Section 15088.5(a) of the CEQA Guidelines: “Significant new information” requiring recirculation includes, for example, a disclosure or additional data or other information showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.**
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.**
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.**
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.**

The modifications made in the final environmental document do not affect the analysis or conclusions of the Environmental Impact Report. All revisions are shown in a ~~strikethrough~~ and/or underline format.

ENVIRONMENTAL DETERMINATION:

This document has been prepared by the City of San Diego's Environmental Analysis Section under the direction of the Development Services Department and is based on the City's independent analysis and conclusions made pursuant to 21082.1 of the California Environmental Quality Act (CEQA) Statutes and Sections 128.0103(a), 128.0103(b) of the San Diego Land Development Code.

Based on the analysis conducted for the project described above, the City of San Diego, as the Lead Agency, has prepared the following Environmental Impact Report. The analysis conducted identified that the project could result in significant impacts to the following issue area(s): **Land Use, Transportation/Circulation, Biological Resources, Historical Resources (archaeology), Noise, Paleontological Resources, Greenhouse Gas Emissions, and Visual Effects/Neighborhood Character (landform alteration)**. Of these issues, the analysis concluded that the project could result in direct or cumulatively significant impacts with respect to Land Use, Transportation/Circulation, Biological Resources, Historical Resources (archaeology), Paleontological Resources, and Visual Effects/Neighborhood. All significant impacts would be mitigated to below a level of significance except for direct impacts to Visual Effects/Neighborhood Character (land form alteration) and cumulative impacts to Transportation/Circulation, which would be significant and unmitigated.

The purpose of this document is to inform decision-makers, agencies, and the public of the significant environmental effects that could result if the project is approved and implemented, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

PUBLIC REVIEW DISTRIBUTION:

The following agencies, organizations, and individuals received a copy or notice of the draft Environmental Impact Report and were invited to comment on its accuracy and sufficiency. Copies of the Environmental Impact Report, the Mitigation Monitoring and Reporting Program and any technical appendices may be reviewed in the offices of the Development Services Department, or purchased for the cost of reproduction.

Federal Government

U.S. Environmental Protection Agency (19)
U.S. Fish and Wildlife Service (23)
U.S. Army Corps of Engineers (26)

State of California

Caltrans District 11 (31)
California Department of Fish and Wildlife (32)
California Regional Water Quality Control Board, Region 9 (44)
State Clearinghouse (46A)
California Department of Transportation (51)
California Transportation Commission (51A)
California Transportation Commission (51B)
Native American Heritage Commission (56)

City of San Diego

Mayor's Office (91)

Councilmember Bry, District 1 (MS 10A)

Councilmember Zapf, District 2 (MS 10A)

Councilmember Ward, District 3 (MS 10A)

Councilmember Cole, District 4 (MS 10A)

Councilmember Kersey, District 5 (MS 10A)

Councilmember Cate, District 6 (MS 10A)

Councilmember Sherman, District 7 (MS 10A)

Councilmember Alvarez, District 8 (MS 10A)

Councilmember Gomez, District 9 (MS 10A)

Development Services Department

EAS

Transportation

LDR Planning

Engineering

Geology

Landscape

PUD Water & Sewer

Project Manager

Planning Department

Plan Long-Range

Plan MSCP

Park and Recreation

Plan Facilities Financing

Public Utilities Department MS 906))

San Diego Police Department (MS776)

San Diego Fire-Rescue (MS603)

Environmental Services Department (MS1102-A)

Transportation Development - DSD (78)

Development Coordination (78A)

Fire and Life Safety Services (79)

Library Department - Government Documents (81)

Central Library (81A)

Rancho Peñasquitos Branch Library (81BB)

Carmel Valley Branch Library (81F)

Historical Resources Board (87)

Wetlands Advisory Board (91A)

Tom Tomlinson, Facilities Financing (93B)

City Attorney (93C)

OTHER INTERESTED GROUPS, ORGANIZATIONS, AND INDIVIDUALS

San Diego Association of Governments (108)

San Diego Transit Corporation (112)

Poway Unified School District (124)

San Diego Unified School District (125)

Rancho Santa Ana Botanic Garden at Claremont (161)
Sierra Club (165)
San Diego Canyonlands (165A)
San Diego Natural History Museum (166)
San Diego Audubon Society (167)
San Diego Audubon Society (167A)
California Native Plant Society (170)
Ellen T. Baulder, PHd (175)
Citizens Coordinate for Century 3 (179)
Endangered Habitats League (182A)
Vernal Pool Society (185)
Carmen Lucas (206)
South Coastal Information Center (210)
San Diego Archaeological Center (212)
Save Our Heritage Organisation (214)
Ron Christman (215)
Clint Linton (215B)
Frank Brown – Inter-Tribal Cultural Resources Council (216)
Campo Band of Mission Indians (217)
San Diego County Archaeological Society, Inc. (218)
Kumeyaay Cultural Heritage Preservation (223)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution [Notice Only] (225A-S)
Del Mar Mesa Community Planning Board (361)
California Department of Parks & Recreation (378)
Torrey Pines Associates (379)
Rancho de los Peñasquitos Planning Board (380)
San Diego Gas & Electric (381)
Friends of Los Peñasquitos Canyon Preserve (382)
Rancho Peñasquitos Town Council (383)
Los Peñasquitos Lagoon Foundation (384)
Los Peñasquitos Canyon Preserve Citizens Advisory Committee (385)
Friends of Rose Canyon (386)
Torrey Highlands - Subarea IV (487)
Rincon Band of Luiseno Indians
Charles Shen
Patrick Trusdell
Jon Becker
Rod Simmons
Ben Stone
Brian Eshelman
Jerry Horna
Elizabeth Pinner
Thom Clark
Richard Matusow
Babak Tehronchi
Mary Molitor

Other Interested Groups, Organizations, and Individuals - continued

Mary Fox
Tami Wilcox
Julie Adams
Toni Agbo
Kathleen Doorly
Illiana Marks
David Almilli
Joe and Sara Stiglich
Marian Comer
Wen-Ping Lin
Sharla Lukefahr
Jeremy Tuler
Chris Bryan
Darshana Patel
Jerry Horna
Cathi
Laura Cutchall
Virginia O'Connor
Rick Matusow
Elizabeth Pinnin
Kevin Danahes
Dale and Kathy Doorly
Vincent Santana
Katie Jurowski
Dan and Deb Christensen
John Turk
Ed and Deb Nunez
Glenn Sherman
Daisy Yang
Ulysses Maceda
Caroline Yang
Sasha Harvey
Melanie Rundle
Jim Smith
Lisa Anderson
Harvey Payne
Ellen Vasquez
M. Maneche
Virginia Coyer
Mr. Coyer
Jesus Vargas
Robert and Jodi Tibbs
Jim Greenspan
Mike Li
Linda Schulman
Jas and Lisa Arnold

Other Interested Groups, Organizations, and Individuals - continued


Ali Haeri
Christiane Staninger
Julie Ann Sil
Jon Becker
Helen Quintanilla
Rick and Caroline Lee
Mary Alice Schmidt
Theodore Boriteki
Thomas Clark
Don Bruns
Mary Molitor
Michelle Williams
Dan Christensen
Teddy
Katherine Stannard
Robert Kerr
Collette Kerr
Doug Shoemaker
Melissa Harris
Mike Schoeciaff
Garrett Hager
Holly Sepa
Kelli Stone
Lani Ho
Mark Wang
Sunny Roland
Marc Roland
Vivienne Seymore
Hui Xia
May Lee
Hung Ngo
Trina Segada
Jacqui Higgs
Kathy Murray
Julie Adams
Doug Marks
Alex Sibbald
Laurie LeBrun
Elena and Michael Sullivan
Paul Metcalf
Jenny Quitt
Babak Tehranchi
Lichung Chu
Jiri Notzl
Zuxu Yao
Jean Yu

Other Interested Groups, Organizations, and Individuals - continued

Kathy Hachadorian
Bridget Lampert
Mary Ann Eisele
Gustavo Rivera
Cynthia Fuller
Heather Graehl and Simon Bailey
Fredrick Ludden
Mary Fox
Scot Sandstrom
Bhavika Anandpura
Victoria Touchstone, San Diego National Wildlife Refuge Complex
Tim Purvis, Poway Unified School District
Keith Rhodes
Golden State Environmental Justice Alliance
Preserve Wild Santee
Environmental Center of San Diego
California Chaparral Institute
Lozeau Drury, LLP
David Hogan
Gary Levitt, Sea Breeze Properties, LLC, Applicant
Kim Baranek, Baranek Consulting Group, Inc.

RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () Comments were received but did not address the accuracy or completeness of the draft environmental document. No response is necessary and the letters are incorporated herein.
- (X) Comments addressing the accuracy or completeness of the draft environmental document were received during the public input period. The letters and responses are incorporated herein.



Kerry M. Santoro
Deputy Director
Development Services Department

February 10, 2017
Date of Draft Report

December 29, 2017
Date of Final Report

Analyst: Shearer-Nguyen

**Merge 56
Environmental Impact Report
Letters of Comment and Responses**

Letters of comment to the Draft Environmental Impact Report (EIR) were received from the following agencies, organizations and individuals (Table RTC-1). After the public review period was extended by two weeks and then closed, one additional letter was received from an individual. Several comment letters received during the Draft EIR public review period contained requests for revisions that resulted in minor changes to the Draft EIR text. These changes to the text are indicated by strikeout (deleted) and underline (inserted) markings in the Final EIR. Many comments do not pertain to the adequacy of analysis in the Draft EIR or to other aspects pertinent to the potential effects of the proposed Merge 56 project on the environment pursuant to CEQA. Often, these comments refer to aspects of the project and not the content of the EIR. Responses are provided to these comments. However, it is noted here for the public record that such comments are not in the purview of the Draft EIR or the California Environmental Quality Act (CEQA). Each comment letter is reproduced alongside the corresponding responses to individual comments.

**Table RTC-1
List of Commenting Agencies and Organizations**

Letter	Commenter	Page
Federal and State Agencies		
A	State of California Governor's Office of Planning and Research, State Clearinghouse Unit (State Clearinghouse)	RTC-2
B	U.S. Fish and Wildlife Service/California Department of Fish and Wildlife	RTC-3
C	California Department of Transportation	RTC-22
D	California Native American Heritage Commission	RTC-44
Organizations		
E	San Diego Association of Governments(SANDAG)	RTC-48
F	San Diego County Archaeological Society	RTC-50
G	Rincon Band of Luiseno Indians	RTC-52
H	Poway Unified School District	RTC-53
I	Golden State Environmental Justice Alliance	RTC-55
J	California Native Plant Society/Preserve Wild Santee/Environmental Center of San Diego/San Diego Audubon Society/California Chaparral Institute/Sierra Club	RTC-64
K	Environmental Center of San Diego	RTC-74
L	Los Peñasquitos Canyon Reserve Citizens Advisory Committee	RTC-76
M	Lozeau Drury, LLP	RTC-78
Individuals		
N	Keith Rhodes, Rhodes Crossing	RTC-79
O	Darshana Patel	RTC-83
P	David Hogan	RTC-85
Q	Heather Grael *	RTC-90

Note:

* This comment letter was received after the public review comment period closed.



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

April 11, 2017

RECEIVED

APR 14 2017

Development Services

E. Shearer-Nguyen
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92101

Subject: Merge 56 (aka Merge 56 Development Project)
SCH#: 2014071065

Dear E. Shearer-Nguyen:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on March 27, 2017. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2014071065) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

A1

A1 Comment noted. See response to comments B1 through B30 below.



U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008
760-431-9440
FAX 760-431-9624



California Department of Fish and Wildlife
South Coast Region
3883 Ruffin Road
San Diego, California 92123
858-467-4201
FAX 858-467-4239

In Reply Refer To:
FWS/CDFW-08B0401-17TA0690

April 10, 2017
Sent by Email

Ms. Elizabeth Shearer-Nguyen
Environmental Planner
City of San Diego
1222 First Avenue, MS 501
San Diego, California 92101
DSDEAS@saniego.gov

Subject: Comments on the Draft Environmental Impact Report for Merge 56 Project, City of San Diego, San Diego County, California (Project Number 360009, SCH # 2014071065)

Dear Ms. Shearer-Nguyen:

The U.S. Fish and Wildlife Service (Service) and California Department of Fish and Wildlife (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the above-referenced Draft Environmental Impact Report (DEIR). The public review period for this DEIR ended on March 27, 2017. The Wildlife Agencies appreciate the time extension until April 10, 2017, granted by the City of San Diego (City) for providing comments to the DEIR. The comments and recommendations provided herein are based on the information provided in the DEIR, the *Biological Technical Report for the Merge 56 Development Project* (Alden Environmental 2017; BTR), the Wildlife Agencies' knowledge of sensitive and declining vegetation communities in the region, and our participation in the Multiple Species Conservation Program (MSCP) and the City's MSCP Subarea Plan (SAP).

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1) of the Act. In addition, the Service is the owner and manager of a 32.82-acre parcel of the Del Mar Mesa Vernal Pool Unit of the San Diego National Wildlife Refuge (Refuge) located immediately adjacent to the proposed development.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§ 15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the State's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) program, a California regional

B1

B1 Comments noted.

COMMENT

RESPONSE

Ms. Elizabeth Shearer-Nguyen- (FWS/CDFW-08B0401-17TA0690)

2

B1
cont.

habitat conservation planning program. The City participates in the Department’s NCCP and the Service’s HCP programs by implementing its SAP.

The 72.34-acre project site is within the Torrey Highlands Subarea, Rancho Peñasquitos Community Plan, and the Del Mar Mesa Specific Plan areas and is bounded on the north by the terminus of Camino Del Sur and Torrey Santa Fe roads. State Route (SR) 56 is adjacent on the east and to the south is the terminus of Camino Del Sur. The City’s SAP Multi-Habitat Planning Area (MHPA) and the Refuge on Del Mar Mesa are adjacent to the west. Approximately 2.22 acres of the right-of way for the Camino Del Sur extension overlaps with the MHPA.

The proposed project is comprised of two components, a mixed-use development and public roadway improvements. The Mixed Use Development Component includes the construction of 525,000 square feet of commercial, office, theater/cinema, and hotel uses and 242 residences (i.e., 158 multi-family and 84 single-family) on a 41.34 acre triangular-shaped property. The project would also construct associated site improvements (i.e. utilities), storm drains/detention basins, internal private streets, hardscape, site walls, and landscaping. In addition a 3.83-acre area in the northern portion of the site (i.e., Lot Z) would be retained as Open Space and placed in a conservation easement. The project would include a community plan amendment to the Torrey Highlands Subarea Plan, a rezone, a Planned Development Permit, a Conditional Use Permit, and a Vesting Tentative map.

B2

The public roadways improvements include a 0.93-mile extension of Camino Del Sur and a 0.38-mile extension of Carmel Mountain Road. For Camino Del Sur, the section from the current terminus south of Torrey Santa Fe Road to Private Drive M will be a four-lane major roadway with intersection enhancements and a curb-to-curb width of 99 feet and a 24-foot landscaped median. The segment between Private Drive M and Carmel Mountain Road would be constructed as a four-lane major roadway with intersection enhancements, including a 78-foot to 86-foot curb-to-curb width and a 16-foot to 24-foot-wide landscaped median. South of the intersection with Carmel Mountain Road, Camino Del Sur would transition to a modified two-lane collector to its existing terminus north of Dormouse Road and will have a curb-to-curb width of 50 to 78 feet and a 10- to 14-foot landscaped median. Retaining walls would be constructed in several locations along its length to minimize grading and prevent impacts to sensitive biological resources and preserve lands adjacent to the ROW. A 5-foot wide concrete sidewalk would extend the length of Camino Del Sur on both sides of the street, separated from the roadway by a landscape buffer. A 5-foot-wide decomposed gravel (DG) pathway is also proposed along Camino Del Sur; the pathway would be constructed west of the roadway north of the Camino Del Sur/Carmel Mountain Road intersection and transition at the traffic signal to the east side of Camino Del Sur. The pathway would connect the public trail connection to the Del Mar Mesa Preserve and the future public trail connection to the east into Darkwood Canyon.

The existing segment of Carmel Mountain Road would be realigned and extended from the SR-56 right-of-way (ROW) to its planned intersection with Camino Del Sur as a two-lane collector roadway, including a 54-foot curb-to-curb width, a 14-foot wide landscaped median and a roundabout at the intersection of Carmel Mountain Road and Private Drive M. A 5-foot wide concrete sidewalk would also be provided on each side of the street, separated from the roadway by a landscape buffer. In addition, a 4-foot wide DG pathway would be constructed between the sidewalk and the road along the west side of Carmel Mountain Road. The road extension would follow the ROW dedicated as part of the Rhodes Crossing VTM No. 7938 (Project No. 3230).

B2

Comments noted; information contained in this comment is taken from the Draft EIR.

COMMENT

RESPONSE

Ms. Elizabeth Shearer-Nguyen- (FWS/CDFW-08B0401-17TA0690)

3

Construction staging would occur within the approved project disturbance footprint and would be located as far away as possible from existing residences and biologically sensitive areas. Construction access would be via dirt roads connecting to the existing termini for Camino Del Sur and Carmel Mountain Road. A 20-foot construction buffer is proposed along the outer edges of the grading limits to accommodate construction equipment access, except where the construction activities would occur near the off-site vernal pool preserves and near the Refuge property where a reduced construction buffer is proposed. The anticipated construction start date for the project is 2017.

B2 cont.

Approximately 35.62 acres of impacts are proposed as part of the mixed-use development component including: 7.8 acres of coastal sage scrub, 1.3 acres of coastal sage scrub/southern mixed chaparral, 5.6 acres of chamise chaparral, 16.5 acres of non-native grassland, 3.3 acres of disturbed, 0.09 acre of ornamental, and 0.022 acre of vernal pool. The public roadways improvements include 31.42 acres of impacts including: 3.9 acres of coastal sage scrub, 0.5 acre of coastal sage scrub/southern mixed chaparral, 8.1 acres of southern mixed chaparral, 9.6 acres of chamise chaparral, 0.32 acre of southern willow scrub, 0.03 acre of mule fat scrub, 5.9 acres of non-native grassland, 1 acre of disturbed, 0.1 acre of developed, 0.15 acre of freshwater marsh, and 0.019 acre of vernal pools.

B3

Of primary concern are impacts to the Refuge/MHPA from the extension of Camino Del Sur. The Refuge lands were acquired at a cost of nearly \$1.5 million, and represent a significant investment in the conservation of federally endangered and threatened species including coastal California gnatcatcher (*Poliophtila californica californica*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), and San Diego button celery (*Eryngium aristulatum* var. *parishii*), as well as other species covered by the City's SAP. The MHPA was also established to benefit these species. The Final EIR should demonstrate that these impacts are avoided and/or minimized consistent with the City's SAP.

B4

We are also concerned about potential impacts to the off-site vernal pool preserves from the extension of Camino Del Sur and Carmel Mountain Road. The Final EIR should demonstrate that these impacts are avoided and/or minimized consistent with the Service's biological opinion for the Rhodes Crossing project (FWS-SD-08B0401-12FC0578).

We appreciate the opportunity to comment on the DEIR. If you have questions regarding this letter, please contact Eric Weiss of the Department at 858-467-4289 or Patrick Gower of the Service at 760-431-9440, extension 352.

Sincerely,

 Digitally signed by Karen A. Goebel
DN: cn=Karen A. Goebel, o=U.S. Fish and Wildlife Service

for Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service



Gail K. Sevrens
Environmental Program Manager
California Department of Fish and Wildlife

Enclosures

cc:
State Clearinghouse

B3

The City understands and appreciates the importance of the San Diego National Wildlife Refuge (Refuge) for conservation in the region and on Del Mar Mesa and the analysis provided in the Final EIR demonstrates that the impacts from the extension of Camino Del Sur would be avoided and/or minimized consistent with the MSCP Subarea Plan. Specifically, the proposed extension of Camino Del Sur has been designed to avoid all direct and indirect adverse physical impacts to the Refuge property, including any potentially significant impact on federally endangered and threatened species of the types mentioned in the comment, as discussed in Section 5.3 of the Final EIR. Both the right-of-way and grading limits associated with the road extension would avoid encroaching into the Refuge property (as shown in Figure 5.3-1b). A construction buffer that would be fenced and enforced by a biological monitor in the vicinity of the Refuge property is proposed to ensure there would be no inadvertent grading impacts (Section 3.0 of the Draft EIR). Temporary construction fencing and permanent barrier fencing would be installed along the western boundary of the road to prevent human encroachment into the Refuge (as noted in Sections 5.1 and 5.3 of the Draft EIR). As part of the mitigation program for the project, construction monitoring and construction crew education would be conducted by a Qualified Biologist prior to and during construction (i.e., Mitigation Measure Bio-1). As described in the Draft EIR, the extension of Camino Del Sur would not have significant adverse physical impacts to the Refuge.

Camino Del Sur is a Circulation Element Road that is an allowable use within the MHPAs as stated in Section 1.4.1 of the MSCP Subarea Plan. The right-of-way was dedicated to the City for Camino Del Sur in 2004 as part of prior approvals. The City purchased the adjacent property in Del Mar Mesa as part of the MHPA assembly process and assumed up to 3.0 acres would be impacted by Camino Del Sur. Therefore, the impacts to MHPA have been anticipated and are allowed under the MSCP Subarea Plan. As stated in the Draft EIR, the northern portion of the road would encroach into 2.2 acres of the MHPA. The significant direct impacts to 2.2 acres of habitat in the MHPA are described in Section 5.3 and in Table 5.3-8 of the Draft EIR and compensatory mitigation is required consisting of off-site preservation of like-kind upland habitats and off-site creation of wetland habitat (refer to Mitigation Measures Bio-2 and Bio-3). The project would comply with the Land Use Adjacency Guidelines in the MSCP Subarea Plan to avoid indirect impacts to resources within the MHPA and the Refuge.

Refer to responses B4, B5 and B11 that also describe how the project would not have significant adverse impacts on the Refuge, the federally-listed species that occupy the Refuge, and MHPA in general, and how the project would avoid and/or minimize impacts consistent with the MSCP Subarea Plan.

COMMENT

RESPONSE

Ms. Elizabeth Shearer-Nguyen (FWS CDFW-08B0401-171A0690)

LITERATURE CITED

Aiden Environmental, 2017, Biological Technical Report for the Marge 56 Development Project. Prepared for Sea Breeze Properties, LLC. 122pp.

B4 The off-site vernal pool preserve would not be directly or indirectly impacted by the road extensions because design features both physically separate the roads from the resources and protect those resources from indirect effects, including changes to hydrology/water quality, invasion by non-native species, human activity, and habitat fragmentation/isolation. Sections 5.1 and 5.3 of the Draft EIR demonstrate that direct and indirect impacts would not be significant after mitigation is implemented. Mitigation Measure Bio-1 identifies specific mitigation requirements directed at avoiding potential impacts to the San Diego fairy shrimp that occupy the vernal pools in the off-site preserve, including a Qualified Biologist's attendance at the pre-construction meeting, education of construction personnel in the measures being taken to protect sensitive resources, installation of protective fencing prior to construction, regular construction monitoring of construction areas to prevent encroachment, and flagging of particularly sensitive resources to enhance awareness of their sensitivity. In addition, as a condition of approval the project applicant must comply with the terms and conditions of the Biological Opinion issued by the USFWS as referenced in the comment, which would ensure the species is protected from direct and indirect effects from the road extensions. Measures from the Biological Opinion directed at mitigating project impacts to San Diego fairy shrimp are outlined in Mitigation Measure Bio-4, while Mitigation Measure Bio-5 addresses project impacts to the California gnatcatcher. Refer to response B6 for additional discussion.

Furthermore, the City met with the USFWS and CDFW during the preparation of the Draft EIR in accordance with the City Biology Guidelines to discuss the rationale for why the project would be the Biologically Superior Option. As described in the Draft EIR, the USFWS has noted in a Biological Opinion for the site that the preservation of the two isolated pools was not desirable, and that it would be preferable to impact the pools and provide mitigation elsewhere (USFWS 2012). The USFWS and CDFW provided concurrence with the biologically superior design and analysis for impacts to wetland resources on October 20, 2016.

As noted in the Draft EIR, the public roads associated with this project qualify as Essential Public Projects under the City ESL Regulations.

Refer to response B27 for additional discussion of how the project would not have significant impacts to the off-site vernal pool preserve or the species that occupy those vernal pools.

COMMENT

RESPONSE

Enclosure 1

The U.S. Fish and Wildlife Service (Service) and California Department of Fish and Wildlife (collectively, Wildlife Agencies) Comments on the Draft Environmental Impact Report (DEIR) for Merge 56 Project, City of San Diego, California

General Comments:

- B5 1. The project must completely avoid direct impacts to the Refuge, such as loss of habitat, species, and soil. The DEIR indicates several actions to be taken during construction to ensure that construction does not encroach onto the adjacent Refuge and create such impacts. We support those actions that further minimize effects, including use of fencing, and sound and lighting barriers, during construction that aid in avoiding and reducing impacts to the natural resources conserved within the Refuge and the larger MHPA. In addition, as described below, the project should include features that minimize indirect impacts facilitated by the project including trespass by humans and domestic animals, lighting, and invasive species.
- B6 2. The Merge 56 project area was included in biological opinion for the Rhodes Crossing project (FWS-SD-08B0401-12FC0578). The Merge 56 project must avoid and minimize potential impacts to the off-site vernal pool preserves on the remaining Rhodes Crossing project area. For this, the Final EIR should include all applicable conservation measures, and terms and conditions, given in the Service's biological opinion for the Rhodes Crossing project (FWS-SD-08B0401-12FC0578) (enclosed).

Specific Comments:

- B7 3. Section ES Table ES-1 Bio-3 and Section 5.3 Bio-3 Page 5.3.42 Table ES-1: The Wildlife Agencies emphasize that on-site mitigation alternatives should be given priority over off-site mitigation alternatives. If on-site mitigation is infeasible then mitigation should be accomplished within appropriate vegetation/habitat within the project vicinity. Mitigation alternatives may be proposed outside of the project's vicinity however, this should only be a last resort and should focus on mitigation opportunities on Otay Mesa. Mitigation credits at the City's Marron Valley Cornerstone Lands Mitigation Bank are currently unavailable and the Final EIR should reflect this.
- B8 4. Section ES Page ES-33, Bio-8e: The City developed Table 2 in the the Land Development Code Biology Guidelines that, in part, established standardized ratios for mitigating impacts to City wetland resources (see Wetland Mitigation Ratios; City 2012). The MSCP Implementing Agreement established the commitments between the Wildlife Agencies and the City of San Diego including Exhibit I—Land Development/Zoning Code Update, Biology Guidelines. The DEIR unilaterally redefines the Biology Guidelines Table 2 for the proposed project; no provisions for amending the Biology Guidelines exist. Therefore, Mitigation Measure Bio-8 should reflect the mitigation ratios in *Table 2 Wetland Mitigation Ratios* specified by the Biology Guidelines. According to the DEIR, “[g]iven that the El Cuervo project has been completed well in advance of the project impacts (no temporal loss), and that the current project impacts (0.05 acre) are reduced from those approved previously (0.07 acre), a 1:1 mitigation ratio is considered appropriate.”

B5 Comments noted. The project would be required to comply with Section 1.4. of the MSCP Subarea Plan, including the Land Use Adjacency Guidelines, which address trespass by humans and domestic animals, lighting and invasive species. A discussion of the project's compliance (specifically the Camino Del Sur extension) with Section 1.4.2 of the MSCP Subarea Plan is contained in Section 5.1 of the Draft EIR. Specifically, Section 5.1 describes how Camino Del Sur would comply with the eight guidelines/policies of the Subarea Plan where work would occur adjacent to the Refuge and MHPA. Furthermore, the Draft EIR evaluates the three guidelines/policies from the Subarea Plan that address fencing, lighting and signage. Public access would be precluded through the installation of barriers along the MHPA boundaries to direct public access away from the preserve, proposed residences would be located across Camino Del Sur from the preserve which would provide an impediment to domestic animals reaching the open space. Fencing would be installed every 100 feet along the western boundary of the project, as depicted on the Tentative Map (Figure 3-12). Lighting would be shielded as required by the City's Outdoor Lighting Regulations and Land Use Adjacency Guidelines. No invasive species would be installed on site, as noted in Section 5.3 of the Draft EIR. Compliance with the Land Use Adjacency Guidelines described above would be a condition of approval for the project. Therefore, the Draft EIR concludes that potential impacts related to project adjacency to sensitive resources would be less than significant.

B6 Conservation measures from the Biological Opinion that were not already included in the Draft EIR have been added to Mitigation Measures Bio-1, Bio-2, and Bio-4 in the Final EIR.

B7 The Draft EIR assesses project impacts to sensitive habitat in Section 5.3. The applicable CEQA threshold of significance provides that a project would result in a substantial adverse impact if it would impact any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats or Tier IIIB Habitats as identified in the Biology Guidelines of the Land Development Manual or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFG or USFWS. The City's Biology Guidelines specify that there are two acceptable mitigation methods to compensate for habitat impacts: off-site acquisition and on-site preservation. The method of off-site acquisition consists of the purchase or dedication of land with equal or greater habitat value within the MHPA. Depending on the resources being impacted, off-site acquisition can take the form of identifying appropriate habitat for conservation and placing a conservation easement to protect the habitat in perpetuity, purchasing credits in an established mitigation bank, or establishing a new mitigation bank. Mitigating the project's impacts through off-site habitat acquisition at ratios specified in the MSCP Subarea Plan would comply with the Biology Guidelines and is acceptable to the City because it would ensure the long-term preservation and management of habitat in the quantities needed to mitigate project impacts, in accordance with the goals and objectives of the MSCP Subarea Plan. Therefore, CEQA does not require adoption of an alternative, on-site approach to mitigating project impacts as suggested in the comment. Implementation of Mitigation Measure Bio-3, which establishes performance criteria and identifies potential locations for the acquisition of off-site mitigation for upland vegetation community impacts, would reduce the project's impacts to less than significant levels.

COMMENT

RESPONSE

Ms. Elizabeth Shearer-Nguyen- (FWS/CDFW-08B0401-17TA0690)

Enclosure 1 Page 2

B9

5. Section ES Page ES-33: The MND states that “[i]mplementation of Mitigation Measures Bio-2 through Bio-8 would be 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.” This determination can only be made if the provisions of the MSCP SAP, including those relating to mitigation and ratios (see specific comment No. 2 above), are fully implemented as specified within the text of the City’s SAP and the Implementing Agreement. Until such time, the conclusion that the DEIR complies with the City’s SAP cannot be successfully made.

B10

6. Section 2.3 - Surrounding Land Uses: The introductory paragraph in this section describes the lands to the west as undeveloped land. This description should be revised to clearly indicate that 160 acres to the west of the project site have been permanently set aside in the MHPA to conserve listed and sensitive species and associated sensitive habitats. In addition, the description at the end of the paragraph related to the Del Mar Mesa Preserve is inaccurate as the entire preserve is not part of the Refuge. The description of this area should reflect the language included in the City’s Carmel Mountain and Del Mar Mesa Preserves Resource Management Plan (City 2015).

B11

7. Figures 2-2, 2-3, 2-6, and 3-1: These figures inaccurately indicate that the project area extends onto Refuge land. As discussed above, all direct impacts to Refuge lands during and following construction of the proposed development shall be avoided. In addition, Figures 2-6 and 3-1 incorrectly identify the area within the MHPA as “proposed MSCP preserve.” These figures should be revised to indicate that the majority of the lands shown in green are already part of the MHPA.

B12

8. Section 3.2.1 Mixed Use Development: There is some confusion regarding the acreages provided in the project description for the Mixed Use Component (41.34 acres) and those provided in Table 5.3-1 (35.62 acres Mixed Use and 3.83 acres Avoided Area; 39.45 acres total). In addition it appears in Figure 5.3-1b that the entire area outside of the avoided area is impacted. Please review and revise the Final EIR to reflect all of the correct acreages for the project.

B13

9. Section 3.2.1 Public Roads: The Final EIR should provide sample road cross-sections for each road section.

B14

10. Table 5.1-1 Pages 5.1-84 and 5.1-123: Under the subject headings Recreation Element and Open Space and Resource Management Element, the Consistency Evaluation identifies the removal of 2.5 acres of open space contained within the MHPA as part of the construction impacts for Camino Del Sur. However, throughout other sections of the Land Use analysis the amount of MHPA impacted is referenced as 2.22 acres. Please explain the differences in the acreage reported in these two sections of the DEIR.

B15

11. Section 5.1.4 - Land Use Impact Analysis: The DEIR acknowledges that the introduction of urban levels of development immediately adjacent to conserved lands can result in significant adverse effects as a result of trespass, creation of illegal trails, introduction of invasive species, increases in lighting and noise, and trash and illegal dumping. However, mitigation measures presented at the end of this chapter only address lighting and noise.

B7 cont.

The City has determined that mitigation credits at Marron Valley Cornerstone Lands Mitigation Bank are not available at this time and a revision has been made in the Final EIR to reflect the substitution of another viable mitigation site for upland mitigation. Even with that clarification, Mitigation Measure Bio-3 satisfies the CEQA requirements for feasible mitigation to reduce project impacts to sensitive upland habitat to a less than significant level.

B8

Mitigation Measure Bio-8 addresses impacts to non-wetlands that are under the jurisdiction of the Corps and CDFW as waters of the U.S. and State, respectively. While “natural flood channels” are listed in Table 2 of the Biology Guidelines, the drainages (or natural flood channels) on site do not support hydric soils or wetland vegetation based on the formal jurisdictional delineation conducted for the project, as described in Appendix C1; therefore, they are not considered City jurisdictional wetlands. The City does not require mitigation for impacts to non-City wetlands. The 1:1 ratio proposed in Mitigation Measure Bio-8 is considered appropriate to reduce potential adverse impacts to a less than significant level because the wetland habitat contained in the El Cuervo Norte Mitigation Site was established many years ago and well in advance of the project impacts and there would be no temporal loss of wetland functions and values. As stated in Mitigation Measure Bio-8, the suitability of this previously completed mitigation effort for purposes of satisfying the Corps, CDFW, and RWQCB shall be determined and verified as part of the jurisdictional permit process for those agencies. Full implementation of Mitigation Measure Bio-8 would ensure compliance with the City’s requirements.

B9

Refer to response to comment B8 regarding the appropriateness of the mitigation ratios cited in the Draft EIR. Section 5.1 of the Draft EIR analyzes the project’s consistency with the MSCP Subarea Plan and the Implementing Agreement and demonstrates that the mitigation has been formulated to satisfy the requirements of the City’s MSCP Subarea/Implementing Agreement and Biology Guidelines. The mitigation ratios used in the Draft EIR are consistent with the City’s Biology Guidelines and the Torrey Highlands Subarea Plan for North City Future Urbanizing Area IV (THSP; City 1996b). The mitigation requirements of the Subarea Plan apply to the mixed use development component of the project as it lies within the Subarea Plan boundaries. Mitigation for the Tier I roadway habitat impacts is proposed to occur in the MHPA, and mitigation for impacts to Tier II and Tier III habitats is proposed to occur in accordance with the Conservation Credit Agreement among the SANDAG and other signatories for regional transportation projects and local streets and roads (SANDAG et al. 2014).

With regard to the 1:1 mitigation ratio for impacts to non-wetland waters that would be satisfied at the El Cuervo Norte Wetland Mitigation Site, refer to response B8 which describes why the reduced ratio satisfies the project’s mitigation requirements under CEQA in accordance with the MSCP Subarea Plan.

COMMENT

RESPONSE

- B10** The text referenced in this comment is introductory and supplemented by more detailed information on ownership within Del Mar Mesa MHPA contained in Draft EIR Section 2.4.7, Carmel Mountain and Del Mar Mesa Natural Resource Management Plan. The information about the nature of surrounding properties that is requested in the comment has been integrated into Section 2.2 of the Final EIR. The MHPA and Refuge boundaries were shown in Figure 5.3-1a of the Draft EIR. The boundaries of the Refuge lands have also been added to Figure 2-2 in the Final EIR.
- B11** The figures referenced in the comment are more general in nature and intended solely to depict the project area boundary studied in the EIR or existing and proposed land use designations. Those figures are not intended to represent the limits of grading or biological resource impacts associated with the project. Figure 5.3-1a in the Draft EIR's Biological Resource section shows that although the Refuge is contained in the study area, no impacts are proposed. Please refer to responses B3 and B5 that describe the avoidance measures that would prevent impacts to the Refuge. The purpose of the land use figures (i.e., Figures 2-6 and 3-1) are to illustrate the existing and proposed land use designations for the project site based on the Torrey Highlands Subarea Plan. The terminology "proposed MSCP Preserve" is taken from the Torrey Highlands Subarea Plan, which was adopted before the Refuge was established. Figures 2-6 and 3-1 have been updated in the Final EIR to clarify the status of the adjacent open space lands.
- B12** The acreages contained in the Draft EIR are correct. The overall mixed-use property is 41.34 acres in size. Of that acreage, 35.62 acres would be graded to construct the mixed-use development, 3.83 acres would be avoided and 1.89 acres would be graded to construct the public roads. The latter acres are included with the public road acreage listed in Table 5.3-1 and a footnote has been added for clarification.
- B13** Typical public road sections have been added to the Final EIR as Figure 3-13, Typical-Public Road Sections.
- B14** The correct acreage removal is 2.22 acres. Text in Table 5.1-1 of the Final EIR has been corrected accordingly. The acreage difference is a typographical error that has been fixed in the Final EIR.
- B15** The Land Use Adjacency Guidelines contained in Section 1.4.3 of the MSCP Subarea Plan have requirements with regard to human intrusion, as discussed in Section 5.1 of the Draft EIR, and require the use of fencing or other barriers to prevent entry where new development is proposed adjacent to the MHPA. The MSCP Subarea Plan indicates that barriers can include non-invasive vegetation, rocks/boulders, fences, walls and/or signage. The only new development proposed in or adjacent to the MHPA is the northern section of Camino Del Sur; the rest of the project is situated entirely outside the MHPA (as shown in Figure 5.3.1b).

COMMENT

RESPONSE

Ms. Elizabeth Shearer-Nguyen- (FWS/CDFW-08B0401-171A0690)

Enclosure 1 Page 3

The statements on page 5.1-19 are ambiguous. The text reads "Fencing or other barriers would be used where it is determined to be the best method to achieve conservation goals and adjacent to land uses incompatible with the MHPA." However, this is followed with the statement that "There are no incompatible land uses adjacent to the MHPA associated with the Project." The implication is that fencing is therefore not necessary. Later in the discussion of Land Use Adjacency Guidelines, the DEIR indicates fencing and signs will be installed at the MHPA boundary. However, it is not clear what material would be used for fencing or whether the fence and signs would be permanent features.

The Final EIR should include specific and enforceable mitigation measures to address the need to minimize impacts to adjacent conserved lands from the proposed development. To ensure that no significant adverse effects to sensitive resources will occur and to achieve the goals of the Land Use Adjacency Guidelines, these mitigation measures should ensure the installation and ongoing maintenance and monitoring of fencing along the MHPA boundary to the west of Camino Del Sur. This fencing would ensure that public access onto the conserved lands occurs only at appropriate locations and that entry by free-roaming domestic cats into the Refuge/MHPA is reduced, thus helping to maintain the biological integrity of the area.

To protect the land being conserved within the Refuge, we request that a mitigation measure be added that requires a minimum of 8-foot high, heavy gauge black chain link fencing be installed for the entire length of the Refuge parcel's eastern boundary, a distance of approximately 1,100 feet, and a minimum of 100 feet along the northern Refuge boundary. The mitigation measure should include requirements for regular inspection and funding for permanent maintenance of the fence by the entity responsible for the adjacent landscaped area (currently identified as Torrey Highlands Maintenance Assessment District). The Refuge can provide Refuge Boundary signs for installation along the permanent fence. Other signs posted should indicate there is no public access of any kind allowed into the MHPA. These fencing measures should also be provided for the entire MHPA.

Furthermore, the DEIR does not analyze the effect of establishing new trails associated with the Camino Del Sur extension. The DEIR states that trails would extend from Camino Del Sur's right-of-way and extend to adjoining natural areas (presumably MHPA) the effects of which are not analyzed by the DEIR, nor are alternative alignments analyzed (e.g., a feasibility study). The Camino Del Sur extension would set the development back from the edge of the open space, while trail connections leading from the road would provide hikers and bikers an opportunity to access existing trails from the public right-of-way (ROW) consistent with Policy UD-A.3. All structures would be required to comply with the City's fire code.

The DEIR is not explicit in presenting a lighting plan for the project. We infer from some of the figures that there will be street lighting along Camino Del Sur. We support the mitigation measure that requires that lighting within or adjacent to the MHPA be directed away/shielded from the MHPA and be subject to City Outdoor Lighting Regulations per LDC Section 142.0740.

12. Section 5.1.4 - Mitigation Related to the MSCP Subarea Plan and Biological Guidelines: We support Mitigation Measure Lu-1 and request that this measure be expanded as follows (additions underlined) to ensure that no impacts to adjacent Refuge land occur during

B15
cont.

B16

B17

B18

B15 The project applicant would comply with this MSCP Subarea Plan requirement by installing a permanent fence as a project design feature noted on the Vesting Tentative Map along the limits of grading where Camino Del Sur would interface with the MHPA/Refuge, in accordance with the Land Use Adjacency Guidelines. Permanent fencing would be installed along the property controlled by the applicant, west of Camino Del Sur. The actual design of the fence would be developed prior to the issuance of the project grading permit with input from the City departments responsible for its maintenance, as well as Park and Recreation staff responsible for managing the MSCP open spaces. Signage would be installed every 100 feet at the western boundary of the Project along the MHPA boundary as part of the project design (refer to Section 5.1 of the Draft EIR). The applicant would coordinate with the Refuge to obtain boundary signs before their installation. Fence maintenance would be conducted by Streets Division, Transportation and Storm Water Department at the City as part of their regular road maintenance operations.

B16 The proposed trail connections are addressed for direct and indirect impacts in the Draft EIR and are illustrated on Figure 3-11. The southerly Darkwood Canyon trail alignment was developed by the City Park and Recreation Department and is proposed outside the MHPA. The direct (grading) impacts from the installation of the Darkwood Canyon trail connection are quantitatively analyzed in the Draft EIR (combined with the public road impacts contained in Table 5.3-1) and depicted in Figures 5.3-1a/b. The northern trail connection along the fill slope west of Camino Del Sur (Figure 3-11) would occur within limits of grading for the public road and not cause any direct impacts to the MHPA.

The potential indirect effects of trail usage including public access into sensitive habitat areas leading to their degradation from unauthorized trails being created, trash being dumped, and domestic animals roaming loose, are addressed in Section 5.1 of the Draft EIR, under the Land Use Adjacency Guidelines discussion. Establishment of new trail connections in the project area would eliminate the informal trails that currently crisscross the project site without regard to sensitive resources. The new trail connections would direct trail users to existing trails recognized in the Carmel Mountain/Del Mar Mesa Natural Resource Management Plan. Therefore, the proposed trail connections have been designed in a sensitive manner consistent with General Plan policy UD-A.3 as stated in Table 5.1-1 in the Draft EIR.

B17 Comment noted. Street lights would be installed in compliance with the City Street Design Manual and would comply with the Land Use Adjacency Guidelines, including the need to control overspill into the MHPA.

B18 The City's standard Land Use Adjacency Guidelines language contained in Mitigation Measure Lu-1 has been modified to acknowledge the presence of the Refuge lands adjacent to the project's limits of grading. However, the measure was not further modified as suggested in this comment because the EIR contains a biology mitigation measure (i.e., Bio-1) in Section 5.3 that addresses the delineation of the MHPA with construction fencing and the monitoring of the construction operations when in the vicinity of the MHPA, which includes the Refuge lands. Refer to response to comment B3 regarding the project's impact avoidance features that would ensure there would be no significant environmental effects on the Refuge during project implementation.

COMMENT

RESPONSE

Ms. Elizabeth Shearer-Nguyen- (FWS/CDFW-08B0401-17TA0690) Enclosure 1 Page 4

B18
cont.

project construction: "Prior to issuance of any construction permit or notice to proceed... The Project Applicant shall provide an implementing plan and include references on/in CDs of the following:

a. Grading/Land Development/MHPA Boundaries: MHPA boundaries on-site and adjacent properties, including Refuge land, shall be delineated on the CDs. Prior to any development, Development Services Department Planning and/or MSCP staff shall ensure that the eastern Refuge/MHPA boundary is delineated in the field with appropriate fencing to ensure that no construction access will extend onto the adjacent Refuge/MHPA land. Further, Development Services Department Planning and/or MSCP staff shall ensure that all grading is included within the development footprint, specifically manufactured slopes, retaining walls, disturbance, and development within or adjacent to the MHPA, including Refuge land."

B19

13. Erosion and Soil Stability: Although the project proposes a number of retaining walls, including Wall 24, which would be constructed at the Refuge boundary, the DEIR includes only limited discussion of issues related to erosion and soil stability. According to the preliminary grading plans, Wall 24 would be a minimum of 8 feet high. This wall should be of sufficient height and construction to maintain the integrity of the grade of the adjacent Refuge land to prevent erosion or sloughing leading to loss of habitat. To ensure the long term integrity of this wall, the DEIR should identify the entity, and its funding source, responsible for regular inspection and long-term maintenance of the wall.

B20

14. Section 5.3: Biological Resources – Indirect Effects, Issue 8 – Invasive Species: Although the DEIR indicates that in areas adjacent to the MHPA, native plants will be installed along the western slope of the trail to be constructed to the west of Camino Del Sur, non-native species are proposed for the adjacent parkway along the west side of Camino Del Sur. To avoid impacts associated with the potential for invasive non-native landscape species to encroach into the adjacent conserved lands, we recommend that any landscaping in the parkway along the west side of Camino Del Sur within 200 feet north and south of Wall 24, as well as within proximity of any other preserve lands, be planted with the native plants and trees listed on the Landscape Plan (Figure 3-9a) in the DEIR. In addition, the landscaping plans on or around Wall 24 should not include any non-native species, especially non-native vines or other climbing plants.

B21

15. Section 5.3: Page 5.3-30, Mixed-Use Development and Public Roads: The impact analysis identifies the subtotal of upland impacts as 61.74 acres, whereas 61.20 acres is referenced in Table 5.3-1. Please explain the differences in the acreage reported in these two sections of the DEIR.

B22

16. Section 5.3 and Section 9: The Mitigation Monitoring and Reporting Program should be revised to include a specific mitigation measure embodying the DEIR's commitment to salvage and relocate barrel cacti. The DEIR (p. 5.3-31) states that "[t]he barrel cacti would, however, be salvaged and transplanted, as feasible, to suitable locations such as the vernal pool preserves."

B23

17. Section 5.3 Mixed Use Development & Public Roads—Significance of Impact Page 5.3-34: The DEIR acknowledges that "[t]he project would provide features to reduce vehicle speeds and improve conditions for any at-grade wildlife crossings on Camino Del Sur-

B19

The potential for soil erosion and instability is addressed in Section 7.1.4 under Geologic Conditions, of the Draft EIR. A series of geotechnical investigations and reports have been prepared to address the potential for geologic hazards, including soil erosion (refer to Section 7.0 of the Draft EIR). Retaining walls would be designed and constructed to City Municipal Code standards and in accordance with the NPDES Municipal Permit Guidelines which require short-term (construction) and long-term (operational) erosion/sedimentation controls. Wall heights are designed to minimize impacts to adjacent areas, including the Refuge and other environmentally sensitive lands (ESL). The wall in question along the Camino Del Sur alignment would be located within the public right of way and within City-owned lands. The wall would be maintained by Streets Division, Transportation and Storm Water Department at the City.

B20

Comment noted. Native species are proposed for the western slopes of Camino Del Sur, and this includes the slope north and south of Wall 24, as shown in the project landscape plan contained in Figure 3-9b of the Draft EIR. It should be noted that the project would adhere to San Diego Municipal Code Landscape Regulations that prohibit planting any non-native species that are invasive and could spread onto nearby preserved lands (Section 142.0403). As such, no impacts would occur and no changes to the landscape plans in the vicinity of the road or wall are required.

B21

As explained in Section 5.3 of the Draft EIR, the 61.74 acres of upland impacts includes sensitive upland habitats and wetlands because the impact being addressed is related to species' habitat. In Table 5.3-1, if the wetland impacts (0.542 acres) are added to the "Upland Vegetation Communities" impacts (61.2 acres), the resulting total is 61.74 acres. The Draft EIR is consistent on this subject.

B22

Impacts to 55 individual San Diego barrel cacti outside the MHPA would be less than significant because it is an MSCP Covered Species considered to be adequately protected in the MHPA, as stated in Section 5.3 of the Draft EIR. Although less-than-significant impacts to the species are identified, the applicant would salvage and relocate the impacted barrel cacti to the project's two vernal pool mitigation areas as part of their vernal pool mitigation plan. Refer to the revisions to the Conceptual Vernal Pool Mitigation Plan contained in attachment H1 to Appendix C1 to the Final EIR

B23

The commenters recommend that the provision for median plantings that are unattractive to wildlife be included as a specific mitigation measure. However, the appropriate median plants have been incorporated into the landscape plans as a project design feature; therefore, there is no need for a specific mitigation measure.

COMMENT

RESPONSE

Ms. Elizabeth Shearer-Nguyen- (FWS/CDFW-08B0401-17TA0690)

Enclosure 1 Page 5

B23
cont.

South (two lanes, 35 mile-per-hour speed limit, and ample sight distance) and would work with wildlife experts to ensure the vegetation planted within the 10- to 14-foot wide median (which may provide a refuge area for at-grade crossings) is unattractive to mule deer and other wildlife.” The Wildlife Agencies recommend that the DEIR include this provision as a specific mitigation measure within the Mitigation Monitoring and Reporting Program.

B24

18. Section 5.3 Bio-3: The DEIR states the upland mitigation for the Mixed Use Development will be addressed by the purchase of credits at the Deer Canyon Mitigation Bank and/or the purchase of credits in the City’s Marron Valley Cornerstone Lands Mitigation Bank and/or the acquisition of land available at the Crescent Heights site owned by Pardee Homes. As stated above, the Marron Valley Cornerstone Lands Mitigation Bank is not available for use for the Mixed Use Development and the Final EIR should reflect this. In addition, the Final EIR should provide a description that includes an accounting of the available credits by vegetation type and current management and map of the Deer Canyon Mitigation Bank and Crescent Heights site. The Wildlife Agencies also request documentation on the establishment of the Crescent Heights site for contribution and banking of excess mitigation consistent with Sections 9.13, 9.14, and 10 of the Implementing Agreement for the City’s SAP.

B25

19. Section 5.3 Bio-6: The DEIR states that “[t]he orange-throated whiptail, coast horned lizard, San Diego black-tailed jackrabbit, western spadefoot, and two-striped garter snake could also be injured or killed during clearing, grubbing, or grading activities.” To further minimize impacts to species identified by Bio-6, the mitigation measure should be revised to incorporate the following:

All steep-walled trenches or excavations used during the project shall be covered at all times, except when being actively used, to prevent entrapment of wildlife (e.g. reptiles and small mammals). If trenches cannot be covered, exclusion fencing shall be installed around the trench or excavation. Open trenches, or other excavations, shall be inspected by a qualified biologist a minimum of three (3) times per day and immediately before backfilling. If any life stages of any native vertebrate species are found in the path of construction, the monitor shall make every effort to relocate the species to a safe location. Exclusionary devices shall be erected to prevent the migration into or the return of species into the work areas.

B26

20. Section 5.3 Biologically Superior Option; page 5.3-49: The DEIR states that because the Rhodes Crossing EIR (2006) has previously received agency permits for impacts to Environmentally Sensitive Lands (ESL; e.g., vernal pools) associated with the Mixed Use Development that the four criteria necessary in determining the biologically superior option “...are related only to the new impacts to two vernal pools proposed by the project design described in this EIR.” The Wildlife Agencies disagree. Development, as defined by San Diego Municipal Code Chapter 11 section 113.0103 “...means the act, process, or result of dividing a parcel of land into two or more parcels; of erecting, placing, constructing, reconstructing, converting, establishing, altering, maintaining, relocating, demolishing, using, or enlarging any building, structure, improvement, lot, or premises; of clearing, grubbing, excavating, embanking, filling, managing brush, or agricultural clearing on public or private property including the construction of slopes and facilities incidental to such work; or of disturbing any existing vegetation (City of San Diego, 3-2017).” The Development (e.g., the proposed project) includes amending the existing site development permit (SDP No. 53204) to allow additional impacts to two vernal pool resources and therefore should evaluate the whole of the action. Thus, the Biologically Superior Option

B24 As noted in response to comment B7, the City acknowledges that Marron Valley Mitigation Bank is not available at this time and that mitigation option has been removed from Mitigation Measure Bio-3 in the Final EIR. The project proposes to mitigate upland habitat impacts at one or a combination of the following sites that achieve the intent of the City’s Biology Guidelines and MSCP Subarea Plan, including: 1) purchase of credits at the Deer Canyon Mitigation Bank 2) acquisition of land at the Crescent Heights site and/or 3) acquisition of land in the East Elliotarea, as approved by the City. The City has been involved in identification of the mitigation site(s) for the project and the proposed mitigation sites and/or combination of sites currently include sufficient land for the project’s required mitigation. Further, prior to issuance of the first grading permit Mitigation Measure Bio-3 requires the project to demonstrate that the required amount and type of habitat has been secured, to the satisfaction of the City. Thus, the Draft EIR includes adequate mitigation for the project’s potentially significant adverse impacts to upland habitats. The request for documentation related to Crescent Heights is noted and the City acknowledges that it would be provided in accordance with the Implementing Agreement for the City’s Subarea Plan.

B25 In response to this comment, the suggested text was added to Mitigation Measure Bio-6 in the Final EIR.

B26 The Merge 56 project involves the implementation of a portion of the Rhodes Crossing project, which is a previously reviewed and approved project (refer to Section 1.0 of the Draft EIR) that has City and agency permits for the removal of unvegetated ephemeral drainages. Impacts to vernal pools were not anticipated in the prior project permits. Where appropriate, the Merge 56 EIR incorporates by reference relevant portions of the Rhodes Crossing EIR for background. However, when conducting the analysis of the Biologically Superior Option (BSO), as required by the City’s Biology Guidelines for deviations under the ESL Regulations, the Draft EIR assessed the whole of the project’s impacts, including the two isolated vernal pools, since those are the only wetland resources that qualify as City wetlands on site refer to Figure 5.3-2 in the Draft EIR). Impacts to those two vernal pools would require deviations from the ESL Regulations. In contrast, the unvegetated ephemeral drainages are not considered wetlands by the City and therefore not subject to deviations under the ESL Regulations. Therefore, no changes to the BSO analysis presented in the Draft EIR are required since it assesses the whole of the action (or all impacts to City wetlands) proposed by the mixed-use development component of the Merge 56 project.

As stated in Section 5.3 of the Draft EIR, the USFWS and CDFW provided concurrence with the biologically superior design and analysis for impacts to wetland resources on October 20, 2016, as required by the City Biology Guidelines.

COMMENT

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B26
cont.

should also evaluate the whole of the action to include the previously entitled (SDP No. 53204) Rhodes Crossing in addition to any proposed expansion (e.g., the proposed project). The Final EIR should document the City's analysis when arriving at a Biologically Superior Option.

B27

- 21. *Section 5.3.3 page 5.3-47:* The DEIR identifies potential impacts to the hydrology/water quality of the off-site vernal pool preserves shown on Figure 5.3.1-a, and identifies measures to address these potential impacts. For example, to address the potential for "leakage" from on-site vernal pools where cut slopes will be necessary adjacent to vernal pool watersheds to be avoided, the DEIR states that non-permeable barriers will be installed as vertical elements inside cut slopes along the adjacent roads. Despite these measures, we are concerned that the hydrology essential to maintaining the ecological functions and values of the vernal pools within the off-site preserves could be altered due to the proximity and location of the Camino Del Sur and Carmel Mountain Road. Therefore, the Final EIR should include the following measure:

To ensure that the construction and implementation of the project does not adversely affect and harm the vernal pools in the off-site preserves adjacent to Camino Del Sur and Carmel Mountain Road, monitoring will be conducted throughout the rainy season to determine whether the project is changing the hydrology of, or causing erosion and sediment delivery to, these vernal pools. Monitoring will occur during grading of the project site and for 3 years following project construction. In the event that sufficient rainfall to demonstrate adequate ponding does not occur during the 3 years following project construction, monitoring will continue in 1-year increments, to a maximum of 5 years. A monitoring report will be submitted by September 1 following each monitoring season. The monitoring program will be described in the final vernal pool restoration/enhancement plan. If the monitoring detects impacts to the off-site vernal pools from construction and/or operation of the proposed project (e.g., from changes in hydrology) within the monitoring period, the project proponent will implement remedial measures to eliminate and repair observed impacts.

B28

- 22. *Section 5.3 Impact Analysis page 5.3-54:* The extension of Camino Del Sur would impact approximately 2.2 acres within the MHPA (see page 5.3-54). Per Section 1.4 of the City's SAP, roads are conditionally compatible with the biological objectives of the MSCP and thus will be allowed with the City's MHPA if they are in compliance with policies in Section 1.4.2. While we acknowledge that Camino Del Sur is designated as a Circulation Element and its ROW was acquired based on its original design, according to the DEIR the number of lanes and speed limit for Camino Del Sur have been reduced since its original designation. These changes may also allow for redesign of the alignment of Camino Del Sur may to safely avoid the MHPA. Therefore, the Final EIR should demonstrate why Camino Del Sur's encroachment of approximately 2.2 acres within the MHPA (see page 5.3-54) is unavoidable and why an alternative road realignment encroaching on the developable area of the Multi-Use Project (as opposed to the MHPA) is not feasible.

B27 The public roads adjacent to the off-site vernal pool preserve were part of the context for the USFWS BO that was issued for the adjacent Rhodes Crossing project. The installation of the non-permeable barrier discussed in this comment is one of several conservation measures identified in the BO to prevent the loss of functions and values of the off-site vernal pools (see enclosure 2 to this comment letter for the complete listing of measures). Vernal pool habitat restoration is currently underway as part of an adjacent project and the maintenance and monitoring program for that effort is scheduled to occur over a 7-year period.

As stated in Section 5.3 of the Draft EIR, Mitigation Measure Bio-1 requires a biological monitor to be present during and after grading operations to observe construction activities and ensure the integrity of the perimeter silt fencing and erosion control measures that would be installed to protect the off-site vernal pool preserves. With project design features, compliance with City regulations, compliance with existing and future Wildlife Agency permitting and the mitigation measures already in place, the project's potentially significant hydrology/water quality impacts to the functions and values of the City Wetlands within the buffer zone would be less than significant.

Although no significant impacts to the hydrology or water quality of the off-site vernal pools would occur, as discussed in the Draft EIR, the additional monitoring suggested in this comment has been added to the Final EIR to augment the monitoring described in Mitigation Measure Bio-1. The suggested maintenance and monitoring would be conducted during and following project grading in the vicinity of the vernal pools situated adjacent to Camino Del Sur and Carmel Mountain Road. Refer to Mitigation Measure Bio-9 for the details of the monitoring and maintenance activities.

B28 The MHPA is coincident with the existing road terminus; therefore, impacts to the habitat in the MHPA would be unavoidable when extending the road southward as proposed (refer to Figures 5.3-1a/b). The lane and design speed reduction is proposed south of its intersection with Carmel Mountain Road where the level of traffic volumes in the Year 2035 would be approximately 8,500 daily trips which fits within the design capacity of a two-lane facility (Table 5.2-11). The northern segment of the Camino Del Sur extension south of its existing terminus has been sized to accommodate the anticipated level of traffic in the Year 2035. A four-lane road configuration is needed because approximately 27,000 daily trips would use that segment of road while a two-lane road can only accommodate up to 15,000 daily trips based on the City's street design standards (refer to the "existing assumed capacity" column in Table 5.2-11 of the Draft EIR). The number of lanes and design speed for the northern portion of Camino Del Sur have not been reduced from the alignment and right-of-way that were previously approved and dedicated. Therefore, no redesign of the northern portion of the roadway is feasible in order to avoid impacting habitat in the MHPA. Further, as disclosed in the Draft EIR, potentially significant impacts associated with proposed grading within the MHPA would be less than significant after the implementation of mitigation. No additional analysis is required.

Refer to response B3 regarding the fact that Camino Del Sur has a fixed end point, is an allowable use in the MHPA, and impacts to the MHPA from the road extension were anticipated when the City purchased the adjacent land for mitigation in Del Mar Mesa.

COMMENT

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Enclosure 1 Page 7

LITERATURE CITED

[City] City of San Diego. 2012. San Diego Municipal Code Land Development Code—Biology Guidelines. Amended April 23, 2012.

[City] City of San Diego. 2015. Carmel Mountain and Del Mar Mesa Preserves Resource Management Plan. Prepared for City of San Diego. 238 pp.

Enclosure 2

Applicable Conservation Measures, and Terms and Conditions, from the Biological Opinion for the Rhodes Crossing Project (FWS-SD-08B0401-12FC0578)

Conservation Measures

- CM 1. The project proponent will implement the Mitigation Monitoring and Reporting Program (MMRP) dated December 1, 2003, as specified in the final EIR, Project No. 3230 (SCH No. 2002121089). Measures within this document that are specific to avoiding and minimizing impacts to vernal pool species are as follows:
- a. A Biological Monitor will be on site full time during initial grading near the vernal pool complexes and throughout the remaining grading/excavation activities at a minimum frequency of three times per week to ensure that grading limits are observed;
 - b. No staging/storage areas for equipment and materials will be located within or adjacent to habitat retained in open space area; no equipment maintenance will be conducted within or near adjacent open space;
 - c. Natural drainage patterns will be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or installation of sediment traps, will be used to control erosion and deter drainage during construction activities into the adjacent open space;
 - d. No trash, oil, parking or other construction-related activities will be allowed outside the established limits of grading. All construction related debris will be removed off site to an approved disposal facility;
 - e. No nonnative plant species will be introduced into areas adjacent to the Multiple Habitat Planning Area (MHPA) or onsite open space. In addition, no plants included on the California Exotic Pest Plant Council's list of invasive species will be used anywhere on site; and
 - f. The project proponent will provide a final Habitat Management Plan (HMP) for review and approval by the City. The project proponent will also provide funding as specified in the approved HMP. The HMP states that a Vernal/Road Pool Enhancement Plan will be provided to the City and will require approval by applicable agencies, including the Service, the Department of Fish and Game, and the City prior to implementation of the enhancement activities.
- CM 2. Prior to project construction, the project proponent will temporarily fence (with silt barriers) the limits of project impacts (including construction staging areas and access routes) to prevent the spread of silt from the construction zone into avoided adjacent areas. The entire impact limits will be fenced with silt fencing and/or orange construction fencing that will be maintained throughout the construction period to preclude human entry into avoided vernal pool watersheds. Temporary construction fencing will be removed upon project completion.

B29

B29 Conservation measures from the Biological Opinion (BO) that were not already included in the Draft EIR have been added to Mitigation Measures Bio-1, Bio-2, and Bio-4 as noted in response to comment B6.

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Enclosure 2 Page 2

CM 3. A combination of block wall, chain link, wrought iron and pecker pole fencing will be constructed along the perimeter of all onsite vernal pool/resource preserve areas and areas adjacent to the MHPA in conformance with the approved Wall and Fencing Plans (Sheet 39 of 105 [October 13, 2003]).

Terms and Conditions

- 1.1. The monitoring biologist will periodically monitor avoided vernal pools and adjacent habitats for excessive amounts of dust (i.e., if a visible film of dust is observed on the water surface or on adjacent plants) and will recommend remedial measures to address dust control if necessary.
- 1.2. The project proponent will submit a final vernal enhancement/restoration plan for Enhancement Areas 6, 7, 11 (excluding the SDG&E easement), 12, and 13 to the Service (CFWO) for approval within 120 days of the project proponent's receipt of the final biological opinion. The final plan will include the information and conditions in Appendix 3.
- 1.3. Prior to collecting inoculum at any of the exempted donor pools, the donor pools should be surveyed to document that they are free of versatile fairy shrimp (*Branchinecta lindahli*). This information will be provided to the Service (CFWO) prior to collection.
- 2.1. The Corps and/or the project proponent will submit documentation to the Service (CFWO) prior to the initiation of project construction demonstrating that the distribution of San Diego fairy shrimp has not changed from the baseline condition described in this biological opinion (i.e., the number and distribution of pools occupied by San Diego fairy shrimp has not changed). Pools already known to be occupied by San Diego fairy shrimp do not need to be re-surveyed; however, pools and project areas supporting suitable habitat conditions for San Diego fairy shrimp should be re-assessed and re-surveyed to protocol standards.
- 2.2. A monitoring biologist approved by the Service [Carlsbad Fish and Wildlife Office (CFWO)] will be on the project site during clearing and grubbing of suitable habitat for San Diego fairy shrimp, including all critical habitat, and any occupied habitat that occurs within 200 feet of the grading limits. The monitoring biologist will conduct weekly site visits during rough grading to ensure that the grading limits have been respected and compliance with all terms and conditions have been achieved. The biologist will be knowledgeable of vernal pool species. The project proponent will submit the biologist's name, address, telephone number, and work schedule on the project to the Service (CFWO) at least 7 days prior to initiating project impacts.
- 2.3. The monitoring biologist will oversee installation of and inspect the fencing and erosion control measures within or up-slope of San Diego fairy shrimp avoidance and enhancement areas a minimum of once per week and daily during all rain events to ensure that any breaks in the fence or erosion control measures are repaired immediately.
- 2.4. The monitoring biologist will halt work, if necessary, and confer with the Service (CFWO) to ensure the proper implementation of San Diego fairy shrimp and habitat protection measures. The monitoring biologist will also report any violation to the Service (CFWO) within 24 hours of its occurrence.

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B29

- 2.5 To ensure that the construction and implementation of the project does not adversely affect and harm San Diego fairy within the avoided vernal pools on site, monitoring will be conducted throughout the rainy season to determine whether the project is changing the hydrology of, or causing erosion and sediment delivery to, these vernal pools. Monitoring will occur during grading of the project site and for 3 years following project construction. In the event that sufficient rainfall to demonstrate adequate ponding does not occur during the 3 years following project construction, monitoring will continue in 1-year increments, to a maximum of 5 years. A monitoring report will be submitted by September 1 following each monitoring season. The monitoring program will be described in the final vernal pool restoration/enhancement plan. If the monitoring detects impacts to the adjacent vernal pools from construction and/or operation of the proposed project (e.g., from changes in hydrology) within the monitoring period, the project proponent will implement remedial measures to eliminate and repair observed impacts.
- 2.6 The project proponents will submit to the Service (CFWO) for approval, at least 30 days prior to initiating project impacts, the final plans for initial clearing and grubbing of sensitive habitat and project construction. These final plans will include photographs that show the fenced limits of impact and all areas to be impacted or avoided. If work occurs beyond the fenced or demarcated limits of impact, all work will cease until the problem has been remedied to the satisfaction of the Service (CFWO). Temporary construction fencing will be removed upon project completion.
- 2.7 The monitoring biologist will submit: 1) monthly letter reports (including photographs of impact areas) to the Service (CFWO) during project construction within 200 feet of avoided habitat. The monthly reports will document that authorized impacts were not exceeded, and general compliance with all conditions; and 2) a final report to the Service (CFWO) within 60 days of project completion that includes: as-built construction drawings with an overlay of pools that were impacted or preserved, photographs of the preserved pools, and other relevant information documenting that incidental take was not exceeded and that general compliance with the project as described in this biological opinion, including the conservation measures, was achieved.
- 2.8 The monitoring biologist will implement a contractor training program to insure compliance with the conservation and other measures to avoid and minimize incidental take of San Diego fairy shrimp.

Enclosure 3

Information and Conditions for Vernal Pool Enhancement/Restoration Plans

1. Implementation of the enhancement/restoration will be conducted under the direction of a qualified biologist (vernal pool restoration specialist) with at least three years of vernal pool restoration experience holding a valid Service permit for identifying fairy shrimp, to be approved by the Service;
2. To avoid impacts to these vernal pools, all conservation measures required at the project construction site to avoid and minimize impacts to adjacent vernal pools and their watersheds will also be implemented at the restoration site and thus specified in the restoration plan;
3. All extant vernal pools and their watersheds will be enhanced as appropriate to achieve the same success criteria as the restored pools and surrounding uplands. Enhancement activities will include addition of vernal pool plant species and addition of coastal sage scrub/native grassland plant species in the surrounding uplands. All plant material used for enhancement will be collected from the Del Mar Mesa area;
4. All enhancement/restoration activities will commence the first summer-fall season prior to or concurrently with the initiation of project impacts;
5. All final specifications and topographic-based grading, planting and watering plans will have 0.5-foot contours for the vernal pools, watersheds and surrounding uplands (including adjacent mima mounds) at the restoration sites. The basis for this fine-scale resolution is the shallow depth (i.e., several inches) of the vernal pools that will be restored. The grading plans will also show the watersheds of extant vernal pools, and overflow pathways that hydrologically connect the restored pools in a way that mimics natural vernal pool complex topography/hydrology;
6. A hydraulic analysis that shows each proposed vernal pool and its watershed, and hydrologic connection between the pools. The restored pools and their watersheds will not impact the watersheds of any extant pools;
7. Inoculum from vernal pools on Del Mar Mesa will be used for enhancement and restoration. The plan will identify any proposed donor pools. No more than 10 percent of the basin area of any donor pool will be used for collection of inoculum. Collection of inoculum from Service approved donor pools will be done when the donor pools are dry to avoid damaging or destroying fairy shrimp cysts. Hand tools (i.e., shovels and trowels) will be used to remove the first two inches of soil from the pools. Whenever possible, the trowel will be used to pry up intact chunks of soil, rather than loosening the soil by raking and shoveling which can damage the cysts. The soil from each pool will be stored individually in labeled boxes that are adequately ventilated and kept out of direct sunlight in order to prevent the occurrence of fungus or excessive heating of the soil, and stored off-site at an appropriate facility for vernal pool inoculum. Inoculum from different source pools will not be mixed for seeding any restored pools. The collected soils will be spread out and raked into the bottoms of the restored pools. Topsoil and plant materials salvaged from the

B30

B30 Comment noted. No response needed as the comment does not address the adequacy of the Draft EIR.

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upland habitat areas to be impacted will be transplanted to, and/or used as a seed/cutting source for, the upland habitat restoration;

8. Inoculum and planting will not be installed until the Service has approved of habitat restoration site grading. All planting will be installed in a way that mimics natural plant distribution, and not in rows. Inoculum will not be introduced into the restored pools until after they have been demonstrated to retain water for the appropriate amount of time to support San Diego fairy shrimp [i.e., at least 30 days (Hathaway and Simovich 1996, Ripley *et al.* 2004)]. Inoculum will be placed in a manner that preserves, to the maximum extent possible, the orientation of the fairy shrimp cysts within the surface layer of soil (e.g., collected inoculum will be shallowly distributed within the pond so that cysts have the potential to be brought into solution upon inundation);
9. Plant palettes (species, size and number/acre) and seed mix (species and pounds/acre) will be included in the restoration/enhancement plan. The plant palette will include native species specifically associated with the on-site habitat type(s). If native plant species cannot be obtained from Del Mar Mesa, the Service must approve the donor site. The source and proof of local origin of all plant material and seed will be provided;
10. Native plants and animals will be established within the enhanced/ restored pools, their watersheds and surrounding uplands. This can be accomplished by redistributing topsoil containing seeds, spores, bulbs, eggs, and other propagules from affected pools and adjacent vernal pool and upland habitats; by the translocation of propagules of individual species; and by the use of commercially available native plant species. Any vernal pool inoculum or plant material from an off-site source must be approved by the Service. Topsoil and plant materials from the native habitats to be affected on-site will be applied to the watersheds of the enhanced and restored pools to the maximum extent practicable. Exotic weed control will be implemented within the enhancement/restoration areas to protect and enhance habitat remaining on site;
11. In the event that natural rain is inadequate to support plant establishment, artificial watering of the enhanced/restored pools and their watersheds may be done upon approval by the Service. Any artificial watering will be done in a manner that prevents ponding in the pools. Any water to be used will be identified and documented to be free of contaminants that could harm the pools;
12. All weeding within and immediately adjacent to the enhanced/restored pools will be performed by hand. No herbicide will be used within or adjacent to the restored and preserved vernal pools. Herbicide may be used in the uplands adjacent to pools only as approved by the Service. All workers conducting weed removal activities will be educated to distinguish between native and non-native species so that local native plants are not inadvertently killed by weed removal activities;
13. A final implementation schedule that indicates when all vernal pool impacts, as well as vernal pool enhancement/restoration grading and planting will begin and end. A temporal loss of vernal pools should be avoided by initiating the restoration work prior to or concurrent with impacts. This will minimize the length of time inoculum is kept in storage and ensure that there is appropriate habitat to translocate it to.

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14. Five years of monitoring and success criteria for vernal pool and upland habitat enhancement/restoration areas that includes quantitative hydrological, vegetation transects, viable cyst, hatched fairy shrimp, and gravid female measurements, and complete floral and fauna inventories, and photographic documentation. To minimize impacts to the vernal pool's soil surface during monitoring, cobbles should be oriented within the restored vernal pools to serve as stepping stone;
15. The restored vernal pools will support San Diego fairy shrimp. Restoration success for San Diego fairy shrimp will be determined by measuring the ponding of water, and density of viable cysts, hatched fairy shrimp, and gravid females, within the restored pools. Water measurements shall be taken in the restored pools to determine the depth, duration and quality (e.g., pH, temperature, total dissolved solids, and salinity) of ponding. Dry samples shall be taken in the restored pools to determine the density of viable cysts in the soils. Wet samples shall also be taken in the restored pools to determine the density of hatched fairy shrimp and gravid females. The pools must pond for a period of time similarly to reference vernal pools during an average rainfall year and at an appropriate depth and quality to support fairy shrimp. The hatched fairy shrimp, and gravid female density of the restored pools must not differ significantly ($p < 0.05$) from reference pools for, at least, 3 wet seasons before a determination of success can be made. The average viable cyst density of the restored pools must not differ significantly ($p < 0.05$) from reference pools at the end of the monitoring period before a determination of success can be made. Vernal pools selected as reference or control pools for evaluating restoration success shall be identified and described in the restoration plan. Alternate methods of determining success may be used upon approval by the Service;
16. Monitoring and success criteria for vernal pool and upland enhancement/restoration areas will include: coastal sage scrub/native grassland species richness and cover criteria for all five years of monitoring; 0 percent cover for weed species categorized as High or Moderate in the Cal-IPC Invasive Plant Inventory and relative cover of all other weed species is no more than 5 percent and 10 percent coverage in the pools basins and watersheds, respectively, for other exotic/weed species for all 5 years of the monitoring period. Container plant survival will be 80 percent of the initial plantings for the first 5 years. At the first and second anniversary of plant installation, all dead plants will be replaced unless their function has been replaced by natural recruitment. The method used for monitoring will be described and a map of proposed sampling locations will be included. Photo points shall be used for qualitative monitoring and stratified-random sampling shall be used for all quantitative monitoring;
17. Verification that enhancement/restoration of the vernal pool habitat is complete will require written sign-off by the Service. If a performance criterion is not met for any of the restored/enhanced vernal pools or upland habitat in any year, or if the final success criteria are not met, the project proponent will prepare an analysis of the cause(s) of failure and, if deemed necessary by the Service, propose remedial actions for approval. If any of the enhanced/restored vernal pools or upland habitat have not met a performance criterion during the initial 5-year period, the project proponent's maintenance and monitoring obligations will continue until the Service deems the enhancement/restoration successful, or contingency measures must be implemented. Enhancement/restoration will not be deemed successful until at least 2 years after any significant contingency measures are implemented, as determined by the Service; and

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B30

18. Annual reports will be submitted to the Service by December 1 of each year that assess both the attainment of yearly success criteria and progress toward the final success criteria. The reports will also summarize the project's compliance with all Service biological opinion conservation measures and terms and conditions.

LITERATURE CITED

Hathaway, S. A. and M. A. Simovich. 1996. Factors affecting the distribution and co-occurrence of two southern California anostracans (Branchiopoda), *Branchinecta sandiegonensis* and *Streptocephalus woottoni*. *Journal of Crustacean Biology* 16(4):669-677.

Ripley, B. J., J. Holtz, and M. A. Simovich. 2004. Cyst bank life-history model for a fairy shrimp from ephemeral ponds. *Freshwater Biology*. 49:221-231.

COMMENT

RESPONSE

STATE OF CALIFORNIA - CALIFORNIA STATE TRANSPORTATION AGENCY

MUMFORD G. BROWN, Jr., Governor

DEPARTMENT OF TRANSPORTATION

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April 10, 2017

11-SD-56
PM 6.1
Merge 56
DEIR SCH 2014071065

Ms. Elizabeth Shearer-Nguyen
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92101

Dear Ms. Shearer-Nguyen:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the proposed Draft Environmental Impact Report (DEIR) for the Merge 56 project. The project is located south of State Route 56 (SR-56) and Camino Del Sur. The mission of Caltrans is to provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. Caltrans has the following comments:

- C1 1. No grading will be allowed in Caltrans Right of Way (ROW). See Encroachment Permits Manual Section 204 for additional information.
C2 2. The entire retaining wall design and construction, including the foundation adjacent to Caltrans ROW, must be completely inside the Applicants adjacent property and not on the property line.
C3 3. Access to work site shall be from the Applicants property. Direct access from the freeway is prohibited.
C4 4. The State ROW as shown on page 138 of the DEIR does not correctly represent the State's ownership. It appears document 2011-0285167 (parcel 5) in the EIR assessment of the State ROW location has been omitted. ROW Record map 41010.2m is attached, which shows the State ROW at the development location. An image of the document transferring SR-56 ROW from the City to the State is also attached.
C5 5. Bio-retention ponds adjacent to retaining wall at ROW line and upstream of State facilities (slopes, ditches, etc.) need further Geotechnical evaluation by the Caltrans.
C6 6. Provide Grading and Improvement plans.
7. Provide Hydrology and Hydraulics report for proposed 84" RCP under Camino Del Sur.

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability."

- C1 Comment noted.
C2 Comment noted. The retaining walls in the northern portion of the site near SR-56 would be totally contained on the project site and would avoid the State right-of-way (ROW), as shown in Figure 3-12.
C3 Comment noted. Access for the construction work would be from the project site and not the State ROW; no encroachment permit would be required.
C4 Based on the documents provided and researching recorded maps, the State ROW has been corrected on the VTM and Figure 3-12 of the Draft EIR has been revised in the Final EIR.
C5 As disclosed in Draft EIR Section 7.1.6, preliminary geotechnical work in support of the project has been prepared and demonstrates that the project's bio retention ponds would not have a significant adverse impact on the environment. All geotechnical studies were provided in Appendix H to the Draft EIR. As is typical for a construction project, further geotechnical evaluation would be completed for City review during the final engineering stage of the project.
C6 Preliminary grading and improvement plans are incorporated into and analyzed in the Draft EIR. The drainage study and storm water quality report were provided in Appendix G to the Draft EIR. Additional grading and improvement plans, including hydrology and a hydraulics reports, would be prepared for City review after discretionary permits are issued by the City.

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C7 8. In reviewing the past document the main roadway that will connect to SR-56 (Camino Del Sur) was reduced from a six lane divided facility (6D) and a four lane divided (4D) to a 4D and a two lane divided (2D). The interchange at Camino Del Sur was designed to accommodate two circle ramps for future traffic demands. Caltrans recommends the grading limits (only) for Camino Del Sur be set to accommodate the original Lanes widths of 6D to 4D. This would allow for future expansion in this area and not overburden the other existing interchanges within the area.

C8 9. The approach delay on the ramps remain significantly high resulting in significant changes due to the added traffic from the project. Caltrans recommends the City consider a fair-share mitigation.

If you have any questions, please contact Trent Clark of the Development Review branch at (619) 688-3140.

Sincerely, 

JACOB ARMSTRONG, Branch Chief
Development Review Branch

C7 The number of lanes along Camino Del Sur is not being reduced at the interchange. The reduction from 4-lane to 2-lane would occur south of Carmel Mountain Road, approximately 2,400 feet south of the State ROW. Therefore, the design is consistent with the request in this comment.

C8 The guidelines contained in the City's Traffic Impact Study Manual evaluate project impacts to signalized intersections based on overall intersection delay. The near-term intersection operations at the intersection of SR-56/Camino Del Sur WB ramps and SR-56/Camino Del Sur EB ramps resulted in acceptable LOS D or better operations with both the project and cumulative projects' volumes based on overall intersection delay. As such, no significant direct impacts were calculated in the near-term condition, as summarized in Section 5.2 of the Draft EIR (refer to Table 5.2-8). The 2035 analysis shows LOS E/F operations during the PM peak hour with project traffic, which was concluded to be a significant cumulative impact (refer to Table 5.2-9). The mitigation for these cumulative impacts would be to provide fair share contribution towards planned SR-56/Camino Del Sur loop improvements identified in the Torrey Highlands Public Facilities Financing Plan through payment of the project's FBA fees, as noted in Mitigation Measures Tra-1 and Tra-2 in Section 5.2 of the Draft EIR. As noted in Section 5.2 of the Draft EIR, payment of the FBA fees toward the widening of SR-56 would reduce the project's contribution to cumulative impacts at those signalized intersections with SR-56 as well as the freeway mainlines (as shown below in Tables RTC-1 and RTC-2). However, the impacts would remain cumulatively significant and unmitigated due to the lack of City jurisdiction and planned timing of the improvements.

STATE OF CALIFORNIA HIGHWAY USAGE
STATE BUSINESS FREE GOVT CODE #103
DEPARTMENT OF TRANSPORTATION
DISTRICT 11

When recorded mail to:

State of California
Department of Transportation
4350 Taylor Street M.S. 319
San Diego, CA 92110

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON JUN 02, 2011
DOCUMENT NUMBER: 2011-0265167
Ernest J. Dronenburg, Jr., COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 12:15 PM

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GRANT DEED
(MUNICIPAL CORPORATION)

District	County	Route	Post	Number
11	SD	68	K.P. 3.5-11.0	R/W 34571-7

THE CITY OF SAN DIEGO

A municipal corporation organized and existing under and by virtue of the laws of the State of California, does hereby GRANT to the STATE OF CALIFORNIA all that real property in the City of San Diego, County of San Diego, State of California, described as follows:

SEE EXHIBIT "A"

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Exhibit "A"

PARCEL 1 (34571-1)

These portions of Sections 10, 11, 13, 14, 15, 16, 17, 20, and 21, Township 14 South, Range 3 West, San Bernardino Baseline and Meridian, in the City of San Diego, County of San Diego, State of California, according to the Official Plat thereof, more particularly described as follows:

BEGINNING at a 2" inch pipe with disc stamped LS 4300 SD COUNTY, and shown as the Section Corner of Sections 15, 17, 20, and 21, per Record of Survey Map No. 18589, filed on January 21, 2005 in the Office of the County Recorder of said County as File No. 2005-0055065 of Official Records; said monument bears S.00°14'04"W., 804.042 meters from a 2" inch pipe with disc stamped RE 636, shown as the West Quarter Corner of said Section 16 per said Record of Survey Map No. 18589;

thence; (1) S.88°38'17"E., 167.708 meters along the North line of said Section 21 to a point on the Southerly line per said Record of Survey Map No. 18589, being also a point herein after referred to as point "A", being the TRUE POINT OF BEGINNING;

thence; (2) along said Southerly line the following courses; S.02°25'05"E., 0.747 meters

thence; (3) S.34°30'00"W., 12.954 meters;

thence; (4) S.78°30'00"W., 26.277 meters;

thence; (5) N.10°54'40"E., 7.889 meters;

thence; (6) N.29°45'07"W., 8.510 meters;

thence; (7) S.80°45'02"W., 13.949 meters;

thence; (8) S.83°09'45"W., 18.165 meters;

thence; (9) S.67°53'56"W., 103.812 meters;

thence; (10) N.89°15'08"W., 10.037 meters;

thence; (11) S.55°08'17"W., 186.777 meters;

thence; (12) leaving said Southerly line N.32°51'49"W., 65.120 meters;

thence; (13) S.83°14'24"W., 41.970 meters to the Northerly line of said Record of Survey Map No. 18589;

thence; (14) along said Northerly line the following courses; N.57°03'24"E., 29.046 meters;

thence; (15) N.58°11'54"E., 45.786 meters;

thence; (16) N.08°30'54"W., 16.760 meters;

thence; (17) N.80°29'06"E., 6.166 meters;

to the beginning of a 145.300 meter radius curve to the left;

thence; (18) Easterly 54.588 meters along the arc of said curve, through a central angle of 33°10'00";

thence; (19) N.47°19'06"E., 31.393 meters; to the beginning of a 145.300 meter radius curve to the left;

thence; (20) Northeasterly 63.811 meters along the arc of said curve, through a central angle of 24°59'25";

thence; (21) N.80°48'25"E., 28.236 meters to the West Line of said Section 16;

thence; (22) leaving said Northerly line S.00°14'04"W., 38.180 meters to said corner of Sections 16, 17, 20, and 21;

thence; (23) S.88°38'17"E., 167.708 meters along the North line of said Section 21 to the TRUE POINT OF BEGINNING;

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PARCEL 2 (34571-1)

BEGINNING at said point "A",

thence; (1) along the Southerly line of said Record of Survey Map No. 18588, the following courses;
 N.02°25'05"W., 13.895 meters;
 thence; (2) N.85°21'14"E., 38.882 meters;
 thence; (3) N.56°44'06"E., 73.248 meters;
 thence; (4) N.68°58'24"E., 67.998 meters;
 thence; (5) S.88°26'08"E., 31.866 meters;
 thence; (6) N.48°32'36"E., 28.792 meters;
 thence; (7) N.70°45'38"E., 121.066 meters;
 thence; (8) N.82°54'11"E., 32.985 meters;
 thence; (9) N.68°52'01"E., 11.295 meters;
 thence; (10) N.56°41'19"E., 56.885 meters;
 thence; (11) N.68°16'10"E., 67.042 meters;
 thence; (12) N.88°18'57"E., 38.138 meters;
 thence; (13) N.68°52'00"E., 85.000 meters;
 thence; (14) N.58°19'39"E., 43.738 meters;
 thence; (15) N.75°49'11"E., 82.607 meters;
 thence; (16) S.51°19'40"E., 29.825 meters;
 thence; (17) N.76°47'14"E., 26.754 meters;
 thence; (18) N.76°47'14"E., 30.484 meters;
 thence; (19) N.76°47'14"E., 40.696 meters;
 thence; (20) N.63°01'11"E., 20.909 meters;
 thence; (21) leaving said Southerly line N.61°09'30"E., 121.607 meters;
 thence; (22) N.59°38'10"E., 15.180 meters;
 thence; (23) N.53°43'58"E., 29.213 meters;
 thence; (24) N.65°42'52"E., 102.510 meters;
 thence; (25) N.64°09'51"E., 41.995 meters;
 thence; (26) N.04°12'06"E., 6.766 meters;
 thence; (27) N.58°02'58"E., 6.855 meters;
 thence; (28) S.68°34'43"E., 6.882 meters;
 thence; (29) N.58°47'25"E., 146.244 meters;
 thence; (30) N.08°58'50"E., 5.971 meters;
 thence; (31) N.59°38'20"E., 5.794 meters;
 thence; (32) S.89°42'19"E., 5.806 meters, to the beginning of a non-tangent 1,000.000 meter radius curve to the left, a radial to said curve bears S.28°53'14"E.,
 thence; (33) Northeasterly 101.501 meters along the arc of the said curve, through a central angle of 05°48'58";
 thence; (34) non-tangent to said curve N.52°37'50"E., 105.145 meters;
 thence; (35) N.07°29'20"E., 25.847 meters;
 thence; (36) N.48°00'45"E., 14.613 meters;
 thence; (37) S.75°19'57"E., 24.015 meters; to the beginning of a non-tangent 1,000.000 meter radius curve to the left, a radial to said curve bears S.40°04'10"E.;
 thence; (38) Northeasterly 69.109 meters along the arc of the said curve, through a central angle of 03°57'36";
 thence; (39) non-tangent to said curve N.43°22'29"E., 65.015 meters;

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thence; (40) N.05°49'25"E., 25.089 meters;
 thence; (41) N.39°20'38"E., 9.140 meters;
 thence; (42) N.74°03'13"E., 30.272 meters;
 thence; (43) N.37°47'55"E., 89.208 meters;
 thence; (44) N.23°22'06"W., 17.001 meters;
 thence; (45) N.34°35'24"E., 18.014 meters;
 thence; (46) S.75°29'08"E., 19.356 meters to said Southerly line of Record of Survey Map No. 18589, to the beginning of a non-tangent 349.000 meter radius curve to the left, a radius to said curve bears S.55°38'00"E.,
 thence; (47) continuing along said Southerly line the following courses, Northeasterly 187.321 meters along the arc of the said curve, through a central angle of 07°57'22";
 thence; (48) N.26°24'38"E., 91.983 meters;
 thence; (49) N.00°09'05"E., 19.229 meters;
 thence; (50) N.00°08'07"E., 19.813 meters;
 thence; (51) N.21°50'00"E., 188.660 meters;
 thence; (52) N.18°00'00"E., 60.062 meters;
 thence; (53) N.29°49'00"E., 114.301 meters;
 thence; (54) N.31°27'28"E., 59.365 meters to a point hereinafter referred to as point "B", on the North line of Section 15, distant thereon N.89°38'25"W., 1,053.735 meters from a 2" inch pipe with disc stamped LS 5278, shown as the Section Corner of Sections 10, 11, 14, and 15, per said Record of Survey Map No. 18589;
 thence; (55) leaving said Southerly line N.89°38'25"W., 123.241 meters along said North line of Section 15 to a point on the Northerly line per said Record of Survey Map No. 18589;
 thence; (56) along said Northerly line the following courses, S.32°50'14"W., 34.240 meters;
 thence; (57) S.24°57'44"W., 80.729 meters;
 thence; (58) S.00°08'07"W., 11.726 meters;
 thence; (59) S.29°00'07"W., 131.155 meters;
 thence; (60) S.28°05'48"W., 92.664 meters;
 thence; (61) S.11°08'48"W., 31.900 meters;
 thence; (62) S.23°46'40"W., 129.744 meters; to the beginning of a 700.116 meter radius curve to the right,
 thence; (63) Southwesterly 182.873 meters along the arc of said curve, through a central angle of 13°18'46";
 thence; (64) S.37°05'26"W., 55.845 meters;
 thence; (65) S.40°54'37"W., 47.152 meters;
 to the beginning of a 579.112 meter radius curve to the right,
 thence; (66) Southwesterly 84.301 meters along the arc of said curve, through a central angle of 08°23'26";
 thence; (67) S.49°15'03"W., 77.568 meters;
 to the beginning of a 609.600 meter radius curve to the right,
 thence; (68) Southwesterly 49.363 meters along the arc of said curve, through a central angle of 04°32'44";
 thence; (69) S.53°47'47"W., 97.149 meters; to the beginning of a 608.886 meter radius curve to the right,
 thence; (70) Southwesterly 173.857 meters along the arc of said curve, through a central angle of 16°20'47";
 thence; (71) S.70°08'34"W., 106.147 meters;
 thence; (72) S.80°02'37"W., 91.754 meters;

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thence; (73) S.75°51'59"W., 114.983 meter to the beginning of a 605.666 meter radius curve to the right;

thence; (74) Southwesterly 53.292 meters along the arc of said curve, through a central angle of 05°00'59";

thence; (75) S.80°52'58"W., 34.882 meters;

thence; (76) N.12°47'37"W., 25.102 meters;

thence; (77) S.77°12'22"W., 34.150 meters;

thence; (78) S.12°47'36"E., 17.078 meters;

thence; (79) S.77°12'24"W., 7.967 meters;

thence; (80) S.83°09'54"W., 27.134 meters;

thence; (81) S.56°01'03"W., 58.464 meters;

thence; (82) S.45°28'52"W., 40.311 meters;

thence; (83) S.84°30'32"W., 51.823 meters;

thence; (84) S.09°49'50"W., 34.986 meters;

thence; (85) S.67°42'55"W., 205.615 meters;

thence; (86) S.62°05'04"W., 39.878 meters;

thence; (87) S.63°13'10"W., 59.785 meters;

thence; (88) S.67°48'22"W., 75.814 meters;

thence; (89) S.67°14'44"W., 150.528 meters;

thence; (90) S.66°19'18"W., 50.361 meters;

thence; (91) S.63°21'58"W., 33.837 meters;

thence; (92) S.66°51'53"W., 59.113 meters;

thence; (93) S.58°35'56"W., 95.644 meters;

thence; (94) S.80°48'25"W., 14.459 meters, to a point on the West line of said Section 16 distant thereon N.00°14'04"E., 38.180 meters from said 2" inch pipe with disc stamped LS 4300 SD COUNTY;

thence; (95) leaving said Northerly line S.00°14'04"W., 38.180 meters along said West line of Section 16 to the hereinabove described Section Corner of Sections 16, 17, 20, and 21;

thence; (96) S.88°36'17"E., 167.708 meters along said North line of Section 21 to said point "A."

PARCEL 3 (34571-C)

BEGINNING at said point "B";

thence; (1) along the Southerly line of said Record of Survey Map No. 18599 the following courses; N.31°27'28"E., 20.683 meters

thence; (2) N.38°32'57"E., 54.694 meters;

thence; (3) N.40°19'06"E., 27.456 meters;

thence; (4) N.42°00'26"E., 32.189 meters;

thence; (5) N.42°50'21"E., 31.878 meters;

thence; (6) N.46°47'23"E., 31.295 meters;

thence; (7) N.53°30'04"E., 108.465 meters;

thence; (8) N.65°52'31"E., 70.704 meters;

thence; (9) N.69°45'23"E., 61.102 meters;

thence; (10) leaving said Southerly line N.60°03'09"E. 50.542;

thence; (11) along the Southerly line of said Record of Survey Map. No. 18599 the following courses; N.80°19'03"E. 9.144 meters;

thence; (12) S.28°40'57"E. 73.878 meters;

thence; (13) N.60°19'04"E., 9.144 meters;

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thence; (14) N.60°19'04"E., 20.503 meters;
 thence; (15) N.21°54'53"E., 31.549 meters;
 thence; (16) N.00°22'03"E., 67.192 meters;
 thence; (17) N.73°37'23"E., 51.206 meters; to the beginning of a non-tangent 1,864.584 meter radius curve to the right, a radial to said curve bears N.17°48'59"W.;
 thence; (18) Northeastly 152.850 meters along the arc of said curve, through a central angle of 4°42'02";
 thence; (19) non-tangent to said curve; N.81°09'13"E., 84.885 meters;
 thence; (20) N.82°26'53"E., 39.354 meters;
 thence; (21) N.85°08'23"E., 52.878 meters;
 thence; (22) S.88°02'20"E., 55.691 meters; to the beginning of a non-tangent 2,585.841 meter radius curve to the right, a radial to said curve bears N.08°47'07"E.;
 thence; (23) Southeastly 147.645 meters along the arc of said curve, through a central angle of 3°18'17";
 thence; (24) non-tangent to said curve; S.83°58'07"E., 13.107 meters;
 thence; (25) S.00°00'00"W., 1.808 meters;
 thence; (26) S.57°01'25"E., 27.455 meters to a point hereinafter referred to as point "C", on the East line of Section 10, distant thereon N.00°23'07"E., 372.677 meters from a 2" inch pipe with disc stamped LS 5278, shown as the Section Corner of Sections 10, 11, 14, and 15, per said Record of Survey Map No. 18589,
 thence; (27) leaving said Southerly line, along said East line N.00°23'07"E., 111.882 meters to a point on the Northerly line per said Record of Survey Map No. 18589;
 thence; (28) along said Northerly line the following courses; N.87°10'27"W., 24.274 meters;
 thence; (29) N.85°26'18"W., 22.158 meters to the beginning of a non-tangent 1,105.850 meter radius curve to the left, a radial to said curve bears N.10°38'55"E.;
 thence; (30) Westerly 100.134 meters along the arc of said curve, through a central angle of 05°11'54";
 thence; (31) non-tangent to said curve; N.84°13'11"W., 30.721 meters;
 thence; (32) N.88°26'54"W., 76.813 meters to the beginning of a non-tangent 1,103.900 meter radius curve to the left, a radial to said curve bears N.00°09'51"W.;
 thence; (33) Westerly 98.787 meters along the arc of said curve, through a central angle of 10°19'04";
 thence; (34) non-tangent to said curve; S.78°36'20"W., 21.531 meters;
 thence; (35) S.72°52'13"W., 144.763 meters;
 thence; (36) S.37°10'37"W., 11.858 meters;
 thence; (37) S.74°44'30"W., 66.052 meters;
 thence; (38) S.64°38'30"W., 58.949 meters;
 thence; (39) S.65°52'16"W., 19.022 meters;
 thence; (40) S.65°52'16"W., 19.238 meters;
 thence; (41) S.60°17'19"W., 59.354 meters;
 thence; (42) S.54°48'02"W., 67.212 meters;
 thence; (43) S.54°48'02"W., 149.804 meters;
 thence; (44) S.81°54'30"W., 40.463 meters;
 thence; (45) S.28°35'15"W., 121.492 meters;
 thence; (46) S.43°01'17"W., 104.455 meters;
 thence; (47) S.32°50'14"W., 34.333 meters to a point on the North line of said Section 15, distant thereon N.88°38'25"W, 123.241 meters from said point "B",
 thence; (48) along said North line S.68°38'25"E., 123.241 meters to said point "B".

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PARCEL 4 (35471-1)

BEGINNING at said point "C";
 thence; (1) along the Southerly line of said Record of Survey Map No. 18589 the following courses;
 S.57°01'25"E., 62.974 meters
 thence; (2) S.82°22'01"E., 66.515 meters;
 thence; (3) S.69°41'46"E., 36.313 meters;
 thence; (4) S.64°26'54"E., 212.138 meters;
 thence; (5) S.52°22'18"E., 86.769 meters;
 thence; (6) S.42°47'48"E., 100.249 meters;
 thence; (7) S.80°15'40"E., 103.485 meters;
 thence; (8) S.59°53'58"E., 83.000 meters;
 thence; (9) S.79°06'30"E., 38.750 meters;
 thence; (10) S.59°53'56"E., 22.364 meters;
 thence; (11) S.43°43'14"E., 41.989 meters;
 thence; (12) S.35°21'43"E., 38.783 meters;
 thence; (13) S.60°57'31"E., 598.263 meters; to the beginning of a non-tangent 272.339 meter
 radius curve to the right, a radial to said curve bears N.38°35'22"E.;
 thence; (14) Southeasterly 95.856 meters along the arc of said curve, through a central angle of
 20°09'59";
 thence; (15) S.30°14'39"E., 123.616 meters; to the beginning of a 145.237 meter radius curve to the
 left;
 thence; (16) Southeasterly 127.882 meters along the arc of said curve, through a central angle of
 50°28'57";
 thence; (17) S.80°41'36"E., 38.449 meters to the Southerly line of Record of Survey Map No. 20449
 filed on March 23, 2009 in the Office of the County Recorder of said County as File No. 2009-
 0143612 of Official Records;
 thence; (18) along said Southerly line the following courses, S.17°47'38"W., 12.925 meters to the
 beginning of a 16.764 meter radius curve to the left;
 thence; (19) Southerly 6.130 meters along the arc of said curve, through a central angle of
 20°57'02";
 thence; (20) S.03°09'24"E., 15.858 meters
 thence; (21) N.86°50'30"E., 30.015 meters to a point hereinafter referred to as point "D" on the East
 line of said Section 14, distant thereon N.00°41'37"W., 88.183 meters from a 6" inch Concrete
 Monument with disc stamped LS 2416, per said Records of Survey No. 18589 and 20449, shown
 thereon as the East Quarter Corner of said Section 14.
 thence; (22) leaving said Southerly line N.00°41'37"W., 342.150 meters along said East line of
 Section 14 to a point on the Northerly line per said Record of Survey Map No. 20449;
 thence; (23) along said Northerly line the following courses, N.81°33'30"W., 46.487 meters to the
 beginning of a non-tangent 375.063 meter radius curve to the left; a radial to said curve bears
 N.92°29'53"W.;
 thence; (24) Southerly 31.603 meters along the arc of said curve, through a central angle of
 04°49'40" to said Northerly line of Record of Survey Map No. 18589;
 thence; (25) along said Northerly line the following courses, non-tangent to said curve;
 N.77°20'36"W., 93.567 meters;
 thence; (26) N.68°10'21"W., 52.678 meters;
 thence; (27) N.63°44'25"W., 125.267 meters;
 thence; (28) N.58°05'47"W., 114.607 meters.

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thence; (29) N.57°34'44"W., 141.051 meters;
 thence; (30) N.58°28'24"W., 31.800 meters;
 thence; (31) N.57°47'51"W., 38.718 meters;
 thence; (32) N.54°24'11"W., 78.648 meters;
 thence; (33) S.47°31'00"W., 5.940 meters;
 thence; (34) N.56°00'32"W., 28.788 meters;
 thence; (35) N.81°02'11"W., 32.352 meters;
 thence; (36) N.80°40'51"W., 80.075 meters;
 thence; (37) N.48°24'12"W., 48.704 meters;
 thence; (38) N.38°16'24"W., 14.021 meters;
 thence; (39) N.45°00'58"W., 24.871 meters;
 thence; (40) N.54°51'28"W., 17.584 meters;
 thence; (41) N.81°10'21"W., 180.044 meters;
 thence; (42) N.88°12'43"W., 38.899 meters;
 thence; (43) S.79°26'44"W., 6.894 meters;
 thence; (44) N.58°26'24"W., 85.774 meters;
 thence; (45) N.58°59'54"W., 33.807 meters;
 thence; (46) N.56°51'54"W., 75.488 meters;
 thence; (47) N.57°29'54"W., 26.761 meters;
 thence; (48) N.57°59'54"W., 31.113 meters;
 thence; (49) N.59°14'54"W., 56.935 meters;
 thence; (50) N.88°47'55"W., 5.352 meters;
 thence; (51) N.56°05'47"W., 52.386 meters;
 thence; (52) N.74°58'37"W., 82.689 meters;
 thence; (53) N.58°10'01"W., 81.033 meters;
 thence; (54) N.87°10'27"W., 88.677 meters; to a point on the East line of said Section 10, distant thereon N.00°23'07"E., 111.882 meters from said point "C",
 thence; (55) leaving said Northerly line S.00°23'07"W., 111.882 meters along said East line to said point "C".

PARCEL 5 (34571-1)

BEGINNING at said point "D";
 thence; (1) along the Southerly line of said Record of Survey Map No. 20449 the following courses;
 N.88°50'30"E., 19.666 meters;
 thence; (2) N.03°09'24"W., 23.109 meters;
 thence; (3) S.73°16'11"E., 29.052 meters;
 thence; (4) S.42°45'15"E., 101.143 meters;
 thence; (5) S.02°23'28"W., 30.374 meters;
 thence; (6) S.19°49'14"W., 21.580 meters;
 thence; (7) S.41°00'08"E., 24.000 meters;
 thence; (8) S.79°59'33"E., 76.081 meters;
 thence; (9) S.54°45'04"E., 104.930 meters;
 thence; (10) S.36°59'38"E., 22.882 meters;
 thence; (11) S.15°17'25"E., 32.971 meters;
 thence; (12) S.55°48'31"E., 55.116 meters;
 thence; (13) N.77°26'18"E., 31.983 meters;

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thence; (14) S.59°13'14"E., 62.530 meters;
 thence; (15) S.52°54'42"E., 31.351 meters;
 thence; (16) S.66°36'11"E., 26.811 meters;
 thence; (17) S.59°13'14"E., 20.055 meters;
 thence; (18) S.59°13'14"E., 29.863 meters;
 thence; (19) S.32°28'05"W., 20.512 meters;
 thence; (20) S.61°49'25"E., 10.731 meters;
 thence; (21) N.72°03'07"E., 26.851 meters;
 thence; (22) S.59°13'14"E., 90.035 meters;
 thence; (23) S.69°40'36"E., 175.866 meters; to a point on the North-South centerline of said Section 13, distant thereon N.01°11'15"E., 47.767 meters from a 2" inch pipe with tag stamped LS 4611, shown as the Southeast Corner of the Northeast Quarter of the Southwest Quarter of said Section 13, per said Record of Survey Map 20449;
 thence; (24) leaving said Southerly line N.01°11'15"E., 126.502 meters along said North-South centerline to a point on the Northerly line per said Record of Survey Map No. 20449;
 thence; (25) along said Northerly line the following courses; N.61°40'17"W., 20.588 meters;
 thence; (26) N.65°48'07"W., 136.127 meters;
 thence; (27) N.87°52'02"W., 65.414 meters;
 thence; (28) N.67°52'02"W., 30.698 meters;
 thence; (29) N.55°59'39"W., 290.793 meters;
 thence; (30) N.40°20'39"W., 78.867 meters;
 thence; (31) N.15°02'57"W., 11.377 meters;
 thence; (32) N. 07°22'02"W., 28.693 meters;
 thence; (33) N.02°19'49"W., 41.050 meters;
 thence; (34) N.39°53'47"W., 14.832 meters;
 thence; (35) N.76°54'58"W., 7.840 meters;
 thence; (36) S.50°08'13"W., 11.078 meters;
 thence; (37) N.39°15'20"W., 37.306 meters;
 thence; (38) N.51°24'32"W., 40.455 meters;
 thence; (39) N.17°34'43"W., 21.808 meters;
 thence; (40) N.11°52'05"W., 36.180 meters;
 thence; (41) N.17°34'44"W., 30.786 meters; to the beginning of a non-tangent 144.800 meter radius curve to the left, a radial to said curve bears N.72°25'16"E.;
 thence; (42) Northerly 93.371 meters along the arc of said curve, through a central angle of 36°56'44";
 thence; (43) non-tangent to said curve; N.34°18'46"E., 9.284 meters;
 thence; (44) N.39°32'06"E., 14.081 meters;
 thence; (45) N.54°23'56"W., 14.241 meters;
 thence; (46) N.82°29'42"W., 30.479 meters;
 thence; (47) N.73°10'16"W., 20.479 meters;
 thence; (48) N.58°28'15"W., 30.839 meters;
 thence; (49) N.38°32'13"W., 20.470 meters;
 thence; (50) N.25°37'32"W., 3.318 meters;
 thence; (51) N.89°18'23"W., 5.206 meters;
 to a point on the East line of said Section 14, distant thereon N.00°41'37"W., 342.872 meters, from point "D";
 thence; (52) leaving said Northerly line S.00°41'37"E., 342.872 meters along said East line to said point "D".

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RESERVING therefrom a pedestrian and non-motor vehicular easement over those portions described as follows:

PARCEL A

A strip of land 6.800 meters in width, lying 1.600 meters Northwesterly and 5.200 meters Southeasterly of the following described line:

BEGINNING at a point on course "(4)" of PARCEL 1, distant thereon S.76°30'00"W., 25.989 meters from the Northeasterly beginning thereof;
 thence; (1) N.28°12'46"E., 8.179 meters;
 thence; (2) N.35°03'24"E., 18.047 meters;
 thence; (3) N.23°38'16"E., 17.750 meters;
 thence; (4) N.63°05'41"E., 73.301 meters to the beginning of a 1,000.000 meter radius curve to the right;
 thence; (5) Northeasterly along said curve through a central angle of 05°46'20", an arc distance of 100.742 meters;
 thence; (6) N.68°52'00"E., 187.089 meters to the point of terminus of said strip.

The sidelines of said 6.800 meter strip are to be prolonged or shortened so as to create a continuous strip of land 6.800 meters in width.

Said strip to begin in the Southerly line per said Record of Survey Map No. 18589.

PARCEL B

A strip of land 5.800 meters in width, lying 0.600 meter Northwesterly and 5.200 meters Southeasterly of the following described line:

BEGINNING at the Northeasterly terminus of course "(6)" of Parcel A;
 thence; (1) N.68°52'00"E., 191.512 meters to the point of terminus of said strip.

PARCEL C

A strip of land 4.757 meters in width, lying 0.152 meter Northwesterly and 4.635 meters Southeasterly of the following described line:

BEGINNING at the Northeasterly terminus of course "(1)" of Parcel B;
 thence; (1) N.68°52'00"E., 19.383 meters to the beginning of a 1,489.885 meter radius curve to the right;
 thence; (2) Easterly along said curve through a central angle of 03°05'02", an arc distance of 80.190 meters to the point of terminus of said strip.

PARCEL D

A strip of land 5.800 meters in width, lying 0.600 meter Northwesterly and 5.200 meters Southeasterly of the following described line:

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BEGINNING at the Northeasterly terminus of course "(2)" of Parcel C, being the hereinabove described 1,489.865 meter radius curve to the right;
 thence; (1) continuing Northeasterly along said curve through a central angle of 00°25'18", an arc distance of 10.975 meters to the beginning of a compound 300.000 meter radius curve to the right;
 thence; (2) Northeasterly along said curve through a central angle of 07°19'30", an arc distance of 38.353 meters to the beginning of a reverse 400.000 meter radius curve to the left;
 thence; (3) Northeasterly along said curve through a central angle of 04°36'47", an arc distance of 32.204 meters to the beginning of a reverse 1,486.265 meter radius curve to the right;
 thence; (4) Northeasterly along said curve through a central angle of 02°07'20", an arc distance of 55.050 meters;
 thence; (5) N.77°12'24"E., 27.073 meters;
 thence; (6) N.78°47'19"E., 22.200 meters;
 thence; (7) N.72°37'56"E., 18.455 meters to the point of terminus of said strip.

PARCEL E

A strip of land 6,600 meters in width, lying 0,600 meter Northwesterly and 6,200 meters Southeastery of the following described line:

BEGINNING at the Northeasterly terminus of course "(7)" of Parcel D, being the beginning of a non-tangent 20,000 meter radius curve, concave Northerly, a radial to said point bears S.17°33'35"W;
 thence; (1) Easterly along said curve through a central angle of 41°28'45", an arc distance of 14.479 meters;
 thence; (2) N.66°04'50"E., 116.333 meters to the beginning of a 1,900,000 meter radius curve to the left;
 thence; (3) Northeasterly along said curve through a central angle of 08°05'22", an arc distance of 301.420 meters;
 thence; (4) N.56°59'28"E., 104.258 meters to the beginning of a 1,300,000 meter radius curve to the left;
 thence; (5) Northeasterly along said curve through a central angle of 10°20'13", an arc distance of 234.539 meters;
 thence; (6) N.46°39'14"E., 88.996 meters to the beginning of a 1,000,000 meter radius curve to the left;
 thence; (7) Northeasterly along said curve through a central angle of 21°59'48", an arc distance of 383.921 meters;
 thence; (8) N.24°39'25"E., 115.646 meters to the beginning of a 1,000,000 meter radius curve to the right;
 thence; (9) Northeasterly along said curve through a central angle of 1°45'13", an arc distance of 30.608 meters;
 thence; (10) N.23°24'38"E., 183.556 meters to the beginning of a 1,000,000 meter radius curve to the right;
 thence; (11) Northeasterly along said curve through a central angle of 04°18'15", an arc distance of 75.121 meters;
 thence; (12) N.30°42'53"E., 122.244 meters to the beginning of a 500,000 meter radius curve to the right;
 thence; (13) Northeasterly along said curve through a central angle of 02°47'38", an arc distance of 24.330 meters to the North line of said Section 15 as shown and delineated on said Record of Survey Map No. 18588;

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thence; (14) along said North line of Section 15 to a point distant thereon N 89°38'25"W., 1,070.862 meters from a 2 inch pipe with disc stamped LS 5278, shown and delineated as the Northeast Corner of said Section 15 on said Record of Survey Map No. 18589, said point being the beginning of a 500.000 meter radius curve, concave Southeastery, a radial to said point bears N.55°28'30"W.; thence; (15) Northeastery along said curve through a central angle of 04°32'31", an arc distance of 39.635 meters to the beginning of a compound 1,020.000 meter radius curve to the right; thence; (16) Northeastery along said curve through a central angle of 19°36'11", an arc distance of 348.983 meters; thence; (17) N.57°39'12"E., 57.187 meters to the beginning of a 500.000 meter radius curve to the right; thence; (18) Northeastery along said curve through a central angle of 14°22'24", an arc distance of 125.431 meters; thence; (19) continuing Northeastery along said curve through a central angle of 01°25'38", an arc distance of 12.458 meters; thence; (20) N.73°27'18"E., 130.338 meters to the beginning of a 800.000 meter radius curve to the right; thence; (21) Northeastery along said curve through a central angle of 08°38'13", an arc distance of 120.595 meters; thence; (22) N.82°05'29"E., 77.804 meters to the beginning of a 400.000 meter radius curve to the right; thence; (23) Easterly along said curve through a central angle of 08°08'14" an arc distance of 56.808 meters to the beginning of a compound 1,026.429 meter radius curve to the right; thence; (24) Easterly along said curve through a central angle of 00°07'19", an arc distance of 2.182 meters to the point of terminus of said strip.

PARCEL F

A strip of land 4.887 meters in width, lying 0.152 meter Northerly and 4.735 meters Southerly of the following described line:

BEGINNING at the Easterly terminus of course ⁽²⁴⁾ of Parcel E, being the hereinabove described 1,026.429 meter radius curve to the right; thence; (1) continuing Easterly along said curve through a central angle of 02°52'18", an arc distance of 51.436 meters to the point of terminus of said strip.

PARCEL G

A strip of land 6.800 meters in width, lying 0.800 meter Northerly and Northeasterly, and 6.203 meters Southerly and Southwesterly of the following described line

BEGINNING at the Easterly terminus of course ⁽¹⁾ of Parcel F, being the hereinabove described 1,026.429 meter radius curve to the right; thence; (1) continuing Easterly along said curve through a central angle of 00°07'17", an arc distance of 2.176 meters to the beginning of a compound 400.000 meter radius curve to the right; thence; (2) Southeastery along said curve through a central angle of 10°04'47", an arc distance of 70.370 meters to the beginning of a reverse 800.000 meter radius curve to the left; thence; (3) Southeastery along said curve through a central angle of 03°27'11", an arc distance of 48.215 meters to the beginning of a reverse 1,020.000 meter radius curve to the right;

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thence; (4) Southeasterly along said curve through a central angle of $04^{\circ}03'08''$, an arc distance of 72.137 meters to the East line of said Section 10 as shown and delineated on said Record of Survey Map No. 18589;

thence; (5) along said East line of Section 10 to a point distant thereon $N.00^{\circ}23'07''E.$, 399.805 meters from a 2 inch pipe with disc stamped LS 5275, shown and delineated as the Southeast Corner of said Section 10 on said Record of Survey Map No. 18589, said point being the beginning of a 1,020.000 meter radius curve, concave Southwesterly, a radial to said point bears $N.14^{\circ}01'18''E.$;

thence; (6) Southeasterly along said curve through a central angle of $10^{\circ}16'21''$, an arc distance of 182.976 meters to the beginning of a compound 600.000 meter radius curve to the right;

thence; (7) Southeasterly along said curve through a central angle of $08^{\circ}31'07''$, an arc distance of 89.206 meters;

thence; (8) $S.57^{\circ}11'14''E.$, 70.206 meters to the beginning of a 800.000 meter radius curve to the left;

thence; (9) Southeasterly along said curve through a central angle of $09^{\circ}48'20''$, an arc distance of 136.912 meters;

thence; (10) $S.66^{\circ}59'34''E.$, 46.603 meters to the beginning of a 200.000 meter radius curve to the right;

thence; (11) Southeasterly along said curve through a central angle of $07^{\circ}05'38''$, an arc distance of 24.760 meters;

thence; (12) $S.59^{\circ}53'58''E.$, 1.875 meters to the point of terminus of said strip.

PARCEL H

A strip of land 4.887 meters in width, lying 0.152 meter Northeasterly and 4.735 meters Southwesterly of the following described line:

BEGINNING at the Southeasterly terminus of course "(12)" of Parcel G;

thence; (1) $S.59^{\circ}53'58''E.$, 209.875 meters to the beginning of a 400.000 meter radius curve to the right;

thence; (2) Southeasterly along said curve through a central angle of $00^{\circ}07'19''$, an arc distance of 0.852 meters to the point of terminus of said strip.

PARCEL I

A strip of land 6.800 meters in width, lying 0.600 meter Northeasterly and 6.200 meters Southwesterly of the following described line:

BEGINNING at the Southeasterly terminus of course "(2)" of Parcel H, being the hereinabove described 400.000 meter radius curve to the right;

thence; (1) continuing Southeasterly along said curve through a central angle of $07^{\circ}35'56''$, an arc distance of 53.049 meters to the beginning of a reverse 600.000 meter radius curve to the left;

thence; (2) Southeasterly along said curve through a central angle of $07^{\circ}43'14''$, an arc distance of 90.850 meters;

thence; (3) $S.59^{\circ}53'58''E.$, 141.854 meters to the beginning of a 600.000 meter radius curve to the right;

thence; (4) Southeasterly along said curve through a central angle of $02^{\circ}30'18''$, an arc distance of 26.233 meters;

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thence; (5) non-tangent to said curve S.57°24'25"E., 110.235 meters to the beginning of a non-tangent; 1,000.000 meter radius curve to the left, a radial to said point bears S.32°12'27"W.,
thence; (5) Southeastery along said curve through a central angle of 04°38'43", an arc distance of 80.498 meters;
thence; (7) S.62°24'17"E., 16.094 meters to the point of terminus of said strip.

PARCEL J

A strip of land 7.200 meters in width, lying 1,000 meter Northeasterly and 6,200 meters Southwesterly of the following described line:

BEGINNING at the Southeastery terminus of course "(7)" of Parcel I:
thence; (1) S.62°24'17"E., 7.410 meters to the beginning of a 1,000.000 meter radius curve to the right;
thence; (2) Southeastery along said curve through a central angle of 07°23'04", an arc distance of 126.881 meters;
thence; (3) S.55°01'13"E., 57.017 meters to the beginning of a 282.000 meter radius curve to the right;
thence; (4) Southeastery along said curve through a central angle of 24°48'44", an arc distance of 121.958 meters;
thence; (5) S.30°14'29"E., 123.848 meters to the beginning of a 134.800 meter radius curve to the left;
thence; (6) Southeastery along said curve through a central angle of 50°27'08", an arc distance of 118.699 meters;
thence; (7) S.80°41'37"E., 58.952 meters;
thence; (8) S.84°19'03"E., 5.226 meters to a point on the East line of the Northeast Quarter of said Section 14, distant thereon N.00°41'37"E., 126.564 meters from a 5 inch concrete monument and disc stamped LS 2416, shown and delineated as the East Quarter Corner of said Section 14 on said Record of Survey Map No. 18589;
thence; (9) S.84°19'03"E., 18.248 meters to the point of terminus of said strip.

PARCEL K

A strip of land 6,200 meters in width, the center line of said strip being described as follows:

BEGINNING at the Southeastery terminus of course "(9)" of Parcel J, being the beginning of a non-tangent 78.100 meter radius curve, concave Southwesterly, a radial to said point bears N.08°08'07"E.,
thence; (1) Southeastery along said curve through a central angle of 35°32'06", an arc distance of 48.438 meters;
thence; (2) S.46°19'47"E., 102.853 meters to the beginning of a 1,500.000 meter radius curve to the left;
thence; (3) Southeastery along said curve through a central angle of 06°17'54", an arc distance of 184.887 meters;
thence; (4) S.62°37'41"E., 59.607 meters to the beginning of a 1,600.000 meter radius curve to the left;
thence; (5) Southeastery along said curve through a central angle of 03°56'45", an arc distance of 103.302 meters;

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thence; (6) S.58°34'26"E., 56.780 meters to the beginning of a 300.000 meter radius curve to the left;
thence; (7) Southeasterly along said curve through a central angle of 11°32'57", an arc distance of 80.443 meters to the point of terminus of said strip.

PARCELL

A strip of land 5.600 meters in width, the center line of said strip being described as follows:

BEGINNING at the Southeasterly terminus of course "(7)" of Parcel K, being the beginning of a 228.853 meter radius curve, concave Southwesterly, a radial to said point bears N.21°52'57"E.
thence; (1) Southeasterly along said curve through a central angle of 05°51'13", an arc distance of 23.382 meters;
thence; (2) S.62°16'50"E., 49.574 meters to the beginning of a 220.000 meter radius curve to the right;
thence; (3) Southeasterly along said curve through a central angle of 07°39'15", an arc distance of 29.390 meters to the beginning of a reverse 200.000 meter radius curve to the left;
thence; (4) Southeasterly along said curve through a central angle of 08°12'21", an arc distance of 28.644 meters;
thence; (5) continuing Southeasterly along said curve through a central angle of 03°11'48", an arc distance of 11.158 meters to the beginning of a compound 1,200.000 meter radius curve to the left;
thence; (6) Southeasterly along said curve through a central angle of 07°48'22", an arc distance of 163.493 meters;
thence; (7) S.73°49'09"E., 20.095 meters to the beginning of a 200.000 meter radius curve to the right;
thence; (8) Southeasterly along said curve through a central angle of 01°04'24", an arc distance of 3.746 meters to the North-South centerline of said Section 13 as shown on said Record of Survey Map No. 20449, said point being the terminus of said strip.

The sidelines of said 5.600 meter strip are to be prolonged or shortened so as to create a continuous strip of land 5.600 meters in width.

Said strip to terminate in said North-South centerline of Section 13, as shown on said Record of Survey Map No. 20449.

PARCELLM

A strip of land 8.200 meters in width, lying 2.000 meters Easterly and Southeasterly, and 8.200 meters Westerly and Northwesterly of the following described line:

BEGINNING at the Northeasterly terminus of course "(18)" of Parcel E,
thence; (1) S.17°52'24"E., 10.597 meters to the beginning of a 34.000 meter radius curve to the right;
thence; (2) Southerly along said curve through a central angle of 27°59'05", an arc distance of 16.606 meters;
thence; (3) S.10°00'41"W., 57.124 meters to the beginning of a 24.000 meter radius curve to the right;

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thence; (4) Southerly along said curve through a central angle of 50°18'23", an arc distance of 21.072 meters;
 thence; (5) S.80°19'03"W., 11.461 meters to the point of terminus of said strip.

PARCEL N

A strip of land 5.600 meters in width, the center line of said strip being described as follows:

BEGINNING at the Southeastly terminus of course *(4)* of Parcel L;
 thence; (1) S.27°11'03"W., 1.881 meters to the beginning of a 8.000 meter radius curve to the right;
 thence; (2) Southwestly along said curve through a central angle of 84°22'10", an arc distance of 11.780 meters;
 thence; (3) N.68°26'47"W., 42.005 meters to the beginning of a 20.000 meter radius curve to the left;
 thence; (4) Westerly along said curve through a central angle of 37°39'42", an arc distance of 13.146 meters;
 thence; (5) non-tangent to said curve S.73°53'29" W., 13.615 meters to the beginning of a non-tangent 12.000 meter radius curve to the right, a radial to said point bears S.16°06'29"E.;
 thence; (6) Westerly along said curve through a central angle of 48°57'01", an arc distance of 10.252 meters;
 thence; (7) N.57°09'28" W., 2.161 meters to the point of terminus of said strip.

RESERVING therefrom, unto grantor, grantor's successors or assigns, an easement for water lines and sewer lines, described as follows:

Being a 12.192 meter wide easement lying 6.096 meters on each side of the following described center line:

BEGINNING at the Southwestly terminus of course No. *(13)* of PARCEL 3, also being on the Southerly line per said Record of Survey Map No. 18589;
 thence; (1) along said Southerly line, N.80°19'04"E., 11.070 meters to the TRUE POINT OF BEGINNING;
 thence; (2) leaving said Southerly line, N.09°08'07"E., 88.947 meters;
 thence; (3) N.02°10'43"W., 100.456 meters to the POINT OF TERMINUS on the Northerly line per said Record of Survey Map No. 18589.

The sidelines of said easement shall be prolonged or shortened so as to commence on said Southerly line and terminate on said Northerly line.

RESERVING therefrom, unto grantor, grantor's successors or assigns, an easement for water lines, described as follows:

Being a 12.192 meter wide easement lying 6.096 meters on each side of the following described center line:

BEGINNING at the Easterly terminus of course No. *(23)* of PARCEL 3, also being on the Southerly line per said Record of Survey Map No. 18539;
 thence; (1) along said Southerly line S.83°58'07"E., 7.421 meters;

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thence; (2) leaving said Southerly line N.08°01'37"E., 5.792 meters to the TRUE POINT OF BEGINNING;

thence; (3) S.88°58'02"E., 28.451 meters, to the beginning of a non-tangent 1,015.043 meter radius curve to the right, a radial to said curve bears S.13°48'46"W.;

thence; (4) Easterly through a central angle of 10°28'53", an arc length of 185.667 meters to the beginning of a compound curve concave Southwesterly and having a radius of 595.050 meters;

thence; (5) Southeasterly 88.471 meters along the arc of said curve, through a central angle of 8°31'07";

thence; (6) S.57°11'14"E., 138.880 meters;

thence; (7) S.52°32'36"E., 72.047 meters;

thence; (8) S.52°09'42"E., 12.409 meters;

thence; (9) S.43°08'52"E., 80.356 meters;

thence; (10) S.74°56'00"E., 113.389 meters;

thence; (11) S.61°11'52"E., 77.359 meters;

thence; (12) S.79°06'29"E., 29.489 meters;

thence; (13) S.58°53'58"E., 165.588 meters to the POINT OF TERMINUS.

RESERVING therefrom, unto grantor, grantor's successors or assigns, an easement for water lines, described as follows:

Being a 12.192 meter wide easement lying 6.096 meters on each side of the following described center line:

BEGINNING at the Westerly terminus of course No. (17)^b of PARCEL 2, also being on the Southerly line per said Record of Survey Map No. 18589;

thence (1); along said Southerly line N.76°47'14"E., 48.606 meters, to the TRUE POINT OF BEGINNING;

thence; (2) leaving said Southerly line, N.12°47'37"W., 41.765 meters;

thence; (3) N.32°12'28"E., 37.280 meters;

thence; (4) N.12°47'37"W., 117.180 meters;

thence; (5) N.57°47'38"W., 37.210 meters;

thence; (6) N.12°47'35"W., 60.486 meters; to the POINT OF TERMINUS on the Northerly line per said Record of Survey Map No. 18589.

The sidelines of said easement shall be prolonged or shortened so as to commence on said Southerly line and terminate on said Northerly line.

RESERVING therefrom, unto grantor, grantor's successors or assigns, an easement for water lines, described as follows:

Being a 12.192 meter wide easement lying 6.096 meters on each side of the following described center line:

BEGINNING at the Easterly terminus of course No. (31)^c of PARCEL 3, being on the Northerly line per said Record of Survey Map No. 18589;

thence (1) along said Northerly line, N.88°26'54"W., 46.136 meters;

thence (2) leaving said Northerly line, S.01°33'02"W., 18.675 meters to the TRUE POINT OF BEGINNING;

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thence; (3) S.01°47'45"W., 75.289 meters;
to the POINT OF TERMINUS on the Southerly line per said Record of Survey Map No. 18589.

The sidelines of said easement are to be prolonged or shortened so as to terminate in said Southerly line.

RESERVING therefrom, unto grantor, grantor's successors or assigns, an easement for sewer lines, described as follows:

Being a 6.066 meter wide easement lying 3.048 meters on each side of the following described center line:

BEGINNING at the Westerly terminus of course No. "(7)" of PARCEL 4, also being on the Southerly line per said Record of Survey Map No. 18589;
thence; (1) along said Southerly line, S.80°15'40"E., 82.755 meters to the TRUE POINT OF BEGINNING;
thence; (2) leaving said Southerly line, N.57°52'25"E., 17.346 meters;
thence; (3) N.25°38'43"E., 6.352 meters;
thence; (4) N.86°44'57"E., 101.242 meters;
thence; (5) S.78°50'26"E., 10.752 meters;
thence; (6) N.48°37'02"E., 26.377 meters; to the POINT OF TERMINUS on the Northerly line per said Record of Survey Map No. 18589.

The sidelines of said easement shall be prolonged or shortened so as to commence on said Southerly line and terminate on said Northerly line.

RESERVING therefrom, unto grantor, grantor's successors or assigns, an easement for sewer lines, described as follows:

Being a 6.096 meter wide easement lying 3.048 meters on each side of the following described center line:

BEGINNING at the Northwesterly terminus of course No. "(4)" of PARCEL 5, also being on the Southerly line per said Record of Survey Map No. 20449;
thence; (1) along said Southerly line, S.42°45'15"E., 89.087 meters to the TRUE POINT OF BEGINNING;
thence; (2) leaving said Southerly line, N.33°22'02"E., 172.333 meters;
to the POINT OF TERMINUS on the Northerly line per said Record of Survey Map No. 20449.

The sidelines of said easement shall be prolonged or shortened so as to commence on said Southerly line and terminate on said Northerly line.

RESERVING therefrom, unto grantor, grantor's successors or assigns, an easement for sewer lines, described as follows:

Being a 6.066 meter wide easement lying 3.048 meters on each side of the following described center line:

COMMENT

RESPONSE

Number
RAW 34571-1

BEGINNING at the Northwesterly terminus of course No. "(4)" of PARCEL 5, also being on the Southerly line per said Record of Survey Map No. 20449;
thence; (1) along said Southerly line, S.42°45'15"E., 99.816 meters to the TRUE POINT OF BEGINNING;
thence; (2) leaving said Southerly line, N.77°05'41"E., 160.206 meters;
to the POINT OF TERMINUS on the Northerly line per said Record of Survey Map No. 20449.

The sidelines of said easement shall be prolonged or shortened so as to commence on said Southerly line and terminate on said Northerly line.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights including access rights, appurtenant to grantor's remaining property, in and to said freeway, EXCEPT over course "(77)" in PARCEL 2 above (Carmel Valley Road), also courses "(11)", "(12)", "(13)", and "(39)" of PARCEL 3 above (Rancho Santa Fe Farms Road), also courses "(21)" and "(23)" of PARCEL 4 above (Camino Del Sur), also course "(1)" (Camino Del Sur), courses "(18)", and "(28)" of PARCEL 5 above (Carmel Mountain Road).

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone E, HPGN Epoch 1991.35. Distances are in Meters unless otherwise noted. Multiply all distances in the above description by 1.0000459 to obtain ground level distances. To convert Meters to U. S. Survey Feet multiply distances by 3937/1200.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.

Signature Wayne G. Strong
Date 2/8/2010



Number
RW 34571-1

The grantor further understands that the present intention of the grantee is to construct and maintain a public highway on the lands hereby conveyed in fee and the grantor, for itself, its successors and assigns, hereby waives any claims for any and all damages to grantor's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of said highway.

IN WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed hereto, this 23rd day of MAY, 2011

By [Signature]
James E. Barwick, Director
Real Estate Assets Department

[CORPORATE SEAL]

ACKNOWLEDGMENT

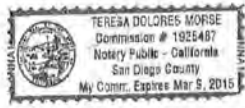
State of California }
County of San Diego } ss

On May 23, 2011 before me, Teresa Dolores Morse, Notary Public, personally appeared James F. Barwick

[Signature], who proved to me on the basis of satisfactory evidence to be the person of whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature Teresa Dolores Morse (Seal)



THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of May, 2011

MALCOLM DOUGHERTY
Acting Director of Transportation
By [Signature]
JANEY SCHAEFER
Deputy District Director

Form RW 6-1(C) (Revised 6/09)
34671-1, Cbh, dec 2/9/2010

STATE OF CALIFORNIA
 NATIVE AMERICAN HERITAGE COMMISSION
 1550 Harbor Blvd., Suite 100
 West Sacramento, CA 95691
 Phone (916) 373-3710
 Fax (916) 373-5471
 Email: nahc@nahc.ca.gov
 Website: <http://www.nahc.ca.gov>
 Twitter: @CA_NAHC

Edmund G. Brown Jr., Governor



RECEIVED

MAR 07 2017

Development Services

February 28, 2017

E. Shearer-Nguyen
 City of San Diego
 1222 First Avenue, MS501
 San Diego, CA 92101

Re: SCH# 2014071065 Merge 56 (aka Merge 56 Development Project), San Diego County.

Dear Ms. Shearer-Nguyen:

The Native American Heritage Commission (NAHC) has reviewed the Draft Environmental Impact Report prepared for the project referenced above.

The California Environmental Quality Act (CEQA)¹, specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.² If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.³ In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52)⁴ AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015. AB 52 created a separate category for "tribal cultural resources", that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment."⁵ Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.⁶ Your project may also be subject to Senate Bill 18 (SB 18) (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. Both SB 18 and AB 52 have tribal consultation requirements. Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966⁷ may also apply.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf, entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Please contact me at katy.sanchez@nahc.ca.gov or call (916) 373-3712, if you have any questions.

Sincerely,

Katy Sanchez
 Associate Environmental Planner

Attachment
 cc: State Clearinghouse

¹ Pub. Resources Code § 21000 et seq.
² Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)
³ Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd. (a)(1); CEQA Guidelines § 15064 (a)(1)
⁴ Government Code § 65352.3
⁵ Pub. Resources Code § 21074
⁶ Pub. Resources Code § 21084.2
⁷ Pub. Resources Code § 21094.3 (a)
⁸ 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.

D1 Comment noted. The NOP for Merge 56 was filed with OPR in July 2014 (see Appendix A); therefore, the consultation requirements associated with AB 52 do not apply. However, in February 2014, the City consulted with local tribal governments in accordance with SB 18. The consultation information is contained in Appendix D.

Pertinent Statutory Information:**Under AB 52:**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice. A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project,¹ and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18)."

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects.

1. The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.²

If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.

Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.³

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.⁴

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b).⁵

An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.

This process should be documented in the Tribal Cultural Resources section of your environmental document.

Under SB 18:

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described in § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

¹ Pub. Resources Code § 21080.3.1, subd. (a) (1) (ii)
² Pub. Resources Code § 21080.3.1 (b)
³ Pub. Resources Code § 21080.3.2 (d)
⁴ Pub. Resources Code § 21080.3.2 (a)
⁵ Pub. Resources Code § 21082.3 (a) (1)
⁶ Pub. Resources Code § 21082.3 (d)
⁷ Pub. Resources Code § 21080.3.2 (b)
⁸ Pub. Resources Code § 21080.3 (a)
⁹ Pub. Resources Code § 21080.3 (a)
¹⁰ Pub. Resources Code § 21082.3 (a)
¹¹ Pub. Resources Code § 21082.3 (a)

- * SB 18 applies to local governments and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/05_14_16_Updated_Guidelines_822.pdf
- * Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.¹⁸
- * There is no Statutory Time Limit on Tribal Consultation under the law.
- * Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research,²⁰ the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.²¹
- * Conclusion Tribal Consultation: Consultation should be concluded at the point in which:
 - o The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - o Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.²²

NAHC Recommendations for Cultural Resources Assessments:

- * Contact the NAHC for:
 - o A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - o A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
 - * The request form can be found at <http://nahc.ca.gov/resources/forms/>
- * Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1028) for an archaeological records search. The records search will determine:
 - o If part or the entire APE has been previously surveyed for cultural resources.
 - o If any known cultural resources have been already been recorded on or adjacent to the APE.
 - o If the probability is low, moderate, or high that cultural resources are located in the APE.
 - o If a survey is required to determine whether previously unrecorded cultural resources are present.
- * If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - o The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - o The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- o Avoidance and preservation of the resources in place, including, but not limited to:
 - * Planning and construction to avoid the resources and protect the cultural and natural context.
 - * Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- o Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - * Protecting the cultural character and integrity of the resource.
 - * Protecting the traditional use of the resource.
 - * Protecting the confidentiality of the resource.
- o Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- o Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.²³
- o Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.²⁴

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

¹⁸ Gov. Code § 65302.5 (a)(2).

¹⁹ Assembly Bill Code section 65040.2.

²⁰ Gov. Code § 65302.3 (b).

²¹ Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18.

²² Gov. Code § 615.3 (c).

²³ Public Resources Code § 5097.993.

COMMENT

RESPONSE

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources. In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

¹⁴ per Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e)



401 B Street, Suite 800
San Diego, CA 92101-4231
(619) 699-1900
Fax (619) 699-1905
sandag.org

March 24, 2017

File Number 3300300

Ms. Elizabeth Shearer-Nguyen
City of San Diego
Development Services Department
1222 First Avenue, Mail Stop 501
San Diego, CA 92101

Dear Ms. Shearer-Nguyen:

SUBJECT: Merge 56 Draft Environmental Impact Report, Project No. 360009

Thank you for the opportunity to comment on the City of San Diego Merge 56 Draft Environmental Impact Report (EIR). The San Diego Association of Governments (SANDAG) appreciates the City's efforts to implement policies included in San Diego Forward: The Regional Plan (Regional Plan) that emphasize the need for better land use and transportation coordination. These policies will help provide people with more travel and housing choices, protect the environment, create healthy communities, and stimulate economic growth. SANDAG's comments are based on policies included in the Regional Plan and are submitted from a regional perspective.

Lane Improvements

E1 SANDAG requests that the City update page 5.2-33 of the Draft EIR to include the most recent cost estimate for the State Route 56 general purpose lane improvements at \$141 million, as published in the Regional Plan.

State Congestion Management Plan

E2 In October 2009, the San Diego region elected to be exempt from the State Congestion Management Plan. Since this decision, SANDAG has been abiding by 23 Code of Federal Regulations §450.320 to ensure the region's continued compliance with the federal congestion management process. Local jurisdictions that receive federal funds for projects to develop capacity-increasing improvements are required to provide sufficient documentation that an appropriate multimodal alternative and non-single occupant vehicle analysis has been performed. This analysis is required to be completed prior to submitting a project for inclusion within the Regional Transportation Improvement Program. Should the City wish to use federal funds in the development of this project, SANDAG encourages the City to consider the SANDAG Congestion Management Plan sdforward.com, and use the search option to find the Congestion Management Plan pdf.

MEMBER AGENCIES

- Cities of
- Carlsbad
- Chula Vista
- Coronado
- Del Mar
- El Cajon
- Encinitas
- Escondido
- Imperial Beach
- La Mesa
- Jessima Grove
- National City
- Oceanside
- Poway
- San Diego
- San Marcos
- Santee
- Solana Beach
- Vista
- and
- County of San Diego

ADVISORY MEMBERS

- Imperial County
- California Department of Transportation
- Metropolitan Transit System
- North County Transit District
- United States Department of Defense
- San Diego Unified Port District
- San Diego County Water Authority
- Southern California Trial Chamber's Association
- Mexico

- E1 Comment noted. Section 5.2 of the Final EIR has been updated to reflect the current cost estimate for the SR-56 improvements.
- E2 Comment noted; no federal funding is proposed for the project to trigger the Congestion Management Plan (CMP) requirements.

COMMENT

RESPONSE

E3

When available, please send any additional environmental documents related to this project to:

Intergovernmental Review
c/o SANDAG
401 B Street, Suite 800
San Diego, CA 92101

We appreciate the opportunity to comment on the Merge 56 Draft EIR. If you have any questions, please contact me at (619) 595-5609 or via email at katie.hentrich@sandag.org.

Sincerely,



KATIE HENTRICH
Regional Planner

KHE/kav

E3 Comment noted.



San Diego County Archaeological Society, Inc.

Environmental Review Committee

20 February 2017

To: Ms. Elizabeth Shearer-Nguyen
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

RECEIVED

FEB 23 2017

Development Services

Subject: Draft Environmental Impact Report
Merge56
Project No. 360009

Dear Ms. Shearer-Nguyen:

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in DEIR and its cultural resources appendix, Appendix D, we have the following comments:

- F1 1. Page 1 of Appendix D cites Willis et al. 2010 and Daniels et al. 2012 as previous cultural resources reports for the subject property. And page 18 also cites the Daniels et al. 2012 report as documenting the data recovery for SDI-13078. Neither of these appear in the References section of Appendix D. It would also be appropriate for Appendix D to clearly state the mitigation measures the authors recommend, so that reviewers can confirm they are consistent with those in the DEIR itself. Therefore, Appendix D needs to be revised and resubmitted.
F2 2. Section VI.C.1 of the cultural resources mitigation measures, in bold font, calls for curation of collections from previous archaeological work. We agree with that requirement, but the specific previous work cited is by Brian F. Smith & Associates from 1996 and 2003. However, the previous work mentioned on pages 5.4-2 and 5.4-3 of the DEIR was by ASM (Daniels et al. 2012) at both SDI-13077H and SDI-13078, and Pignoli in 1996 at SDI-13078. The Pignoli collection may already be curated at the San Diego Archaeological Center. Mitigation measure VI.C.1 appears to require revision.

P.O. Box 81106 San Diego, CA 92138-1106 (858) 538-0935

- F1 The Draft EIR identified the need for both archaeological and Native American monitoring during all ground-disturbing activities. The Cultural Resources Survey Report (Appendix D) has been updated in the Final EIR to include the references requested and the mitigation measures from the referenced data recovery report that recommend Native American monitoring. These updates to the mitigation language in the appendix do not affect the analysis within, conclusions reached or approach taken in the mitigation stated in Section 5.4 of the Draft EIR.
F2 Mitigation Measure Hist-1 has been revised to clarify the 1996 work completed by Pignolio and reference the 2012 data recovery work by ASM. Curation would occur as part of the implementation of this measure. Refer to revisions contained in the Executive Summary (Section ES), Historical Resources (Section 5.4) and MMRP (Section 9.0) of the Final EIR. The revisions do not affect the analysis or conclusions reached in Section 5.4 of the Draft EIR that project impacts would be less than significant.

COMMENT

RESPONSE

F3

3. Given the necessity of the above-noted editing, and with the observation that the DEIR authors were not the same firm as the Appendix D authors, we cannot at this time confirm whether we concur with the cultural resources mitigation program included in the DEIR.

SDCAS appreciates being included in the public review of this project's environmental documents.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: ASM Affiliates
SDCAS President
File

F3

Comment noted. The modifications to the Draft EIR text provide clarifications regarding information included in, and do not affect the analysis or conclusions reached in, Section 5.4 of the Draft EIR.

RINCON BAND OF LUISEÑO INDIANS
Cultural Resources Department

1 W. Tribal Road, Valley Center, California 92082
(760) 297-2330 Fax: (760) 297-2339



February 14, 2017

E. Shearer-Nguyen
City of San Diego
Development Services Center
1222 1st Avenue, MS 501
San Diego, CA 92101

RECEIVED

FEB 24 2017

Development Services

Re: Merge 56 Project No. 360009

Dear Ms. Shearer-Nguyen:

This letter is written on behalf of the Rincon Band of Luiseño Indians. Thank you for inviting us to submit comments on the Merge 56 Project No. 360009. Rincon is submitting these comments concerning your projects potential impact on Luiseño cultural resources.

The Rincon Band has concerns for the impacts to historic and cultural resources and the finding of items of significant cultural value that could be disturbed or destroyed and are considered culturally significant to the Luiseño people. This is to inform you, your identified location is not within the Luiseño Aboriginal Territory. We recommend that you locate a tribe within the project area to receive direction on how to handle any inadvertent findings according to their customs and traditions.

If you would like information on tribes within your project area, please contact the Native American Heritage Commission and they will assist with a referral.

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Vincent Whipple
Manager
Rincon Cultural Resources Department

G1

G1 The requirement for Native American monitoring is included in Section V. of the Mitigated Negative Declaration, which identifies the need for the applicant to confer with appropriate persons/organizations when inadvertent discoveries occur during grading activities.

The City of San Diego provides draft environmental documents to Native American Tribes from San Diego County when a cultural resources report has been prepared and/or archaeological monitoring is required.

Comment noted.

Bo Mazzetti
Tribal Chairman

Fishmall Turner
Vice Chairwoman

Steve Stallings
Council Member

Laurie E. Gonzalez
Council Member

Alfonso Kolb
Council Member

BOARD OF EDUCATION
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BUSINESS SUPPORT SERVICES
Sandi Burgoyne
Director, Capital Facilities Funding and
Planning

sburgoyne@powayusd.com

Phone: (658) 679-2570
FAX: (658) 668-2711

ACTING SUPERINTENDENT
Dr. Melavel Robertson

POWAY UNIFIED SCHOOL DISTRICT

March 24, 2017

Via e-mail and USPS: DSDEAS@sandiego.gov

E. Shearer-Nguyen, Environmental Planner
City of San Diego Development Services Center
1222 1st Avenue, MS 501
San Diego, CA 92101

RE: Draft Environmental Impact Report
Merge 56 Development
Project No. 360009 / SCH No. 2014071065

In response to the Environmental Impact Report for the Merge 56 Project referenced above, the Poway Unified School District (District) submits the following comments and suggestions in reference to Section 5.2 – Transportation/Circulation:

Currently, with the termination of Camino del Sur from the south at Dormouse Road, the Park Village Elementary School ingress and egress consist of the following options:

- Dedicated main lot entrance for westbound traffic on Park Village Road for both the designed bus loop and the main parking lot
- Dedicated exit from the designed bus loop onto Park Village westbound, requiring traffic desiring to travel eastbound to make a U-turn at Park Village Road and Camino del Sur
- Dedicated exit from the main parking lot - traffic traveling east of Park Village Elementary requires the school traffic to travel north on Camino del Sur to make a U-turn to dormouse Road or a dedicated left turn on Dormouse Road
- Departing school bus routes needing to deliver students east of Park Village Elementary will be required to either travel northbound on Camino del Sur to SR-56 eastbound or bus traffic through the Dormouse Road neighborhood to access Park Village Road

This traffic flow currently works for the community and the District since there is no southbound traffic access from SR-56 or the neighborhoods to the north.

Once Camino del Sur is completed and there is full access from SR-56 south to Park Village Road, the District has the following concerns:

- Significant increase in traffic volume with potential for increased speed southbound on Camino del Sur including student drop off and pick up trips from new projects north of Park Village Elementary (there will be no bussing offered for the new developments)

DISTRICT OFFICE: 15250 Avenue of Science, San Diego, CA 92128-3406 • (658) 521-2800 • www.powayusd.com

H1 Comment noted. School circulation, including bus traffic patterns, was taken into consideration in the traffic analysis contained in the Draft EIR.

H2 This comment speculates on future circulation conditions in the vicinity of Park Village Elementary School once the Camino del Sur extension is in place between SR-56 and Park Village Road and does not reflect the conclusions reached in the Draft EIR or its Traffic Impact Analysis (TIA; Appendix B). Section 5.2 of the Draft EIR includes an analysis of existing and future conditions of the street circulation system identified in the comment letter. The observations offered by school district staff do not reflect the analysis and conclusions reached in the Draft EIR or its Traffic Impact Analysis (TIA; Appendix B).

COMMENT

RESPONSE

E. Shearer-Nguyen, Environmental Planner
City of San Diego Development Services Center
Draft Environmental Impact Report
Merge 56 Development
Project No. 360009 / SCH No. 2014071065

March 24, 2017
Page -2-

H2
cont.

- Unsafe, and a potential prohibition to continue to permit U-turns on Camino del Sur northbound at Dormouse
- Heavy pedestrian traffic on Park Village Road and Camino del Sur
- Delayed parent and bus traffic entering and exiting the school campus causing potential backups on Park Village Road and/or Camino del Sur

H3

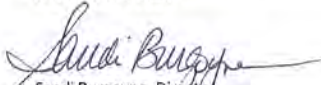
Some possible solutions the District would like the City to consider are as follows:

- Creation of a roundabout on Camino del Sur either at Dormouse Road or north of Dormouse Road
- Attractive fencing in the center island from Dormouse Road south to Park Village Road on Camino del Sur to eliminate potentially unsafe conditions with pedestrians trying to cross the road
- Possible roundabout at Park Village Road and Camino del Sur

H4

The District appreciates the opportunity to provide suggestions and recommendations during your review period and is available to meet with the City Engineers to discuss possible solutions that would be beneficial to all.

Please feel free to contact our Director of Transportation, Tim Purvis at tpurvis@powayusd.com or at 858.679.2043.



Sandi Burgoyne, Director
Capital Facilities Funding and Planning

cc: Tim Purvis, Barbara Towne, Mel Robertson

H2
cont.

For the Draft EIR, existing traffic data were collected, observations made and pedestrian crossing counts while Park Village Elementary School was in session (refer to Section 15.0 in Appendix B to the Draft EIR). These data were collected to ascertain whether the proposed traffic signal at the unsignalized intersection of Camino Del Sur/Dormouse Road would be required in the existing or future conditions. As noted in Draft EIR Appendix B, the analysis determined that acceptable LOS B operations would occur at the unsignalized intersection under the project's opening day conditions. Under Year 2035 With Project conditions, the unsignalized intersection would degrade to unacceptable levels.

A traffic signal warrant analysis was conducted in accordance with the California Manual on Uniform Traffic Control Devices (CA MUTCD). Based on the signal warrant analysis, a traffic signal at the intersection of Camino Del Sur at Dormouse Road would not be warranted. However, the intersection of Camino Del Sur at Dormouse Road did not meet engineering warrants, the intersection's close proximity to Park Village Elementary School ultimately resulted in the recommendation of a traffic signal. Pedestrian access to this school, the existing and potential pattern of U-turns needed to be made at this intersection, combined with the downhill grade on southbound Camino Del Sur would all benefit from a traffic signal. Therefore, the analysis recommended that the project install a traffic signal as a project design feature at the Dormouse Road intersection with Camino Del Sur consistent with Rancho Peñasquitos PFFP Project No. T-4B, to the satisfaction of the City Engineer. Installation of the traffic signal as a project design feature would improve circulation near the school and provide safe crossings through the intersection which would prevent the concerns referenced in this comment. In addition, the project is proposing to install median fencing along Camino Del Sur between Dormouse Road and Park Village Drive to discourage mid-block pedestrian crossings, as discussed below in response to comment H3.

H3

Off-site improvements in the vicinity of Park Village Elementary School proposed as project design features include restriping of Camino Del Sur and the installation of a new traffic signal at Camino Del Sur/Dormouse intersection, along with median fencing on Camino Del Sur adjacent to Park Village Elementary School to discourage midblock pedestrian crossings (refer to Section 3.0 of the Draft EIR).

The comment suggests alternative access improvements instead of the proposed traffic signal should be considered, including roundabouts on Camino del Sur at or north of Dormouse Road and at Park Village Road. However, the Draft EIR's analysis demonstrates that the project would not result in significant adverse traffic impacts at either the intersection of Camino Del Sur/Park Village Drive or Camino Del Sur/Dormouse Road after the installation of a traffic signal at Camino Del Sur/Dormouse Road. With the proposed project feature in place, the Camino Del Sur/Dormouse Road intersection would operate at LOS C in the Year 2035 Plus Project scenario in both the AM and PM peak hours (refer to Appendix B). Thus, the project's CEQA impacts are adequately addressed in the Draft EIR without the need to analyze alternative improvements, such as roundabouts.

H4

Comment noted.



P.O. Box 79222
 Corona, CA 92877

March 25, 2017

VIA EMAIL

E. Shearer-Nguyen, Environmental Planner
 City of San Diego Development Services Center
 1222 First Avenue, MS 501
 San Diego, CA 92101
DSDEAS@saniego.gov

**SUBJECT: COMMENTS ON MERGE 56 (AKA MERGE 56 DEVELOPMENT)
 PROJECT NO. 360009 / SCH NO. 2014071065**

To whom it may concern:

11

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Merge 56 Development project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

12

1.0 Introduction

11

Comment noted. Golden State Environmental Justice Alliance has been added to the interested party list associated with the project.

12

Comment noted.

12
cont.

As we understand it, the proposed project includes the development of a mixed-use center and public roadway improvements. The Mixed Use Development requires a GENERAL PLAN AMENDMENT from Commercial Employment, Retail and Services; Residential; and Parks, Open Space and Recreation to Multiple Use, a COMMUNITY PLAN AMENDMENT (CPA) to redesignate the site from Commercial Regional (CR) and Medium High Density Residential to Local Mixed Use (LMXU) within the Torrey Highlands Subarea Plan; a REZONE from Regional Commercial (CR-2-1) and Multi-family Residential (RM-3-9) to Community Commercial (CC-3-5) and Residential Small Lot (RX-1-2); a PLANNED DEVELOPMENT PERMIT (PDP) to amend PDP No. 53203; a SITE DEVELOPMENT PERMIT (SDP) to amend SDP No. 53204; a CONDITIONAL USE PERMIT (CUP) to allow a cinema/theater greater than 5,000 square feet in size; and a VESTING TENTATIVE MAP (VTM) to amend VTM No. 7938 to resubdivide from 3 lots to 100 lots (84 Residential Small Lot zoned lots, seven Community Commercial zoned lots, five open space lots, and four lots for private drives) for construction of a 41.34-acre mixed use development project. The mixed-use development is comprised of approximately 525,000 square feet of commercial, office, theater and hotel uses and 242 residential dwelling units (both multi-family and single-family). The project would also construct associated site improvements (i.e. utilities (water, sewer, and electrical), storm drains/detention basins, internal private streets, hardscape, site walls, and landscaping). Various deviations are being requested from the CC-3-5 and RX-1-2 development regulations.

The combined 72.34-acre undeveloped project site is located within the Torrey Highlands Subarea, Rancho Peñasquitos Community Plan, and the Del Mar Mesa Specific Plan areas. The Torrey Highlands Subarea Plan designates the mixed-use portion Commercial Regional and Medium High Density Residential; the segment of Camino del Sur on site is classified as a four-lane major road; and, the on-site segment of Carmel Mountain Road is classified as a 4-lane major road. The Rancho Peñasquitos Community Plan classifies a portion of Camino del Sur as a four-lane major road. The Del Mar Mesa Specific Plan designates a portion of Camino del Sur right-of-way, immediately south of the existing terminus, as Multiple Species Conservation Plan (MSCP)/Open Space. The site is zoned Regional Commercial (CR-2-1) and Multi-family Residential (RM-3-9); additionally, the project is within the Airport Influence Area (Review Area 2 - MCAS Miramar) and the MCAS Miramar Real Estate Disclosure Area.

3.0 Project Description

3.3 Project Construction

13

13

Project construction would begin after the project applicant receives all their final approvals from the City and other responsible agencies. Project construction would take approximately 2 years to complete after final approvals are received. The Draft EIR evaluated the various construction activities anticipated on site over the duration of the construction period. A precise construction timeline is not necessary for analyzing construction noise and daily construction emissions (air quality) under CEQA. The Draft EIR includes the required CEQA analysis of the project's potentially significant construction-related impacts to noise and air quality. As disclosed in Section 5.6 of the Draft EIR, construction noise would be less than significant as the project would not exceed the significance determination criteria; furthermore, the project must comply with the City's Noise Ordinance. Section 5.1 of the Draft EIR identifies mitigation measures to reduce potentially significant impacts on sensitive biological resources to a less than significant level. Daily air pollutant emissions thresholds during construction would not be exceeded by the project (refer to Draft EIR Section 7.0 and the Air Quality Memorandum in Appendix K). GHG related impacts are addressed through the project's consistency with the City's adopted Climate Action Plan and concluded to be less than significant consistent with the CAP (refer to Section 5.7 of the Draft EIR). Refer to additional discussion on construction noise under response I13.

COMMENT

RESPONSE

13
cont.

The EIR states that construction is anticipated to begin in 2017 but does not state how long the anticipated construct will last. The length of construction is necessary to know and provides a basis of analysis for noise, air quality, and greenhouse gas emissions analysis. The EIR must include the length of construction in order to comply with CEQA's requirements for meaningful disclosure.

14

3.4 Discretionary Actions

The project requests deviations to development standards pursuant to the PDP but the EIR does not provide details on the proposed deviations. The project description is deficient by not including meaningful details on the proposed "reduced front and rear yard setbacks in the RX zone, reduced front yard setbacks in the CC zone and a deviation from ground floor restrictions where residential uses and residential parking are prohibited on the ground floor in the front 30 feet of the lot". Meaningful details include the development standard/code requirement, the project's proposed deviation, and the reason for the requested deviation.

15

The project description is also deficient because it does not describe the downgrading of Black Mountain Road as part of the CPA. The downgrading of Black Mountain Road from a six lane prime arterial to a four-lane major road will result in significant unmitigated impacts and it must be included as part of the project description.

16

5.1 Land Use

The land use analysis states that even though the proposed project requires a General Plan Amendment, Community Plan Amendment, and a Rezone it will not adversely affect the General Plan. Further, the Land Use Map Amendment required is not described or discussed in the Project Description. The EIR does not discuss the proposed project's compliance with section 4.2.2 (B) of the Torrey Highlands Subarea Plan which states that "Torrey Highlands will accommodate a maximum of 2,600 dwelling units in a mix of densities, affordability and residential housing type". The EIR does not provide any information regarding the existing number of dwelling units in the Torrey Highlands Subarea Plan (THSP) area or if the additional units proposed by the project will be in compliance with the 2,600 dwelling unit maximum. The THSP includes an additional provision for the LMXU that states "up to 475 units may be located in the LMXU". The EIR does not provide any information regarding the proposed project's compliance with this requirement, either.

14

Deviations are outlined in Section 3.0 of the Draft EIR and relate to front and rear yard setbacks, ground floor restrictions, street frontages, parking and building heights, and retaining wall heights. Approval of a PDP would allow for the deviations from the development regulations. The requested deviations were addressed in the Draft EIR under the topics of Land Use and Planning (Section 5.1) and Visual Effects/Neighborhood Character (Section 5.8) and the analysis determined that no secondary physical impacts would result; therefore, less than significant impacts would occur from the proposed deviations. Refer to response to comment 19 for additional discussion of the Draft EIR's CEQA analysis of the requested deviations.

15

The proposed Community Plan Amendment (CPA) to reclassify Black Mountain Road from a six-lane prime arterial (as planned under the Rancho Peñasquitos Community Plan) to a four-lane major road is not a part of the Merge 56 project description. The CPA is proposed by a different developer unrelated to the project. As an independent proposal that is proceeding with or without the project, the impacts of that change are being studied for CEQA compliance separately from the project. The proposed change of classification for Black Mountain Road is considered to be a cumulative project, so rather than assume the capacity of a six-lane prime arterial, the Merge 56 Traffic Impact Analysis addressed the worst-case scenario wherein Black Mountain Road would remain a four lane major roadway as it is today. Therefore, the traffic analysis in Section 5.2 of the Draft EIR assumed the road would not be widened in the future and concluded that the project would cause cumulatively significant traffic impacts. If the CPA is not approved and the road is widened in the future, the project's cumulative impacts to segments and intersections of Black Mountain Road would be less than those disclosed in the Draft EIR but still cumulatively significant because the widening of Black Mountain Road is not fully funded (as noted in Section 5.2 of the Draft EIR).

16

The land use policy analysis in Section 5.1 of the Draft EIR describes how the project would comply with the General Plan and its applicable policies (refer to Table 5.1-1). The amendment to the General Plan map is described in Sections 3.0 and 5.1 of the Draft EIR. Section 5.1 of the Draft EIR concludes that the project would be consistent with General Plan policies that promote balanced communities and the development of a variety of different land use types, and would help implement the goal of providing diverse and balanced neighborhoods with housing available for households of all income levels.

The Draft EIR also includes a discussion of the project's consistency with the Torrey Highlands Subarea Plan in Section 5.1. With respect to the residential unit count issue raised in the comment, the Torrey Highlands Subarea Plan assumed the project site would support 242 housing units, which is the exact same number of units that are proposed as part of the Merge 56 project as described in the Project Description, Section 3.0. Thus, the project is consistent with the plan in that regard.

COMMENT

RESPONSE

17

Additionally, Table 4-1 of the THSP lists the recommended uses within the LMXU to include "Single-family (SF), small lot SF with second unit, duplex, triplex, attached townhouses". The proposed project includes 24 apartment units but the EIR does not discuss the consistency of apartment units within the LMXU when they are not described as recommended uses. This can be contrasted with the recommended uses of Medium-High Residential Density land use designation that recommends stacked multifamily design/density.

18

The THSP also provides details regarding the Regional Commercial designation of the project site that are not discussed in the EIR. The THSP states that the "primary Commercial Regional area allows for a broad range of retail commercial uses and...up to 250,000 square feet of commercial development and 275,000 square feet of self-storage will occur on approximately 23 acres with the current alignment of Carmel Mountain Road and Camino Ruiz. Even if the acreage of the Commercial Regional site should increase based on the final alignments of Carmel Mountain Road and Camino Ruiz, the commercial square footage will remain at 250,000 square feet". The project proposes 525,000 square feet of commercial uses when only 250,000 square feet of commercial uses were planned at the site and it is not discussed in the EIR.

19

The EIR states that "deviations requested through the PDP include 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 are prohibited on the ground floor in the front 30 feet of the lot" but does not provide details regarding what the setback deviations are through the PDP. The EIR concludes that the proposed deviations "would not result in secondary environmental impacts as they would not be substantial and would occur internal to the project and not affect off-site areas" even though the exact intensity of the deviations is not accurately or fully described to the public. Further, deviating from the ground floor restrictions on residential uses and parking in the front 30 feet of the lot allows the project to propose more units/higher density which has the potential to create a significant impact on the environment and surrounding land uses.

110

The project site is also located within the Airspace Protection Zone of the MCAS Miramar Land Use Compatibility Plan. The EIR provides that statement but does not address its impacts on the project or how the project complies with this overlay. The EIR also does not state how the project complies with the following General Plan policy:

LU-G.9. Coordinate with the Navy and Marine Corps to ensure that future land use and General Plan community plan, specific plan, development regulations and zoning ordinances

17

The comment does not identify how the statements made are associated with a CEQA issue or address the adequacy of the Draft EIR. The Draft EIR complies with CEQA as it provides a good faith effort at full disclosure of the potentially significant adverse environmental impacts of the project. As part of that analysis, the land use assessment contained in Section 5.1 of the Draft EIR evaluates the project's consistency with the Torrey Highlands Subarea Plan and determines that no significant adverse land use impacts would result. It bears noting that the Torrey Highlands Subarea Plan indicates that the LMXU land use category should contain multi-family housing and mixed-use residential units interspersed with ground-floor commercial with residential densities that decrease with distance from the commercial center. Table 4-1 of the Torrey Highlands Subarea Plan that is referenced in this comment lists the recommended uses in the existing LMXU located northwest of the SR-56/Camino Del Sur interchange (i.e., Torrey Highlands Village Center shown in Figure 2-2). The project would add a second LMXU to the community, as noted in Section 5.1 of the Draft EIR, and its land use description would be incorporated into Table 4-1 of the Torrey Highlands Subarea Plan. There is no reason from a CEQA perspective to contrast the two developments with one another in the Draft EIR as suggested in this comment.

The project proposes a range of different residential productions, including market rate flats, townhomes, and single family units and 47 affordable flat type units that reflect the LMXU vision identified in the Subarea Plan. The 24 market rate apartment flats would be stacked and are proposed south of Private Drive M facing the commercial center (refer to Figure 3-4, site section 2). As noted in Section 5.1 of the Draft EIR, the plan contains a housing goal which specifies a varied residential product type from single family estate to LMXU density multi-family attached units. The plan further indicates in its housing policy that the community should comply with the City's affordable housing requirements and provide a variety of housing types/prices within the LMXU to enable affordability. Therefore, the proposed residences, including the 24 apartment units, would implement the community's housing goals and policies, as described in Table 5.1-1 of the Draft EIR, and the housing goals specified in the City General Plan, as well as Council Policy 600-20 regarding affirmative action marketing.

Furthermore, the project would comply with the Community Design Guidelines of the Torrey Highlands Subarea Plan for the LMXU (refer to the Land Use section of the Draft EIR). As shown in that policy analysis, the project would be a distinct yet complementary neighborhood that emphasizes pedestrian-oriented design with close proximity and access to retail and employment center land uses; varied residential product types in a fine-grained pattern; and unified open space elements. Therefore, the project would implement the intent of the Torrey Highlands Subarea Plan.

COMMENT

RESPONSE

18 The project applicant is proposing a Community Plan Amendment (CPA) that would change the site's land use designations from Commercial Regional and Medium-High Density Residential to LMXU, as noted in the project description section of the Draft EIR. The Draft EIR acknowledges that the land use change would result in 525,000 SF of commercial uses compared to the 250,000 SF of commercial uses and 275,000 SF of commercial storage uses currently contemplated in the Torrey Highlands Subarea Plan (Section 5.7). The Draft EIR indicates in the land use section that the project proposes to add a second LMXU to the community consisting of a combination of commercial, office and residential uses., Merge 56 would further the City's goals of creating a "village" and walkable community that provides employment, commercial and housing. From a CEQA perspective, the direct and indirect impacts of implementing the entire project, including 525,000 SF of commercial uses and 242 residential units, are evaluated under the relevant, substantive CEQA topics in the Draft EIR and would be less than significant after mitigation. Cumulatively significant transportation/circulation impacts and direct visual effects/neighborhood character (landform) impacts from public road construction would be significant and unmitigated.

19 As allowed under the San Diego Municipal Code, deviations from the City's development regulations would be accommodated through a Planned Development Permit (per Section 126.0602). As discussed on in the project description section of the Draft EIR, deviations that the Project Applicant is requesting through the PDP include reduced front and rear yard setbacks in the RX zone, reduced front yard setbacks in the CC zone and a deviation from ground floor restrictions where residential uses and residential parking are prohibited on the ground floor in the front 30 feet of the lot.

The proposed deviations from the front and side yard setbacks would provide a minimum front yard setback of 7 to 26 feet is proposed in the RX-1-2 zone within Unit 5 instead of the 15 foot minimum. In addition, the RX-1-2 street frontage requirement of 35 feet would not be met within Unit 5. Within the CC-3-5 zone, a deviation is requested from the maximum front yard setback of 10 feet for lots within Units 10 and 4. The proposed Unit 10 setback would vary from 11 to 25 feet and the proposed Unit 4 setback would vary from 15 to 29 feet. Within the RX-1-2 zone, lots within Unit 5 would have rear yard setbacks ranging from 5 foot to 21 foot instead of the 10 foot minimum. A deviation is requested from SDMC Section 131.0540 (c) Ground Floor Restriction on Unit 4, where residential uses and residential parking are prohibited on the ground floor in the front 30 feet of the lot. A deviation for maximum wall height is requested where a maximum of 12 feet is allowed and the proposed wall heights range from 14 to 23 feet in height.

As required by San Diego Municipal Code section 126.0604, a decision maker may only approve a PDP requesting a deviation if the proposed development will "not be detrimental to the public health, safety and welfare" and "result in a more desirable project than would be achieved if designed in strict conformance with the development regulations." Thus, by definition, a PDP granting a deviation cannot have adverse impacts of the type suggested by the comment. All of the residential setback deviations would be contained within single-family residential development areas and blocked from the general public's view and protected by the proposed perimeter walls. The commercial setback deviations would increase the distance

COMMENT

RESPONSE

19 cont. between structures and public roads. The street frontage deviation would be necessary as certain residential lots would not have direct frontage to the private drive. The setbacks would be consistent with those homes that would have adjacency to the street. This deviation would residential allow a mix of densities, affordability and housing types in the Merge 56 community. Deviating from the ground floor restrictions would not allow higher density development as suggested in this comment. As discussed in response to comment 16, the project proposes the same number of units for the project site as identified in the Torrey Highlands Subarea Plan. For these reasons, the Draft EIR adequately discloses the proposed deviations and the analysis demonstrates that they would result in less than significant impacts (refer to Section 5.1 of the Draft EIR).

110 As disclosed in Section 5.1 of the Draft EIR, the project site is located within Review Area 2 of the Airport Influence Area and the MCAS Miramar Real Estate Disclosure Area, according to the MCAS Miramar Airport Land Use Compatibility Plan (SDCRAA 2010). Review Area 2 consists of locations within the airspace protection and/or overflight notification areas. Limits on the heights of structures, particularly in areas of high terrain, are the only restrictions on land uses within Review Area 2 (as noted in Sections 2.0 and 5.1 of the Draft EIR). As noted in Section 5.1, the project would be situated outside of the Federal Aviation Administration (FAA) Height Notification Area. Review Area 2 would require the recordation of overflight notification documents for residential development, which notifies the prospective purchaser of potential annoyances or inconveniences associated with airport operations prior to completing the purchase. At the time of sale, the project would comply with the notification requirements associated with this policy related to MCAS Miramar operations. In addition, the project site is outside any Accident Potential Zones for MCAS Miramar. Consistent with General Plan Policy LU-G.9, MCAS Miramar staff reviewed the project and determined that it would be consistent with the Air Installation Compatibility Use Zones (AICUZ) safety guidelines and would not penetrate the FAA Part 77 Outer Horizontal Surface and/or any Terminal Instrument Procedures (TERPS) surfaces. As concluded in the Draft EIR, the project would have a less than significant impact with respect to the ALUCP or airport safety.

I10 cont. amendments are consistent with the Air Installation Compatible Use Zone study for military air installations.

5.2 Transportation/Circulation

MM TRA-7 and TRA-8 are provided to mitigate significant cumulative impacts to Black Mountain Road but are contradictory to the project's proposed CPA to downgrade the classification of Black Mountain Road from a six-lane prime arterial to a four-lane major road. The CPA would result in significant and unmitigated impacts to traffic. No measures are proposed to mitigate these significant and unavoidable impacts. The EIR should explore mitigation measures including but not limited to:

- I11
- Ensure proper timing of the traffic lights on Black Mountain Road to alleviate traffic conditions.
 - Payment of fees towards intersection and traffic light improvements on Black Mountain Road.
 - Payment of fees towards expanding public transit stops along Black Mountain Road to encourage alternative transportation methods.
 - Applicant installed bike lane improvements/expansions along Black Mountain Road to encourage alternative transportation methods.
 - Creation of a Complete Streets program and applicant payment of fees towards Black Mountain Road Complete Streets improvements.

5.6 Noise

Ambient Noise Measurements

I12 The EIR provides only two noise measurement locations that measured ambient noise for 15 minutes in the morning. However, the EIR's method for describing the noise monitoring locations is not easily discernible for the public and decision-makers. Monitoring location 2 (M2) is described as being "located towards the southern property line of the project approximately 1,200 feet from M1". The precise location of M2 should have been included, as well as a map demonstrating the location of both M1 and M2. Ambient noise modeling should have also modeled the existing conditions at the property lines of the sensitive receptors.

Construction Noise

I13

I11 Section 5.2 of the Draft EIR addresses the project's traffic impacts on the local roadway network. As shown in Tables 5.2-8, 5.2-10 and 5.2-12 in that section, the project would result in no significant direct impacts to street segments, intersections or freeway ramps/mainlines and no project-level mitigation is required. Cumulatively significant impacts are attributable to the project, including potentially significant cumulative impacts to Black Mountain Road.

As discussed in response to comment I5, the project is not proposing to modify the classification of Black Mountain Road. A change to the road classification via a community plan amendment (CPA) has been proposed by another applicant (refer to Section 5.2 of the Draft EIR), and that change is under review and has not been approved or denied by the City. The traffic analysis contained in the Draft EIR acknowledges that reducing the classification (and therefore, capacity) of Black Mountain Road as proposed by another applicant would result in cumulatively significant impacts and the project's contribution to those impacts would be considerable. If that CPA is denied by the City and the road is widened in the future, the project's cumulatively significant impacts to Black Mountain Road would be mitigated through the payment of fair share contribution toward the unfunded costs of widening the road, as described in Mitigation Measures Tra-7 and Tra-8 in the Draft EIR. However, because the widening would still be only partially funded, the capacity increase would not be assured and the project's cumulative impacts on Black Mountain Road segments and intersections would remain unmitigated.

If the Black Mountain Road CPA were approved by the City, the road would remain four lanes. As disclosed in the Draft EIR, the project would add an estimated 1,947 trips to the segment of Black Mountain Road between SR-56 and Park Village Road (refer to Figure 5.2-6). For the reasons discussed in Draft EIR Section 5.2, the proposed construction of Camino Del Sur as part of the project would be expected to divert up to 4,000 existing daily trips from Black Mountain Road corridor. As the Merge 56 project would result in a net decrease in the number of trips along Black Mountain Road, from a CEQA perspective, implementation of the project would not result in a cumulatively significant adverse environmental impact to Black Mountain Road. Due to the current uncertainty as to whether the City would approve the CPA and eliminate the widening of Black Mountain Road from the Circulation Element, the Draft EIR treated the project's cumulative impacts to Black Mountain Road as cumulatively considerable and a significant unmitigated impact.

I12 Noise monitoring was conducted to establish the existing noise environment on the project site; the locations are described in Section 5.6 of the Draft EIR and mapped in Figure 4-1 of the Noise Technical Report which is incorporated by reference in the Draft EIR (refer to Appendix E). Monitoring location 1 (M1) was located roughly 400-feet from the northern property line and approximately 500-feet from Carmel Mountain Road.

112 cont. Monitoring location 2 (M2) was located towards the southern property line of the project approximately 1,200 feet from M1. It is standard practice for short-term measurements (such as 15 minutes) to be used to characterize existing noise levels. Due to the undeveloped status of the project site and lack of noise sources in the project area, the noise monitoring locations were chosen to correspond with future development areas in proximity to the northern and southern property lines since a project which could generate noise levels at the property line which exceed Section 59.5.0401 of the City's Municipal Code would result in potentially significant impacts.

For a project site like Merge 56, the only major noise source that influences ambient noise levels is vehicular traffic along SR-56, with minor noise contributed by traffic along the existing built section of Carmel Mountain Road. Ambient noise modelling at all of the property lines would not produce any different results because there are no major sources to model at three of the four property lines. Therefore, ambient noise measurements are the proper method for characterizing existing noise levels on the Merge 56 project site and provide an appropriate baseline for assessing impacts under CEQA.

113 A construction schedule is not needed to assess potential construction noise impacts because the type of equipment used and the daily construction activity is what is assessed under the City's Significance Determination Thresholds. Specifically, the thresholds state that temporary construction noise which exceeds an average sound level of 75 dB(A) at a sensitive receptor would be significant; however, construction noise levels measured at or beyond a property line of any property zoned residential shall not exceed an average sound level greater than 75 dB(A) during the 12-hour period from 7AM to 7PM. The project's property lines are the outer limits of work (or project area) depicted in Figure 5.1-3 of the Draft EIR. As stated in Section 5.6 of the Draft EIR, the primary noise-sensitive land uses consist of existing residences in the project vicinity.

The analysis in Section 5.6 of the Draft EIR used empirical data from the USEPA and construction equipment usage estimates from the project applicant to assess the worst-case noise levels at the property lines during project grading and commercial construction activities. The noise projections were applied to all the property lines, in accordance with the CEQA thresholds, because much of the construction equipment (in particular graders and water trucks) is not stationary but would operate throughout the site over the course of a construction day. The 8-hour duty cycle is the industry standard and used in the calculations because that is the typical operating hours of heavy construction equipment during any given 12-hour construction day. Based on the City Significance Determination Thresholds, temporary construction noise is assessed for impacts to sensitive receptors. In the case of mixed-use development site, noise-sensitive land uses only occur east of the mixed-use development site and not along the other three property lines which interface with undeveloped land and SR-56. Temporary construction noise impacts were also addressed for the public roads using the same methodology as used for the mixed-use development area, except that noise levels were projected to the nearest residential receptor to the public right-of-way. In both cases the technical analysis used quantitative methods to determine that construction noise impacts would be less than significant, as described in Section 5.6 of the Draft EIR.

I13
cont.

The EIR does not provide a construction schedule and only indicates that grading will occur at the project site for approximately six months. The EIR states that "With the equipment working closely together the cumulative noise level during project grading activities would be 72 dBA at the nearest property line located 250 feet from the construction activities over a 12-hour period". However, the EIR does not provide a map to the "nearest property line" or indicate where any of the nearest sensitive receptors are located. The EIR does not tell the reader which property line is noted as the nearest property line in this analysis. The EIR refers the reader to Appendix E which does not provide further clarification. Table 7-1 of Appendix E states that the analysis utilized the average distance to the nearest property line and did not specifically model the distance to any of the actual property lines or sensitive receptors. Appendix E also assumes only an 8 hour equipment duty cycle and reaches a conclusion for the 12 hour noise level output without explanation.

I14

8.0 Alternatives

The Alternative Development Location alternative is rejected even though the proposed project requires a General Plan Amendment, Community Plan Amendment, and Rezone to proceed. This alternative should have been evaluated since the proposed project could not proceed at the project site without discretionary approvals. The EIR states there are no suitable locations, but the EIR could have explored the redevelopment of an existing site with the proposed project.

I15

Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed and an amended EIR must be prepared for the proposed project and recirculated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

Sincerely,



Board of Directors

Golden State Environmental Justice Alliance

I13
cont.

The project applicant would be required through conditions of approval to comply with the Noise Ordinance, which restricts construction noise levels to 75 dB(A) Leq at the property line. Therefore, the construction noise analysis, as presented, is adequate in the Draft EIR and its technical appendix.

I14

As required by Section 15126 of the State CEQA Guidelines, Section 8.0 of the Draft EIR evaluated a reasonable range of alternatives, including the No Project/NoDevelopment, No Project/Existing Entitlements Alternative, Reduced Project Alternative, and Vernal Pool Avoidance Alternative. Further, Draft EIR Section 8.3 explains why potential off-site locations were considered but rejected as potentially feasible CEQA alternatives. An alternative location is not required by CEQA because the underlying land uses contemplated by the General Plan and Torrey Highlands Sub-area Plan assume the development of residential and commercial land uses (as described in Section 5.1 of the Draft EIR). The proposed amendments to those plans do not alter the foundational land uses planned on the project site. Instead of segregating the commercial and residential uses on the project site, the project proposes an integrated layout where the residential and commercial uses are mingled and mixed in an alternative design and layout. Furthermore, as documented in the alternatives section of the Draft EIR, no other sites that would meet most of the basic project objectives and avoid or lessen the project's potentially significant adverse impacts, were identified. Finally, no other alternation site locations are in the applicant's control to develop.

I15

Comment noted.

COMMENT

RESPONSE



April 10, 2017

E. Shearer-Nguyen
 Environmental Planner
 City of San Diego Development Services Center
 1222 1st Avenue, MS 501
 San Diego, CA 92101
 DSDEAS@saniego.gov

RE: Merge 56 Development, Project No. 360009 / SCH No. 2014071065

Dear Ms. Shearer-Nguyen:

Thank you for the opportunity to comment on the draft environmental impact report ("DEIR") for the Merge 56 Development ("Project"). This document has been long awaited, and we had hoped that it would be complete. Sadly, it is not. The DEIR has procedural shortcomings, but worse, it fails to analyze or propose mitigations for substantial hydrological, biological, and climate change impacts. These issues affect not just the Del Mar Mesa Preserve, a portion of Los Peñasquitos Canyon Preserve immediately downstream of the park, they also impact the integrity of the flood control system and the Camino Del Sur roadway extension. Until these issues are remedied, the DEIR should not be certified. Instead, it should be revised and recirculated.

Background

For those unfamiliar with the project, this part of Del Mar Mesa has been proposed for development, originally as part of "Rhodes Crossing," for two decades, with the earliest biological studies performed back in 1997. At that time, Deer Creek was a seasonal stream and Highway 56 did not exist, nor did most of Torrey Highlands. What is now Camino Del Sur was originally intended to be a northward extension of Camino Ruiz, and that particular idea died when the Los Peñasquitos Canyon Preserve came into being and the proposed bridge across Peñasquitos Canyon was abandoned. Since then, the Camino Del Sur extension and two versions of Rhodes Crossing have been approved by the San Diego City Council, but they were never built for undisclosed reasons. The current Merge 56 proposed Project was subdivided from within Rhodes Crossing footprint around 2014 and sold to a separate developer to be developed as a separate project. If the Camino Del Sur extension is built, it will enable two other proposed projects, a down-sized Rhodes Crossing to the south, and a large office complex, The Preserve at Torrey Highlands, to the west of Merge 56. CEQA requires that enabling these adjacent projects must be analyzed.

J1

J2

J1

Comment noted. Please refer to response to comments J6 through J16 for a substantive response to the issues generally mentioned in this comment.

J2

Comment noted; for a more complete discussion of the applicable project background, please refer to Section 1.0 of the Draft EIR. The Rhodes Crossing subdivision was approved by the City in 2004, while grade and alignment studies for the southern extension of Camino Del Sur were approved by the City in 2001 and 2004. Since those approvals, portions of the Rhodes Crossing project have changed ownership and the Merge 56 applicant has proposed modifications to the commercial and residential development and the road classifications for Camino Del Sur and Carmel Mountain Road (as described in Section 3.0 of the FEIR). The Camino Del Sur extension would not only serve future residents and commercial businesses, but would also complete the planned circulation element for the existing residents and businesses in the Torrey Highland and Rancho Peñasquitos communities. Implementation of the road extension in conjunction with other nearby projects is addressed in the Cumulative Impacts analysis contained in Section 6.0 of the Draft EIR. Refer to Table 6-1 and Figure 6-1 for the description, status and location information for the projects taken into consideration in the cumulative analysis.

COMMENT

RESPONSE

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J3

One of the fundamental questions is whether the site makes sense for development at all, and its long history of failed launches really suggests that it has serious issues that should be considered by Development Services. One fundamental problem is well-known within the environmental community: the last little undeveloped blocks of land are where the worst fights usually happen. The reason is simple: the spots are typically last to develop because they are relatively costly to develop, and all of the unresolved problems that the community has ignored in developing up to that point are forced to the surface in that development. Moreover, natural resources that used to be common are rare enough that people are willing to fight for their continued existence. All of these are true on Del Mar Mesa. It is the last block of undeveloped land in its area, it requires substantial construction (filling Deer Canyon and parts of Darkwood Canyon) for access, it has highly endangered vernal pools, it is on Del Mar Mesa, which imposes adjacency issues that also need to be fully addressed in the DEIR.

J3

The Draft EIR analyzes and discloses the project’s potential for significant impacts to biological resources, including the adjacency issues, and identifies mitigation for the impacts. Please refer to response to comment J15 for a further discussion of the adjacency issues.

J4

Biologically, Del Mar Mesa Preserve is unique in San Diego. Thanks to development, the park land, which is part of the Multiple Species Conservation Program (MSCP) and the Multi-Habitat Planning Area (MHPA), is the last big stand of old growth chaparral left in coastal southern California. It contains the largest individuals of the rare Nuttall’s scrub oak (*Quercus dumosa*, CRPR list IB), it contains the most vernal pools left on City of San Diego lands, and it contains several extraordinarily rare lichens and liverworts that are not even listed, as well as a long list of sensitive and listed plant and animal species. It’s a last small remnant of what was here before San Diego was developed. Several years ago, the City Council voted unanimously to accept the Natural Resource Management Plan for the Preserve, to protect it in perpetuity.

J4

Comment noted.

J5

From the business and public safety side, the case for development is less solid than it might appear. While the Camino Del Sur extension is touted as making Park Village safer by providing them a second outlet in case of fire, the additional developments between Park Village and the freeway on this road (Merge 56, Rhodes Crossing, and The Preserve at Torrey Highlands.) would add thousands of people to that road, between Park Village and the presumed safety of Highway 56. Possibly the residents of Park Village could evacuate to Highway 56 a bit faster, but depending on when the evacuation started, Camino Del Sur will be jammed from the mall, the businesses, and the residents all leaving. But it is probably irrelevant, as Highway 56 would be jammed with evacuees regardless, since it only has two lanes towards the coast, and the number of people in the Carmel Valley has increased substantially in the last few years.

J5

Providing a new road connection would improve local access on a daily basis, including during an emergency, such as a wildfire evacuation. The proposed roadway extensions of Camino Del Sur and Carmel Mountain Road would provide a more direct route for trips destined to/from SR 56 from Carmel Valley Road, Park Village Road, and Carmel Mountain Road, reducing the number of trips along Park Village Road, Black Mountain Road, Sundance Avenue and Carmel Mountain Road. As described in the Draft EIR, the proposed extensions of public roads would divert existing daily trips from the Black Mountain Road corridor thus lessening local congestion in that area.

Moreover, the Camino Del Sur extension would guarantee more traffic past Park Village Elementary, where two students have already been hit by a car. Fire is a rare problem, traffic is an everyday problem, and no one has sat down with the residents of Park Village to ask them whether they’d rather be safer from fire or traffic. One of us (Landis) actually grew up on a dead-end canyon in Los Angeles where the same issue was raised. There was a proposal to connect the road to a second outlet to make it safer. The people chose for the road to remain a dead-end, simply because they decided that the everyday dangers of traffic outweighed the rare increase in safety from having two possible exits. In fairness to the Park Village residents, they need to be told of the tradeoffs and collectively make their own decision on their own safety. To our knowledge that has not been done, and the local planning board and City are paternalistically making decisions for them.

The Draft EIR analyzed the project’s potential traffic impacts throughout the study area shown in Figure 5.2-1, including in and around Park Village Elementary School. As stated in Section 3.0 and noted above in response to comment H2, safety improvements, including a traffic signal at Dormouse Road and median fencing, are proposed as off-site project design features near the elementary school to address concerns associated with pedestrian safety and bus turns, among other circulation issues.

J6

CEQA Procedural Issues

CEQA regulations requires that a DEIR evaluate *all* potentially significant environmental impacts of a proposed project, direct, indirect, and cumulative, whether they occur on-site, or in this

The project applicant has presented the project and its status to the Rancho Peñasquitos Planning Board on several occasions over the three year entitlement process. The project was presented to the Rancho Peñasquitos Planning Board on May 3, 2017 and received a unanimous recommendation for approval. The Rancho Peñasquitos Planning Board has one community representative from Park Village, as well as other districts/neighborhoods in the Rancho Peñasquitos community.

J6

Sections 5.0 and 6.0 of the Draft EIR address the whole of the project, including its direct, indirect and cumulative impacts. The Draft EIR adequately analyzes off-site, regional or cumulative impacts. Refer to response to comments J8 through J16 for a response to specific issues raised in this comment.

J6
cont.

case, off-site and downstream. **The DEIR, with its tight focus on the project site, fails to disclose and analyze off-site, regional, and other reasonably foreseeable impacts as detailed below. The DEIR must be revised and recirculated to address these problems.**

J7

Second, the DEIR cannot incorporate previous DEIRs by reference (pp. ES 1-2). The California Supreme Court, in *Vineyard Area Citizens for Responsible Growth vs. City of Rancho Cordova*, ruled that burying information in EIR appendices is not a substitute for disclosing and analyzing the information in an EIR. In this case that logic applies to "incorporating by reference" information disclosed in decades-old EIRs, rather than directly quoting that information and including it in the current analysis. This is especially true when those previous EIRs are not readily available to the public, so that it is unreasonably difficult to check the veracity of the citations in the current EIR. To our knowledge, the only publicly available copies of the previous EIRs are paper copies in the archives of the City of San Diego Main Library, and they can be examined only at that library.

J8

Hydrology and Water Quality

Hydrology is considered to be not significant in the DEIR. Unfortunately, this is based on an incomplete understanding and analysis of the water flow in Deer Creek. As a result, both the extension of Camino Del Sur and the Del Mar Mesa Preserve to the west will be harmed if the current design is installed.

As background, the basic "problem" of Deer Creek is determining the sources of the water that flow into the creek. In the first DEIR in 2000, the creek is listed as an seasonal stream, dry in the summer and carrying runoff in the winter, and there is evidence of this seasonality, where trails to long-abandoned migrant camps cross a now impassable stream, in one case through a small stand of cattails. Sometime around 2005, according to informal interviews with locals, runoff from Torrey Highlands and Highway 56 increased the flow of Deer Creek until it became a perennial stream. The marsh on the Project dates from that time, and if one explores the marsh (as we did in 2014), there are dying broom baccharis (*Baccharis sarothroides*, an upland plant) surrounded by cattails and other wetland plants. Based on botanical evidence, the marsh is expanding.

Where is the water coming from? According to the DEIR, the water is runoff from the Merge 56 property and Highway 56. This is incomplete. **As can be clearly seen on page 34 of Appendix G, Drain Study and Storm Water Quality Report, there is an 84" reinforced concrete culvert running under the freeway and exiting into Deer Creek just above the marsh.** This culvert is fed by drainage from Torrey Highlands on the north side of Highway 56, as shown on the next page in Figure 1.

The problem with this is that the Project ignores the existence of the 84" culvert. Instead, the hydrology report only analyzes water running off the Project site. **Based on this incorrect analysis, they propose to run Deer Creek through a 72" culvert.**

What could possibly go wrong? If there is a 72" (six foot diameter culvert) immediately downstream of an 84" (seven foot diameter culvert) and runoff from Merge 56 and Highway 56, then three things will happen during heavy rains: water will pond up between the two culverts, water will shoot out the small culvert at higher pressure, excavating the channel downstream within the Del Mar Mesa Preserve (which is MHPA land), and the earthen banks of the pond will probably be eroded as well, possibly endangering the road. Indeed, this construction looks similar to the Oroville Dam.

J7

The previous environmental analyses are incorporated by reference into the Draft EIR for project background only (refer to Sections 1.3.1 and 8.3 of the Draft EIR), consistent with Section 15150 of the State CEQA Guidelines. However, the project-level CEQA analysis in the Draft EIR does not rely on those prior documents and the impact analysis is based on updated baseline conditions, new cumulative setting, and applicable plans, current regulations and City code requirements. This Draft EIR is a new project-level EIR, not a supplemental, subsequent or tiered EIR which rely on the prior analyses for their conclusions. The Draft EIR provides a good faith effort at full disclosure as required by CEQA. The Draft EIR appropriately summarizes all of the applicable documents and technical appendices relied upon in its analysis and does not bury essential information. The applicable technical appendices were posted on the City's website and circulated for public review along with the Draft EIR. Copies of the previous EIR, its technical studies, and other applicable documents were available for review at the Development Services Department, located at 1222 First Avenue in downtown San Diego, during the entire public review period for the Merge 56 Draft EIR.

J8

The Draft EIR's analysis relies on several technical drainage studies prepared in accordance with City standards. Those studies note that the project site is located in and drains to the Deer Canyon watershed as described in Section 7.1.7 of the Draft EIR (refer to the Watershed Exhibit in Appendix A to the Stormwater Quality Management Plan [Latitude 33]). According to the Vesting Tentative Map drawings on file with the City and as described in the Drainage Study (Appendix G of the Draft EIR), the project would install an 84-inch culvert under Camino Del Sur, not a 72-inch culvert as stated in this comment. Preliminary hydraulics and hydrology associated with the project have been prepared as part of the Draft EIR/VTM process that demonstrate that the project's proposed stormwater system configuration and sizing would accommodate the anticipated flows that are and would be generated in the future with the project. The conceptual design would be further evaluated during final engineering to ensure that the storm drain pipes are properly sized and would not result in flood damage up or downstream of the road improvements. Therefore, the Draft EIR properly analyzed and disclosed the project's potentially significant impacts with respect to drainage.

COMMENT

RESPONSE

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Figure 1. Google Earth view of the project area. White line is a crude depiction of the unpaved watershed northeast of the freeway, although water enters this drainage from the surrounding developments. The blue line is the approximate course of the 84" existing culvert. The red line is the approximate course of the proposed 72" culvert, under Camino Del Sur and downstream of the 84" culvert.

J9

J9 Please refer to response to comment J8, which describes the stormwater improvements and scope of the Draft EIR hydraulics analysis.

COMMENT

RESPONSE

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Since the Camino Del Sur extension proposes nine lanes directly above the proposed 72" culvert, this is a perennial infrastructure mess waiting to happen, with cracks in Camino Del Sur, erosion to the dirt it is built on, water backing up possibly under the freeway, and backed up drainage onto the Project itself. **Most of the subsequent damage will be paid for by the City.** This conflict with stormwater runoff infrastructure must be reconciled.

J10

Why was none of this analyzed in the DEIR? This is one of the biggest infrastructural problems with the entire Project, it was obvious (and commented upon) before the DEIR was even started. We strongly urge that the hydrological impacts of putting a big pile of dirt and a road atop a perennial creek bed be properly analyzed, and that this part of the Project be redesigned so that it can handle 21st Century floods, rather than the runoff from a parking lot and a few roofs under a hypothetical 20th Century "100 year storm." This is much, *much* less expensive than building it wrong and leaving it to City residents via their taxes to fix and repair the road and culvert after every big storm. Under the current design, the debris from inevitable breakages will end up downstream within the Del Mar Mesa Preserve MSCP/MHPA. Channel degradation, scour, and sediment impacts will occur downstream of the outflow, also in the Preserve.

Water quality is a related issue on Deer Creek. The fundamental issue is that most of the vegetation along Deer Creek in the Del Mar Mesa Preserve is scrub oak chaparral, an upland vegetation type. While patches of cattails (*Typha domingensis*) and a few willows (*Salix* spp.) have grown downstream since Deer Creek became a perennial stream, in general the vegetation remains upland vegetation.

J11

Unlike wetland vegetation, upland vegetation has a limited capacity to handle water polluted with things like fertilizer runoff (from upstream lawns, including those at Mesa Verde Middle School), as well as pesticides and trash. Wetland plants like cattails are far better at handling these pollutants. In terms of water quality, flushing nutrient-laden water through an upland community is a way to type convert it into a low-quality wetland, composed of whatever species can get there from upstream.

Currently, the willows and marsh help absorb nutrients running off the freeway and out of Torrey Highlands. With this wetland gone, nutrients and pollutants will run into the already eutrophied Deer Creek, damaging the Nuttall's scrub oaks along the stream. **This runoff is an impact to the MSCP and MHPA. As such, CEQA requires that it be analyzed and remedies considered. The simplest remedy is to treat runoff on site, perhaps by restoring the tamarisk scrub to a wetland dominated by native species, so that cleaner water runs into the parklands. This impact reduction strategy must be analyzed.**

Invasive Species

J12

The treatment of invasive plants in the DEIR is inadequate. To compress several paragraphs in the DEIR, the proposed mitigation is that all the Project proponents have to do is not plant invasive species, and the problem is solved.

Unfortunately, invasive non-natives are already present on the site. Table 1 on the next page comes from the plants found on the Project site and listed in Appendix C, the biological report, with the addition of Italian thistle and pampas grass, which are readily visible on the property and should have been included in the biology report. We also included Geraldton weed, which we have been semi-successful in controlling on the site (it grows next to the creek by the

J10

As noted above in response to comment J8, the proposed 84-inch culvert has been designed to accommodate the projected drainage associated with a 100-year storm event, consistent with the engineering analysis conducted in accordance with City standards and described in the Draft EIR.

J11

The project's potential impacts to runoff and water quality in the downstream MHPA were analyzed in Section 5.1 of the Draft EIR, as well as in Section 5.3 and Section 7.1.6 of the Draft EIR. As explained in those discussions, consistent with applicable law, including regulations/permit requirements established by the Regional Water Quality Control Board, runoff from the project would be treated by biofiltration basins and detained in underground storage vaults before it outlets to Deer Creek's downstream areas, including the MHPA. The locations of all biofiltration basins and vaults associated with the project are shown on Figure 5.3-1b of the Draft EIR. As the Draft EIR demonstrates, treatment of project runoff through these and other legally required regulatory compliance measures ensure that the project would have less than significant adverse runoff/water quality impacts to downstream resources.

J12

The City acknowledges in Section 5.3 of the Draft EIR that invasive, non-native species are present on the project site. The Draft EIR analysis addresses how potential impacts from non-sensitive, non-native species would be reduced to a less than significant level through project design features, such as compliance with City regulations and exclusion of invasive species from the proposed landscape plans for the project. The absence from the list of certain weed species noted in this comment does not affect the outcome of the impact analyses nor does their potential presence change the way invasive species would be controlled. The project would be required to adhere to SDMC Landscape Regulations which do not allow the planting of invasive, non-native plant species. As required by the SDMC Landscape Regulations, the project would also comply with the City's Landscape Standards. The project would also be required to comply with the MSCP Subarea Plan Land Use Adjacency Guidelines that prohibit the use of invasive species in the vicinity of the MHPA. Compliance with the Land Use Adjacency Guidelines would prevent the spread of invasive species off-site into the MHPA as well as areas outside the MHPA, such as Darkwood Canyon and Los Peñasquitos Canyon. Therefore, the impact of non-native, invasive species was determined to be less than significant.

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existing trail) We have added the California Invasive Plant Council (Cal-IPC) invasiveness ratings from their invasive plant list.

Table 1. List of invasive non-native plant species found on Merge 56 site, from Appendix C of the DEIR, with the exception of *Carduus pycnocephalus*, *Cortaderia jubata* and *Euphorbia terracina*, which were omitted despite being observable from local trails on the edge of the property. Scientific names follow Appendix C, with current scientific names given in parentheses. CAL-IPC ratings are from the CAL-IPC website.

Scientific Name/Common Name	CAL-IPC Rating
<i>Avena</i> spp. wild oats	Moderate
<i>Bromus diandrus</i> ripgut grass	Moderate
<i>Bromus hordeaceus</i>	Limited
<i>Bromus madritensis</i> ssp. <i>rubens</i> red brome	High
<i>Carduus pycnocephalus</i> Italian thistle	Moderate
<i>Caropbrotus edulis</i> hottentot fig	High
<i>Centaurea melitensis</i> tocalote	Moderate
<i>Chrysanthemum coronarium</i> (= <i>Glebionis coronaria</i>) garland chrysanthemum	Moderate
<i>Cortaderia jubata</i> pampas grass	High
<i>Conula coronopifolia</i> African brass-buttons	Limited
<i>Cynara cardunculus</i> cardoon	Moderate
<i>Euphorbia terracina</i> Geraldton weed	Moderate (Alert)
<i>Festuca myuros</i> (= <i>Vulpia myuros</i>) fescue	Moderate
<i>Hypochoeris glabra</i> smooth cat's ear	Limited
<i>Lolium multiflorum</i> (= <i>Festuca perennis</i>) Italian ryegrass	Moderate
<i>Lythrum hyssopifolia</i> grass poly	Limited
<i>Polypogon monospermiensis</i> rabbitfoot grass	Limited
<i>Rumex crispus</i> curly dock	Limited
<i>Silybum marianum</i> milk thistle	Limited
<i>Stipa miliacea</i> (= <i>Pipatherum miliaceum</i>) smilo grass	Limited
<i>Tamarix ramosissima</i> French tamarisk	High

It is easy to see that there are four highly invasive species (red brome, hottentot fig, pampas grass and French tamarisk) already well established on the site. Indeed, the 0.19 acre of tamarisk scrub listed as a wetland vegetation type is dominated by highly invasive non-natives, and the pile of dirt meant to be dumped into Deer Creek has been covered with tumbleweed (not one of the CAL-IPC listed tumbleweed species, fortunately) and other weeds for over a year.

Why was the presence of these impactful species not analyzed? What measures will the Project implement to keep these species from invading the Del Mar Mesa Preserve? What measures will the Project take to eradicate the weeds from the fill to be used in Deer Creek? What measures will the Project take to keep the invasives from invading the Del Mar Mesa Preserve or Darkwood Canyon and Los Peñasquitos Canyon?

Wildlife Corridor and tunnel

The lack of a wildlife corridor in the current Project iteration is a major disappointment, the reasoning for omitting it is faulty, and the proposed alternative is inadequate. Briefly, the ecological issue is connectivity: islands of habitat need to be connected to each other so that

J12
cont.

J13

J13 The analysis and the conclusions reached in the Draft EIR determined that the project would not interfere substantially with the movement of wildlife species or with established wildlife corridors, including linkages identified in the MSCP Plan under the City's applicable thresholds of significance. The Draft EIR includes a thorough discussion of biological resource impacts, including potential adverse project impacts to wildlife movement.

As explained in Sections 5.1 and 5.3 of the Draft EIR, MHPA lands are large blocks of native habitat that have the ability to support a diversity of plant and animal life and, therefore, have been included within the City's Subarea Plan for conservation. The MHPA also delineates core biological resource areas and corridors targeted for conservation as these lands have been determined to provide the necessary habitat quality, quantity, and connectivity to sustain the unique biodiversity of the San Diego region. Section 5.1 of the Draft EIR outlines the goals and objectives of the MHPA for the Northern Area (Section 1.5.8 of the City's MSCP Subarea Plan), which include providing regional wildlife corridors that link Del Mar Mesa, Los Peñasquitos Canyon Preserve, et al. As explained in Section 5.3 of the Draft EIR, there are four connections between Del Mar Mesa Preserve and Los Peñasquitos Canyon as identified in the Carmel Mountain/Del Mar Mesa Natural Resource Management Plan (shown on Figure 5.3-3 of the Draft EIR). None of these connections would be impaired by the project.

The easternmost connection noted in the comment is highly constrained due to factors unrelated to the project: 1) it is narrow (150 feet wide), 2) it is adjacent to urban development, and 3) animals have to either cross Park Village Road at grade or utilize a culvert under the road to reach Los Peñasquitos Canyon after travelling through the narrow, development-adjacent Darkwood Canyon. Given the limited viability of the easternmost connection, now and over the long term and the presence of the three higher quality connections to the west that are conserved in the MHPA, the Draft EIR concludes that the project would not have a significant impact on the regional movement of large and small wildlife, including species of amphibians, reptiles, birds and mammals.

The purpose of project alternatives discussion in the Draft EIR is to demonstrate ways in which the project could avoid or reduce the potentially significant impacts of the project; therefore, the Final EIR does not include a wildlife undercrossing alternative because the analysis presented in the Draft EIR demonstrates that the project would not result in significant adverse impacts with respect to the movement of wildlife.

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animals and plants can move. If the connection is severed, isolated habitats lose species as they die out due to natural causes, and their replacements cannot reach the isolated habitat. Moreover, when the vernal pools are not active on the mesa, there is no source of water on the mesa top, so animals are forced to travel down to either Deer Creek or to Peñasquitos Creek for water. Blocking one of the two routes to water means that the animals will either die of thirst or be forced off the mesa top during droughts. Just as the Merge 56 homes cannot be built without building the Camino Del Sur extension, we cannot expect the Del Mar Mesa Preserve to keep functioning as it does without a good connection to Darkwood Canyon.

Wildlife corridors are designed to serve all wildlife, from coast horned lizards to mountain lions. The focus on mule deer in the MSCP is simply because that individual deer have a big range and the species requires wildlife corridors to persist in an urban environment. Mule deer were included in the MSCP, not because they are rare, but because it was thought that if wildlife corridors could accommodate the movement of mule deer, then they could accommodate smaller species that also need to move, and that would assure that the isolated preserves in urban San Diego would stay connected to each other.

Unfortunately and wrongly, the Project's design focuses solely on allowing deer and other large mammals to cross the road. In this, it is adequate: deer can cross roads. However, forcing deer to cross the roadway increases the risk of collisions with vehicular traffic and is a hazard not only to deer but to motorists. In terms of allowing smaller animals, such as sensitive lizards and spadefoot toads to cross, **it is grossly inadequate**, and will result in significant wildlife road-kill.

The Project proponents have confirmed in several public meetings that they intend to provide the wildlife underpass that was agreed upon via an MOU with environmental organizations in 2004. At that time, Camino del Sur was proposed to be 4 lanes wide. The proposed project will now be two lanes rather than four. It has been asserted that the topography for the 2-lane configuration won't support the design for a wildlife underpass. It is not clear from the discussion whether a deer-sized undercrossing is physically infeasible under the proposed road. What is the evidence supporting this assertion? **The DEIR should provide compelling evidence for this significant change in the project design. Furthermore, an analysis of alternatives for a wildlife undercrossing, including an alternative to allow smaller animals to cross under the road, must be included. Connectivity for all species is crucial, and breaking the connection damages the ecological functions of the Del Mar Mesa Preserve.**

Adjacency Issues

One of the central problems with the DEIR is that the Del Mar Mesa Preserve is immediately downstream of the Project, yet little, if anything, is proposed in the DEIR to mitigate significant impacts to the Preserve. Despite statements that the DEIR follows City MSCP adjacency guidelines, in sum the proposed Project harms the adjacent Preserve lands.

For example, the take of 0.5 acre of wetland on the upstream edge of the Preserve is presumed to be mitigated by creation of 1.5 acres of wetland over a mile away. The loss of wetland function within Deer Creek, where it is desperately needed, is totally ignored as the most appropriate mitigation measure. As noted above, the Project's proponents could, as part of their mitigation, remove the tamarisk and plant willows and cattails on their own property. We strongly recommend this multi-benefit strategy.

J13

cont.

J14

J14

The Draft EIR adequately evaluates the project's consistency with the MSCP Land Use Adjacency Guidelines in Section 5.1.4 under Issue 3. The analysis addresses the project's consistency with the MHPA for the North Area contained in Section 1.4 of the City's MSCP Subarea Plan, as well as the Land Use Adjacency Guidelines themselves. The Land Use Adjacency Guidelines contain policy language that addresses proximity impacts associated with development next to the MHPA. As demonstrated in the Draft EIR's analysis, compliance with these guidelines means that the project would have less than significant impacts to the MHPA.

The Merge 56 project would be conditioned to comply with the MSCP Land Use Adjacency Guidelines, as noted in Section 5.1 of the Draft EIR and as outlined in Mitigation Measure Lu-1 and Mitigation Measures Bio-1 and Bio-3). Those guidelines and corresponding measures were developed with input from the Wildlife Agencies (i.e., USFWS, CDFW, etc.) to prevent indirect impacts to the City's MHPA, including the Del Mar Mesa Preserve.

The removal of 0.5 acre of wetland habitat within the Deer Creek, including southern willow scrub (0.32 acre), mulefat scrub (0.03 acre), and freshwater marsh (0.15 acre)(see Table 5.3-1 in the Draft EIR) is considered a significant impact of the project. These impacts would be mitigated to a less than significant level through the off-site creation at a 3:1 ratio of wetland habitat along McGonigleCreek (within the same watershed and downstream of the project sitewhich is hydrologically connected to Deer Creek) as described in Mitigation Measure Bio-2 in the Draft EIR and consistent with the City's Biology Guidelines.The comment suggests that enhancement of the remaining wetland habitat within the on-site portion of Deer Creek should also be part of the project's mitigation requirements. However, the proposed creation of habitat within the same watershed as the impacts would satisfy the project's entire CEQA mitigation obligation and no enhancement would be necessary to reduce the project impacts to a less than significant level.

With regard to the effects on water quality associated with the loss of wetland habitat within Deer Creek, the water treatment function of the removed wetlands would not be lost because water treatment via the proposed biofiltration basins and underground storage vaults constructed on site would reduce to a less than significant level any potentially significant water quality impacts related to the loss of the existing wetlands. Therefore, when combined with required compliance with the Land Use Adjacency Guidelines (i.e., Mitigation Measure Lu-1), the project would not result in potentially significant impacts to the adjacent MHPA downstream of the site.

J15

While vernal pools are a major (and perfectly legitimate focus), the large chunk of fill in Deer Creek is ignored. The revegetation strategy is ignored in the CEQA document. The bank of this fill will be a major source of weeds, trash, Argentine ants and other invasives in the canyon, yet there is no apparently plan to revegetate it, let alone to control the weeds that will inevitably grow there. Why is this common practice not proposed?

One of the two connections between the Del Mar Mesa Preserve and Peñasquitos Canyon and creek will be severed by the road, yet this is considered acceptable, because deer, coyotes, and bobcats will have a spot to run across the road. Why are the impacts of loss of connectivity not considered important?

And this does not even count the outright take of MSCP and MHPA lands, under the idea that a road designed in the 1960s is still necessary in the 21st Century.

Why does the DEIR only pay lip service to City MSCP adjacency guidelines? Why are direct impacts to the Del Mar Mesa Preserve not mitigated within or upstream from the Preserve, rather than elsewhere in the City? For a project that claims to value parkland, this is a shabby way to treat nature.

Greenhouse Gas Emissions

The simple issue with the greenhouse gas analysis can be found on pages 5.7-16 and 5.7-18 (pp. 427-428 in the DEIR). The Project calculates that the previous (and unbuilt) version of the Project would have emitted 13,152 metric tonnes of CO₂ equivalent per year, while the current design might emit 12,512 metric tonnes of CO₂ equivalent per year. This difference of 640 metric tonnes is presented as meeting the City of San Diego's Climate Action Plan, and is the basis for the DEIR's claim that the project has no significant greenhouse gas impacts, because it emits less than what would be emitted under business as usual in 2008 or so.

The problem with this notion is two-fold. First, the City of San Diego's climate action plan is for the City of San Diego to decrease its total emissions by 15% by 2020. Unfortunately, 640/13152 is a 4.1 percent decrease, so the proposed Project does not meet even the average citywide goal.

J16

Second, in the ruling on the *Center for Biological Diversity et al. vs. California Department of Fish and Wildlife and Newhall Land and Farming Company* ("Newhall Ranch"), which had the California Native Plant Society as a co-plaintiff, the California Superior Court stated that "in fact a greater degree of reduction may be needed from new land use projects than from the economy as a whole: Designing new buildings and infrastructure for maximum energy efficiency and renewable energy use is likely to be easier, and is more likely to occur, than achieving the same savings by retrofitting of older structures and systems." In the Torrey Highlands area, there are five unbuilt developments left: the Meridian development, which is already permitted but has been left unbuilt for lack of clients, Santa Fe Summit, Merge 56, Rhodes Crossing, and the Preserve at Torrey Highlands. After that, Torrey Highlands will only be able to help meet citywide energy conservation goals by voluntary measures, including residential solar, people buying electric cars, and bringing public transit to the community.

The only practical way for the City to meet its state-mandated Climate Action Plan goals is if communities like Torrey Highlands also reduce their emissions by at least 15%, and the easiest way to do this is for all five future developments to reduce their projected emissions by far more than 15%.

J15

Section 5.3 of the Draft EIR fully analyzes impacts to sensitive biological resources within Deer Creek caused by the construction of Camino Del Sur; impacts are quantified, assessed as significant and upland and wetland mitigation is proposed in Section 5.3, including Mitigation Measures Bio-1, Bio-2, Bio-3, Bio-5, Bio-6 and Bio-7, to reduce the impacts to less than significance. The project proposes revegetation of the manufactured slopes created by the extension of Camino Del Sur with non-invasive species as shown on the landscape plans in Figures 3-9a through 3-9c in the Draft EIR. The project would be conditioned to implement the proposed landscape plans that call for native slope revegetation. In addition, there are City requirements for maintaining slopes, controlling weeds, and preventing invasive species from spreading into the MHPA, which the project would have to comply with. Therefore, no significant impacts from the spread of invasive species from the project site are identified.

See response to comment J13 regarding the wildlife connections in the project area. The Draft EIR acknowledges that the Camino Del Sur extension would cross one of four connections between Los Peñasquitos Canyon Preserve and Del Mar Mesa (refer to Section 5.3 for the wildlife corridor analysis). Those impacts are evaluated thoroughly in the Draft EIR and Appendix C and determined to be less than significant.

As disclosed and evaluated in the Draft EIR, the footprint for the Camino Del Sur extension would impact approximately 2.22 acres of habitat in the MHPA. This impact is unavoidable as the roadway has fixed end points and to meet current engineering safety standards for a road that needs to carry approximately 27,000 daily trips, it, cannot be realigned or relocated to avoid the MHPA. See response to comment B28 for more information on the road's impact to the MHPA.

Camino Del Sur (including the current extension) has been identified in the 1996 Torrey Highlands Subarea Plan and 1993 Rancho Peñasquitos Community Plan as a Circulation Element Road and pre-dates the approval of the MSCP Subarea Plan. As such, it is "considered conditionally compatible with the biological objectives of the MSCP and allowed within the City's MHPA" per Section 1.4.1 of the City's MSCP Subarea Plan. The road is an essential component of the circulation system planned in these communities for decades and anticipated in the MSCP Subarea Plan and Natural Resource Management Plan for Del Mar Mesa Preserve. As designed, the proposed road extension is, therefore, compatible with the objectives of the MSCP Subarea Plan.

Section 5.1 of the Draft EIR contains a rigorous analysis of the project's consistency with the -MHPA Land Use Adjacency Guidelines and project compliance would be assured through conditions of approval and the implementation of the Mitigation Measure Lu-1. Please refer to response to comments B5, B15 and J14 for further discussion on the topic.

J15_{cont.} Impacts to 2.22 acres of habitat in the MHPA contained on Deer Creek/Del Mar Mesa area are considered significant in the Draft EIR and mitigation to compensate for those impacts is outlined in Mitigation Measure Bio-3 consistent with the City's Biology Guidelines. As stated in the Draft EIR, a portion of the upland mitigation would occur within the Deer Canyon Mitigation Bank in the MHPA west of the project, while the balance of the mitigation would occur on the Anderprizes mitigation site set up for regional and local transportation projects.. When the City purchased the Del Mar Mesa MHPA, it expected that the Camino Del Sur extension would disturb 3.0 acres of MHPA area (City 2013; City Resolution No. 308585). As designed, the project would impact nearly an acre less of the Del Mar Mesa Preserve than previously anticipated by the City. When combined with the establishment of formal trail connections to approved trails in the MHPA (as compared to existing unauthorized trails that crisscross the project area), the project would have a less than significant adverse environmental impact.

J16 Comment noted. The City adopted its Climate Action Plan (CAP) and certified the Final Program EIR for the CAP (SCH No. 2015021053) in December 2015 and adopted the CAP Consistency Checklist and the applicable CEQA Addendum in July 2016. The CAP is a "qualified plan" for the reduction of GHG emissions in accordance with CEQA Guidelines Section 15183.5. Pursuant to CEQA Guidelines, including, without limitation, Sections 15064(h)(3), 15130(d), and 15183(b), a project's incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the CAP. The California Supreme Court specifically highlighted the climate action plan adoption approach in the Newhall Ranch decision cited, as a pathway to compliance with CEQA for local governments, such as the City, in evaluating the GHG impacts of land use projects.

With respect to how State reduction targets directed at the CAP projections, pursuant to AB 32, the California Air Resources Board (CARB) adopted the Climate Change Scoping Plan with a recommendation for local governments to adopt a goal for municipal operations and community-wide emission reduction by approximately 15 percent from current levels by 2020. In accordance with this recommendation, the City's CAP includes a municipal operations and community-wide GHG emissions baseline calculation from 2010 and sets a target to achieve a 15 percent reduction from the baseline by 2020. In its 2014 update to the Climate Change Scoping Plan, CARB recommended local governments chart a reduction trajectory that is consistent with, or exceeds, the trajectory created by statewide goals, such as the GHG reduction target set in Executive Order S-3- 05. To remain consistent in its GHG reduction calculation approach, the City calculated its 2050 GHG emission reductions at 80 percent below the 2010 baseline and set a 2035 target based upon the trajectory for meeting the City's 2050 reductions. Therefore, the 2035 target should be considered an "interim" target towards achieving the City's 2050 emission reductions target. As part of the CAP implementation strategy, the City intends to monitor the effectiveness of CAP actions at reducing GHG emissions. This monitoring will enable the City to make adjustments to the CAP, including implementing new, more aggressive strategies to achieve the City's GHG reduction targets beyond 2020, if needed.

COMMENT

RESPONSE

Page 9 of 9

J16
cont.


Since Merge 56 falls about 73% short of this 15% goal, the only conclusion is that the proposed Project failed to meet the City's Climate Action Plan, and does not comply with the language of the *Newhall Ranch* ruling. As it has major, unmitigated greenhouse gas emissions, it should not be approved as designed. The City can better achieve its climate action goals by leaving the current land vacant and sequestering carbon. At a very minimum, the City must insist that the developer redesign Merge 56 to exceed the City's 15% greenhouse gas reduction goals as a condition for allowing this development to occur.


J17

Thank you for taking our comments on this Project. Please keep us informed of all developments, meetings, and future documents on this project, at conservation@cnpsd.org and by mail at 14245 Dalhousie Road, San Diego, CA 92129

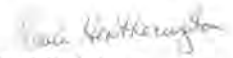
Sincerely,


Frank Landis, PhD
Conservation Chair, California Native Plant Society, San Diego Chapter


James A. Peugh
Conservation Chair
San Diego Audubon Society


Van K. Collinsworth
Geographer / Director, Preserve Wild Santee
Conservation Coordinator, California Chaparral Institute


Richard W. Halsey
Director, California Chaparral Institute


Pamela Heatherington
Board of Directors, Environmental Center of San Diego


George Courser
Conservation Committee Chair
Sierra Club San Diego

J16
cont.

The Consistency Checklist is an integral part of the CAP and contains measures that are required to be implemented on a project-by-project basis to ensure that the specified emissions targets identified in the CAP are achieved. Implementation of these measures would ensure that new development is consistent with the CAP's relevant strategies toward achieving the identified GHG reduction targets. Projects that are consistent with the CAP, as determined through the use of the Consistency Checklist, may rely on the CAP for the cumulative impacts analysis of GHG emissions.

As shown in the project's CAP Consistency Checklist, the project would generate less GHG emissions than anticipated in the CAP, in accordance with Step 1 of the Checklist. As further support for the conclusion that project GHG impacts would be less than significant, implementation of the project would result in less traffic, shorter travel distances, less daily trips and lower GHG emissions than the CAP anticipated for the project site based on existing, planned land uses evaluated in the CAP's GHG projections (see Section 5.7 of the Draft EIR). In addition, the project would implement all GHG reduction strategies required by the CAP for residential and commercial projects outlined in Step 2 of the Checklist. Therefore, the approximately 4% reduction identified in the comment is actually above and beyond what the CAP assumed would be generated from the project site when it determined that the CAP would allow the City to meet applicable GHG reduction requirements. Thus, project GHG impacts would be less than significant and the project would not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing emissions of GHG.

J17

Comment noted.

COMMENT

RESPONSE



March 22, 2017

City of San Diego Development Services Center
ATTN: Ms. Shearer-Nguyen
1222 1st Avenue,
MS 501
San Diego, CA 92101

VIA Electronic mail: DSDEAS@sanidiego.gov

PROJECT: MERGE 56 (AKA MERGE 56 DEVELOPMENT)
Project No. 360009 / SCH No. 2014071065
Community Plan Area: Del Mar Mesa / Torrey Highlands Subarea / Rancho Peñasquitos
Council District: 5 / 6

Dear Ms. Shearer-Nguyen,

Thank you for the opportunity to comment on the above referenced Project.

K1 [There are environmentally significant impacts to the hydrology of the area, wetland preservation and wildlife. So much so that this project needs to either be majorly reconfigured from its current presentation or dropped altogether.

K2 [Let's begin with the hydrology report. It is incomplete. The analysis only covers runoff from the project itself. There is also runoff coming from Torrey Highlands under the freeway, and it appears that this runoff is not calculated in the hydrology report (Appendix G).

K2 [The "Merge 556" project DEIR presumes this development will happen in a bubble and the impacts are specific to only this area. These troublesome issues affect not just the Del Mar Mesa Preserve immediately downstream of the park, the integrity of the flood control system is also at risk, not to mention the Camino Del Sur roadway extension.

K3 [The idea that a culvert will carry the run-off from this project is shortsighted. This is the last chunk of undeveloped land in the area. In addition, filling in Deer Canyon and parts of Darkwood Canyon, impacts not only the hydrology of the area it also opens access to one of the last vernal pool sites in San Diego. The Del Mar Mesa contains the largest cluster of vernal pools left on San Diego City lands. The problem is one of encroachment.

K4 [The biggest stand of old growth chaparral left on the coast is located in this area. "Tunnels" is dominated by rare Nuttall's scrub oak (*Quercus dumosa*) that can reach well over 30 feet tall. They are located downstream from this proposed development.

K1 Comment noted. As disclosed in Section 7.1.4 of the Draft EIR, the project would not have significant impacts to hydrology. With respect to wetlands and wildlife, the Draft EIR discloses that significant impacts would be mitigated to below a level of significance, in accordance with the City Biology Guidelines and CEQA. Refer to response to comments J8, and J14, as well as responses to other comments in this letter for additional discussion on these topics.

K2 The hydrology study prepared for the project takes into account both project runoff as well as upstream runoff from development north of SR-56 as noted in response to comment J8. The culvert under the proposed Camino Del Sur extension has been designed to accommodate the projected drainage consistent with the City's Stormwater regulations described in the Draft EIR.

K3 The project's hydrology study demonstrates that flows in Deer Canyon can be accommodated within the proposed 84-inch culvert under Camino Del Sur; refer to responses to comments J8 and J10 on this topic.

With regard to the comment that the project would open up access to vernal pool sites in the area, unauthorized and uncontrolled access to these vernal pool sites exists today; implementation of the project would remove the existing informal trails within the project area and install barriers to control encroachment. As described in Section 5.1 of the Draft EIR, permanent fencing would be installed around non-MHPA vernal pools adjacent to the public roadways and along the western boundary of the project along the MHPA boundary, including the USFWS National Wildlife Refuge. This fencing would provide greater protection to the vernal pools in the adjacent preserve and on Del Mar Mesa than exists today from continued unauthorized human encroachment. Installation of the proposed formal trail connections (refer to Figure 3-11) to authorized trails in Del Mar Mesa would offer humans a route that would avoid the vernal pools and thereby further protect the vernal pools from encroachment compared to the existing baseline condition.

K4 The presence and location of Nuttall's scrub oak downstream from the project is acknowledged. The Draft EIR evaluates the potential indirect impacts of the project on biological resources and demonstrates that project impacts would be less than significant after mitigation. As noted above in response to comment K3, trails connections would also be established by the project which would direct recreational users to less sensitive areas within Del Mar Mesa, consistent with the City's Del Mar Mesa/Carmel Mountain Natural Resource Management Plan.

COMMENT

RESPONSE

K5 The Merge 56 proposed Project, in its current iteration, was subdivided from within Rhodes Crossing footprint around 2014. It was then sold to be developed as a separate project. If the Camino Del Sur extension is built, it will enable two other proposed projects, a down-sized Rhodes Crossing to the south, and a large office complex, The Preserve at Torrey Highlands, to the west of Merge 56. Cumulative impacts should be considered in light of the possibility that two other projects could potentially result from this Project.

K6 The Project area supports a wildlife corridor. A tunnel was planned under the road yet the tunnel is not mentioned in the DEIR. How will wildlife like horned lizards and whiptails cross the road? The road will also wipe out gnatcatcher habitat.

K7 There seems to be no analysis regarding major wetlands that currently soak up runoff water. These wetlands are slated to be buried under the proposed Camino Del Sur fill. The runoff from Merge 56 and Torrey Highlands will flow downstream through a unique stand of scrub oaks and the probable long-term consequence will be a lot of lifeless oaks along the stream and along Tunnel One, the trail that borders the stream

The idea that take of 0.5 acre of wetland by the road fill will be compensated for by restoring 1.5 acres of wetland in McGonigle Canyon one mile north is not well thought out. The quality of the wetlands being swapped out needs to be equivalent. Where is the discussion on mitigation if the tradeoff is not equal?

K8 In closing, let me reiterate staff's recommended finding: The draft Environmental Impact concludes that the project would result in significant environmental impacts to the following areas: Land Use, Transportation/Circulation, Biological Resources, Historical Resources (archaeology), Noise, Paleontological Resources, and Visual Effects/Neighborhood Character (landform alteration).

Considering the challenges put forth by this Project, the question now becomes is this Project even feasible. The past failures are an indication that the serious issues presented by this project are far from resolved. Until these issue are remedied, the DEIR should not be certified, and the project should not be allowed to proceed in its current form.

Sincerely,



Pamela Heatherington
Environmental Center of San Diego

K5 The project would not enable development of other properties in the vicinity as noted in response J2. Cumulative impacts are outlined in Section 6.0 of the Draft EIR, both of the noted independent projects are included in the cumulative analysis but also require their own individual analyses under CEQA and permits from the City.

K6 See response to comment J13 regarding the wildlife connections in the project area and the reasons why the project's impacts would not be significant in accordance with the City's Significance Determination Thresholds. As such, a tunnel or under-crossing is not required because impacts would be less than significant. Section 5.3 of the Draft EIR acknowledges that the project would remove gnatcatcher habitat). Mitigation Measure Bio-3 is required to reduce that potential impact to a less than significant level, as noted in Bio-5.

K7 With regard to analyzing runoff and its potential impact on downstream upland communities such as scrub oaks along Deer Creek, refer to response to comment J11 and its discussion of the water quality control measures and requirements that reduce project impacts to a less than significant level.

As noted in response to comment J14, t off-site creation at a 3:1 ratio of wetland habitat along McGonigleCreek (within the same watershed for Deer Creek) as described in Mitigation Measure Bio-2 in the Draft EIR consistent with the City's Biology Guidelines. See response to comment J14 for an additional discussion regarding the off-site created wetlands. The Merge 56 Development Project Wetland Mitigation Plan (Appendix J1 to Appendix C of the Draft EIR) describes how the project satisfies the mitigation requirements of the City, as well as those to be required in the Corps, RWQCB, and CDFW permits/agreements; all of which require that mitigation be equal or better quality habitat. Performance standards that address the quality of the mitigation are referenced in Measure Bio-2 and described in more detail in Appendix J1. As disclosed in Mitigation Measure Bio-8 in the Draft EIR, all mitigation for the impacts would also be subject to final permits/authorizations to be issued by the Corps, CDFW, USFWS, and City prior to issuance of grading permits.

K8 Comment noted.

**Los Penasquitos Canyon Reserve
Citizen Advisory Committee**
Managed by the County of San Diego and City San Diego

March 27, 2017

Ms. E. Shearer-Nguyen
Environmental Planner
City of San Diego Development Services Center
1222 1st Avenue, MS 501
San Diego, CA 92101
DSDEAS@sandiego.gov

RE: Merge 56 Development, Project No. 360009 / SCH No. 2014071065

Dear Ms. Shearer-Nguyen:

This letter is written to provide comments on the draft environmental impact report ("DEIR") for the Merge 56 Development ("Project"), from the Citizen Advisory Committee for the Los Penasquitos Canyon Preserve (which includes Del Mar Mesa area). This Committee serves the elected officials of the City and County of San Diego, and is composed of local recreation users and conservation interests, representatives from the Community Planning Groups adjacent to the Preserve, and "at large members."

The Committee finds that the DEIR fails to analyze or propose mitigations for substantial hydrological, biological, and climate change impacts. These issues affect the Del Mar Mesa Preserve immediately downstream of the Project, and the Committee requests that these issues be addressed before the DEIR is certified, and that the Project be modified before it is approved.

Connectedness

As development projects progressed in Del Mar Mesa over the past two decades, the natural areas have diminished, and the Merge 56 development is one of the last undeveloped land in the area. Del Mar Mesa Preserve is a biologically highly diverse area. It has the last stand of old growth chaparral in coastal southern California, the largest individuals of the rare Nuttall's scrub oak, the most vernal pools left on City of San Diego lands, and many sensitive and listed plant and animal species. These unique ecologic resources were recognized in the Natural Resource Management Plan for the Preserve, approved unanimously by the Council in 2015.

The Del Mar Mesa Preserve is immediately downstream of the Project, yet little, if anything, is proposed in the DEIR to mitigate real impacts to the Preserve. Impacts to wetlands and other natural areas need to be mitigated within or adjacent to the Project boundaries. With the fill, Deer Creek loses much of its wetland function. There is a large bank of fill dirt, with weeds and other invasive species, and it needs to be revegetated as part of the Project design.

L1

L2

L1 Comment noted. The Draft EIR analyzed project impacts and concluded that the project would result in less than significant impacts to hydrology and climate change and impacts to biological resources would be mitigated to less than significant levels. The analysis demonstrates that no adverse impacts to the Del Mar Mesa Preserve would occur and the project would comply with the City's Land Use Adjacency Guidelines. Please refer to response to comments J8, J12, J15 and J16 which also discuss these similar issues.

L2 Mitigation for direct impacts to habitat in the portion of Del Mar Mesa located in the MHPA is outlined in response to comments J11 through J15. Indirect impacts would be avoided due to project design features and compliance with the Land Use Adjacency Guidelines as discussed in response to comments B3, B5, B15, B17 and B18. With regard to the engineered crossing of Deer Creek by Camino Del Sur, no loss of functions and values in Deer Creek would occur nor would invasive species invade the MHPA as discussed in response to comments J14 and J15.

COMMENT

RESPONSE

Letter about proposed Merge 56 development, March 27, 2017, page 2

L3

Hydrology and Water Quality

Hydrology impacts would be **significant**, as the Project requires considerable fill in Deer Canyon and parts of Darkwood Canyon. The project, as currently designed, modifies "existing drainage patterns such that environmental resources, including biological communities or archaeological sites, would be adversely affected," which exceeds the City Significance Determination Thresholds for significant hydrologic impacts. The project will substantially alter the existing drainage patterns in the project area, and needs to be revised.

The DEIR analyzes only the runoff from the project site, not the cumulative upstream runoff that will be added to the project runoff. The proposed culvert will be inadequate to drain stormwater, in large storm events, even 100-year floods, as it is more likely that large water volumes and debris will be carried over the road and into the stream.

L4

Invasive Species

The treatment of invasive plants in the DEIR is inadequate. Invasive non-natives are already present on the site, particularly red brome, hottentot fig, pampas grass and French tamarisk that are highly invasive. The impact of these species needs to be analyzed in the DEIR, and mitigation outlined to remove them from the site and keep them from invading the Preserve, Deer Creek, Darkwood Canyon and Rancho Peñasquitos Canyon.

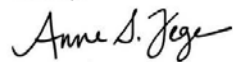
L5

Wildlife Corridor and tunnel

A wildlife corridor needs to be included, as the Project will separate habitat areas and restrict or prevent movement of animals and plants. Deer Creek and Penasquitos Creek need to be accessible from the upper reaches, for water and cover. The developers promised they would build the wildlife undercrossing on Camino Del Sur, yet the undercrossing has been left out of this Project. The DEIR needs to assess and provide for undercrossings for movement of smaller mammals, reptiles and amphibians, and if not built, the DEIR needs to address mortality of lizards, snakes, and other small animals as they cross the road.

Thank you for the opportunity to raise both substantive and procedural issues for this project. These canyon lands are highly significant biologically and provide great pleasure to local residents.

Sincerely,



Anne Fege, Ph.D., M.B.A., Co-Chair
Citizens Advisory Committee for the Los Peñasquitos Canyon Preserve

cc: City and County staff, Advisory Committee members

L3

As demonstrated in the Draft EIR and Drainage Study, the project has been designed to ensure that the project would not increase flooding or substantially alter drainage patterns due to changes in runoff flow rates due to design features have been incorporated that would be sized to capture, contain, and treat runoff before runoff is released into natural drainages downstream of the project site. Refer to Section 7.1.6 of the Draft EIR and Appendix G to the EIR for additional details. The hydrologic calculations take into account both existing and future runoff within the drainage basins that service the project site; refer to response to comment K2. The culvert under Camino Del Sur would be adequately sized to convey flows as described in the Draft EIR, Appendix G to the Draft EIR, and response to comment J8.

L4

Comment noted. See response to comment J12.

L5

Comment noted. See response to comment J13.



1000 Main Street
San Diego, CA 92101
312.581.4379

Via Email and Mail

March 22, 2017

E. Shearer-Nguyen, Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101
Email: DSDEAS@sandiego.gov

**Re: Merge 56 (aka Merge 56 Development), Project Number 360009
(SCH No. 2014071065)**

Dear Ms. Shearer-Nguyen:

I am writing on behalf of Laborers International Union of North America, Local Union No. 89 and its members living in the City of San Diego (collectively "LIUNA" or "Commenters") regarding the Draft Environmental Impact Report ("DEIR") prepared for the Merge 56 (aka Merge 56 Development), Project Number 360009 (SCH No. 2014071065) ("Project").

After reviewing the DEIR, we conclude that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts. Commenters request that the City of San Diego address these shortcomings in a revised draft environmental impact report ("RDEIR") and recirculate the RDEIR prior to considering approvals for the Project. We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

Richard Drury

M1

M1

The Draft EIR thoroughly analyzed and disclosed the potentially significant project impacts consistent with CEQA's information disclosure mandates. As the comment does not offer any specifics, no further response to this comment is required by CEQA.

COMMENT

RESPONSE



March 27, 2017

Ms. E. Shearer-Nguyen
 City of San Diego
 Development Services Department
 1222 First Avenue, MS 501
 San Diego, CA 92101

Re: Comments on the Draft Environmental Impact Report for the Merge 56 Project (SAP No. 360009) □ Project No. 360009 / SCH No. 2014071065

Dear Ms. Shearer-Nguyen:

The Merge 56 project is seeking to amend land uses previously approved by the Rhodes Crossing Vested Tentative Map No. 7938. As the owner of the approved Rhodes Crossing Project, I have reviewed the Draft Environmental Impact Report (DEIR) for the Merge 56 Project, and appreciate the opportunity to comment.

As much as possible, I have tried to organize my comments starting with the Draft EIR itself, and then according to how the appendices to the Merge 56 DEIR appear on the City link.

Specific Comments

Merge 56 Draft EIR ("DEIR"):

- N1 [1. Figure 3-2, Proposed Zoning, inaccurately represents the existing zoning for of the remaining Rhodes Crossing VTM parcels. We request this be corrected per Rezone Ordinance No. O-19273 adopted on April 12, 2004 for the Rhodes Crossing Project.
- N2 [2. Figures 2-2 and 3-3 appear to inaccurately depict how the MHPA line abuts Rhodes Crossing Lot 8. Although it is difficult to tell without a direct CAD overlay of Figures 2-2 and 3-3 onto the Rhodes Crossing VTM, the MHPA line depicted in them appears to overlap onto the Rhodes Crossing Lot 8 development area. We request that this be reviewed by the City and corrected as appropriate.
- N3 [3. Figure 5.3-3 shows the Darkwood Canyon to Del Mar Mesa Wildlife Corridor cutting through Rhodes Crossing development Lots 3 and 8. This needs to be corrected. This wildlife

- N1 The purpose of Figure 3-2 is to show the proposed zoning for the Merge 56 project site; modifications to the figure to adjust/update zoning on off-site parcels are not required by CEQA.
- N2 The MHPA line shown on Figures 2-2 and 3-3 for an off-site parcel (Rhodes Crossing Lot 8). has been updated to show the corrected alignment on the following figures in the Final EIR: Figures 2-2, 3-11, 5.1-1, 5.1-2, 5.3-1a/b, and 5.3-3. These revisions do not alter the analysis or conclusions disclosed in the Draft EIR.
- N3 The Draft EIR conceptually depicts the wildlife corridor between Darkwood Canyon and Del Mar Mesa Preserve on Figure 5.3-3. The green line referenced in this comment was taken from existing, previously mapped corridor data contained in the City's Del Mar Mesa/Carmel Mountain Natural Resource Management Plan. (Figure 3-5; City 2015) and does not reflect any new wildlife corridor locations nor does the depiction alter any prior approvals that show the corridor with greater precision. As such, no changes were made to the figure in response to this comment.

COMMENT

RESPONSE

- N3 cont. corridor was, in previous approvals, to cut from the MHPA through the Vista Alegre portion of Rhodes Crossing to the southern section of Camino del Sur.
- N4 4. We request that figures 3-11, 3-12, and 5.3-1b clearly show all of the grading within the roadways. The grading of the roadways directly correlates to the approved VTM for the Rhodes Crossing Project and a clear depiction of the grading is necessary for an accurate analysis of the DEIR for Merge 56. Specifically, we request an exhibit that clearly illustrates that Merge 56 is still planning to grade the roadways in their entirety according to the 4 lane design so as no new gaps are created between the 2 lane roadway design, and the approved boundary for the Rhodes Crossing VTM.
- N5 5. Figure 2-5, Existing Conditions, shows easements across Rhodes Crossing that have been vacated. We request that this be corrected.
- Additionally, based on the number of multi-family dwelling units entitled on Lot 3 of the Rhodes Crossing VTM, the Merge 56 CPA taking Camino del Sur from 4 lanes to 2 lanes, and in conversations with the applicant, they are amenable to providing a deceleration lane into Lot 3 of Rhodes Crossing, as well as notes on the Merge 56 Plan Set that clearly denote that the Rhodes Crossing VTM has assured traffic signals, per the approved VTM and associated Conditions, into Lots 2 and 3 of Rhodes Crossing. We would comment that those are not yet shown on the Existing Conditions exhibit for the Merge 56 DEIR.
- Appendix B/Traffic:**
- N6 1. From the time of the business transaction between Keith Rhodes and Merge 56, it has been our understanding, with both the community and the City, that the Community Plan Amendment Initiation for Rhodes Crossing that was approved by Commission on November 14, 2013, would be evaluated and considered as a "Near Term" project in the Merge 56 traffic study. Although our initiated CPA has been fully considered as "Long Term Cumulative" in the Merge 56 traffic analysis, we maintain that we should have also been included into this document in the Near Term, regardless of the unique characteristic of CEQA law stating that Near Term consideration is given to projects with pending applications.
- Our understanding with the community, and our commitment to the community, has always been to have our initiated CPA included in the analysis of the Merge 56 Project, as well as the CPA for the Preserve at Torrey Highlands, so that all pending projects could be, and would be, considered in conjunction with one another for the benefit of the community as a whole.
- Therefore, we are respectfully requesting that additional analysis of the Rhodes Crossing approved CPA initiation be included in the Merge 56 traffic analysis as a "Near Term" project and be provided to the decision makers for the Merge 56 Project prior to action being taken on approval of the Merge 56 Project.
- N7 2. Section 12.2 has inaccurately referenced the Legal Lots and housing numbers per the November 2013 CPA initiation for Rhodes Crossing approved by Commission on November 14,

- N4 As disclosed in the Draft EIR, where adjacent to Units 2, 3, 8 and 9 of Rhodes Crossing, grading limits are proposed to remain as shown on the approved Rhodes Crossing VTM. Figure 3-12 of the Draft EIR was modified to improve clarity and remove any potential for inconsistencies. These revisions do not alter the analysis or conclusions reached in the Draft EIR.
- N5 The purpose of Figure 2-5 is to depict current conditions and topography on the project site only, not the location of easements on off-site property that have no bearing on the CEQA analysis. Nonetheless, the easement lines noted in this comment have been removed from the VTM by the project engineer; see the revised Figure 3-12 in the Final EIR. These revisions do not alter the analysis or conclusions disclosed in the Draft EIR.
- The project would install traffic signals along Camino del Sur per the Traffic Impact Analysis (TIA); the potential future installation of additional signals at the entries to Units 2 and 3 of the Rhodes Crossing project by others would be accommodated by the VTM and street improvement plans. Conduits for future signal installation have been added to the VTM plans and the Merge 56 applicant has agreed to install them to facilitate additional signals. The requested deceleration lane to Unit 3 of the Rhodes Crossing subdivision would not be incorporated into the VTM at this time. Please refer to revised Figure 3-12 in the Final EIR.
- N6 The traffic scenarios and conditions analyzed in TIA (Appendix B) follow the guidelines of the City's Traffic Impact Study Manual. As per typical City practice, other reasonably foreseeable near term projects are identified as those with deemed complete permit applications that have the likelihood of being developed and operational between the time the project's data is collected (2014) and expected opening day of the project (2017). The Rhodes and Grus Investments project (see Table 6-1 in the Draft EIR) had a CPA initiated by Planning Commission in 2013 but has not submitted a permit application to develop the project. Therefore, it was appropriately considered in the 2035 cumulative analysis contained in the Draft EIR.
- N7 Consistent with the methodology outlined in the City Traffic Impact Study Manual, the project's Traffic Impact Analysis used the implementation of the approved development (consisting of 342 multi-family units) for Unit 3 of Rhodes Crossing rather than the land uses associated with the Community Plan Amendment (CPA) because no formal development application has been submitted since the CPA was initiated. Refer to response to comment N6.

COMMENT

RESPONSE

N7
cont.

2013. Section 12.2 references Rhodes Crossing Lot 3, consisting of 342 multi-family units as part of the Rhodes Crossing CPA, and it is not. We request that this information be corrected to accurately reflect our approved CPA initiation Report No. PC-13-131.

N8

3. We request that a Sensitivity Analysis be conducted as part of the Merge 56 Traffic Analysis so there is a range of reasonable values to enhance the validity of the document. For example, as with section 7.2 addressing Traffic Volumes, the assumption was made that 35% of existing trips would reroute from the Black Mountain Road interchange to the Camino Del Sur interchange. We believe that a Sensitivity Analysis would add validity to this type of assumption.

Appendix G/Drainage and Storm Water:

N9

1. The Merge 56 DEIR does not address the runoff that would drain down a portion of the access drive leading to Unit 3 and the private park portions of the Rhodes Crossing VTM which was to be done with the development of Camino del Sur.

The driveway from Camino del Sur into Unit 3 of Rhodes Crossing rises sharply. With the updated storm water regulations, runoff from the private driveway will need to be treated in accordance with the City's Storm Water Standards Manual. Given the grade of the driveway and the lack of useable land near this intersection, providing an onsite storm water treatment method would be difficult. A reasonable approach to the storm water treatment would be to maintain the drainage as shown on the Rhodes Crossing VTM. As shown on the approved VTM drawings, the storm water runoff from this driveway was intended to be collected in a public curb inlet downstream in Camino del Sur. By maintaining this drainage approach, the private driveway would be treated in the same storm water treatment basin that is collecting the runoff from Camino del Sur. Given the small size of the private driveway in comparison to the larger Camino del Sur drainage basin, the impact to the basin design will be minimal.

N10

PUBLIC NOTICE OF A DRAFT ENVIRONMENTAL IMPACT REPORT, dated February 10, 2017:

1. The United States Fish and Wildlife Service commented on the Notice of Preparation for a Subsequent Environmental Impact Report for the Merge 56 Project. On page 2, paragraph 3 of the USFWS comment letter, they state "The project proponent of the Merge 56 Project has indicated a willingness to pursue a project alternative similar to the HCP Conservation Strategy" as referenced in the Rhodes Crossing Biological Opinion. This HCP Conservation Strategy directly impacts Lot 2 of the Rhodes Crossing Project which is outside the ownership of Merge 56.

Our comment is to make sure the City understands that Merge 56 has no legal standing to make any agreements on land within Rhodes' ownership. The USFWS letter intimates that they believe Merge 56 has a right to affect what happens on Lot 2 of Rhodes Crossing, and that is simply not the case, as it is not within the Merge 56 ownership portion of Rhodes Crossing. We would like to go on record with this comment.

N8

The comment is unclear as to what a "sensitivity analysis" consists of with regard to the Draft EIR contents and conclusions reached in the traffic discussion contained in Section 5.2. It appears as though the comment is questioning the percent of traffic that would be induced to use Camino del Sur from Black Mountain Road once Camino del Sur is connected by the project. The trip diversion analysis conducted by LLG is based on the fact that existing residents located north of the project currently have no direct access to travel to/from destinations west of the project area. The extensions of Carmel Mountain Road and Camino Del Sur and construction of Private Street M would provide a new connection to SR-56 and allow drivers to and from those neighborhoods to avoid the SR-56/Black Mountain Road interchange. Due to the general nature of the comment and the fact that it does not directly comment on the conclusions reached in the Draft EIR, no further response is required.

N9

The applicant for Unit 3 should work with City staff to address the drainage and water quality requirements of that project at the time a development application is submitted. It is likely that the biofiltration basin for Camino Del Sur may be able to accommodate the runoff from the Unit 3 driveway but would need to be further analyzed during final engineering. Thus, the hydrology/water quality analysis presented in Section 7.1.6 of the Draft EIR adequately addresses the City's Significance Determination Thresholds and no additional calculations or analysis is warranted at this phase of the project entitlement process.

N10

Comment noted, but does not address the adequacy of the Draft EIR.

COMMENT

RESPONSE

N11

Again, we appreciate the opportunity to comment on the Merge 56 DEIR. If you have any questions regarding our comments, please contact Keith Rhodes or Pam Blackwill at (619) 269-9094
Keith@keithrhodes.com
pamela@keithrhodes.com

Sincerely,

Keith Rhodes
Owner, Rhodes Crossing

N11 Comment noted.

COMMENT

RESPONSE

From: [Danhana Patel](#)
To: [CSD FAS](#)
Subject: Re: MERGE 56 (AKA MERGE 56 DEVELOPMENT) • Project No. 360009 / SCH No. 2014071065
Date: Tuesday, April 4, 2017 4:24:01 PM

Dear E. Shearer-Nguyen,

Here are my concerns regarding the Meger56 Development Project:

- O1 [1) Regarding the alignment of connection of Carmel Mountain Road across 56 – a second motorist/pedestrian bridge is recommended for pedestrian and cyclist safety. The proposed plan does not provide sufficient buffer for cyclists - most likely students riding bikes to school.
- O2 [2) Community Plan Amendment for Black Mountain Raod change is expected complete by end of 2017– what impact would that change have on the ADT on CDS? (reduced allowance for traffic flow on BM road = increase on Camino del Sur?)
- O3 [3) Median enhanced wrought iron fence along Camino del Sur in front of Park Village Elementary School between Park Village Road and Dormouse Road.
- O4 [4) Traffic flow around Park Village Elementary School site is a significant concern. There will be increased traffic in front of the school as a direct result of the Merge 56 Project. I would recommend a traffic circle at Camino del Sur and Dormouse for several reasons:
 - a) traffic circles are traffic calming
 - b) a circle would allow large buses to continue to operate on their current routes to return to Park Village Road. Busses cannot make U-turns but can go around a circle
 - c) pedestrians can safely pause at medians and there can be lighted crosswalks to enhance pedestrian safety
 - d) A circle would prevent a red light from shining in the homes of the houses on the two corner of Dormouse and Camino del Sur all night long.
 - e) With a traffic circle, we can have stall parking along Camino del Sur to help with traffic congestion around the elementary school
- O5 [5) How many units of affordable housing are in the project and where/how will they

- O1 The bike lane and sidewalk widths proposed on the Carmel Mountain Road bridge across SR-56 have been sized based on the City Street Design Manual. Bike and pedestrian facilities would be provided on both sides of the bridge, therefore, a second bridge would not be required for pedestrians and cyclists.
- O2 The Draft EIR includes the proposed Community Plan Amendment as a cumulative project. As described in Section 5.2 of the Draft EIR, some diversion of traffic from Black Mountain Road to Camino Del Sur would be expected with the completion of the Camino Del Sur and Carmel Mountain Road connection. The near-term level of service would be acceptable LOS D or better with the project traffic volumes and both the Camino del Sur connection and the Black Mountain Road amendment in place as shown in the Draft EIR (see Table 5.2-10).
- O3 Off-site improvements that are proposed by the project applicant include median fencing on Camino Del Sur adjacent to Park Village Elementary to discourage mid-block pedestrian crossings (refer to Section 3.0 of the Draft EIR). Please also refer to response to comment H2 from the Poway Unified School District.
- O4 Refer to response to comment H3 which addresses a similar comment suggesting that the project install a roundabout at or north of the intersection of Camino Del Sur/Dormouse Road and provides reasons why CEQA does not require modifications to the proposed project design features in this location.
- O5 The Draft EIR states that 47 affordable units are proposed in the northeast portion of the Mixed-Use Development area (see Section 3.0).

COMMENT

RESPONSE

O5 cont. [be distributed within the complex?

O6 [6) I see a recreation area in the Merge 56 community living area, but no common green/park/open space. I am concerned there is not sufficient place for dogs or children to play in the housing area and they will instead play in the shopping area creating a risky environment.

O7 [7) I have concerns about toxic contaminants crossing into MHPA (multiple habitat planning area) during construction.
 a) Where will the construction staging areas be located?
 b) What is your planned work schedule (days, times)

O8 [8) What is the timeline for Camino del Sure - CA56 on ramp loops? Will traffic be diverted into the Park Village Community during that time? If so, for how long and will a two-lane road be able to handle that increased traffic?

O9 [9) I continue to have significant concerns about wildlife movement through the corridor being constrained due to the proposed reduction of the Camino del Sur extension to two-lanes.

Thank you for your consideration.
 Darsh

*Darshana Patel
 PUSD Board of Education Trustee
 Rancho Peñasquitos Planning Board
 SDPD Captain's Advisory Board
 Park Village Elementary Foundation
 650-678-0705 (cell)*

O6 The project has been designed according to City standards for usable open space in residential areas and the Draft EIR includes an analysis of the project's potentially significant parkland impacts in accordance with the applicable CEQA thresholds of significance. For example, the single-family residential area proposes open space/recreation areas that can include various uses, such as a tot lot or open play area. The multi-family residential area would feature a pool area, as well as common open space. The concerns as framed in the comment do not raise an environmental topic addressed in CEQA documents; no additional response is required.

O7 As discussed in response to comment J14, the project would be required to implement water quality treatment measures to prevent contaminated runoff from entering the MHPA, as required by the Stormwater Regulations and MHPA Land Use Adjacency Guidelines in the MSCP Subarea Plan. Staging areas would be determined during final engineering and the applicant has indicated that staging would be located within the project footprint analyzed in the Draft EIR. Construction work would be scheduled to comply with the City's Noise Ordinance, which allows activities Monday through Saturday between 7AM and 7PM.

O8 The traffic study cites the SANDAG Regional Transportation Plan (RTP) as the source for timing of the SR-56/Camino Del Sur loop ramp improvements as Year 2040. Those ramps are not proposed by, nor are they assumed in the traffic analysis of the project. The Merge 56 applicant would contribute Facilities Benefit Assessment (FBA) fees to mitigate the project's fair-share contribution to cumulative impacts for the loop ramp improvements. Because the timing of the improvements would not correlate with when the impacts would occur, however, the Draft EIR concludes that impacts would be considered cumulatively significant and unmitigated. Traffic control plans would be developed prior to construction. Therefore, details of the traffic control plans, including any potential detours, are not known at this time.

O9 Comment noted. See response to comment J13 regarding wildlife corridors.

COMMENT

RESPONSE

david hogan
p.o. box 141
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619 • 756 • 3864 (h)
760 • 809 • 9244 (m)

April 10, 2017

E. Shearer-Nguyen, Environmental Planner
City of San Diego Development Services Center
1222 1st Avenue, MS 501
San Diego, CA 92101
DSDEAS@sanidiego.gov

RE: Comments on the Merge 56 Environmental Impact Report, Protect No. 360009 / SCH No. 2014071065

Thank you for the opportunity to comment on the MERGE 56 Environmental Impact Report (EIR).

I. Relocate Camino Del Sur North onto Merge 56 Property

The conclusion in the EIR that impacts from Camino Del Sur North to 2.22 acres of the MHPA cannot be avoided in part because "...the alignment has been set at each of its ends..." appears unsupported. From the existing southern terminus of Camino Del Sur North, the road should be redesigned to curve slightly east and then south to locate a greater portion of road *and road-related grading impacts* on the Merge 56 project property to the greatest extent possible. The relocated road would rejoin the design as proposed in the EIR north of Carmel Mountain Road so relocation of the road is not constrained by the set location of the Dormouse terminus. Other than the need to meet the existing northern terminus of Camino Del Sur, there is no justification to locate so much of the roadway in the Del Mar Mesa Preserve and MHPA, and the current design appears to be little more than a means to locate additional developable areas east of the road on the Merge 56 project.

With or without relocation of Camino Del Sur North further east onto the Merge 56 project, landscaped retaining/crib walls should be utilized for the crossing of Deer Canyon to minimize fill of this important preserve area and MHPA, at least where Camino Del Sur must still be located on a reduced area of the MHPA to reach the existing terminus. Potential higher costs of a

P1

P2

P1 Comment noted. By way of background, the proposed alignment of Camino Del Sur is identical to the alignment developed in the Grade and Alignment Study for the northern extension of Camino Del Sur adopted by City Council in February 2001 and approved in 2004 and analyzed in the Draft EIR. The project applicant has not modified nor adjusted the basic alignment from the previously-approved version other than reducing the width of the roadway for the segment south of the Camino Del Sur/Carmel Mountain Road intersection to eliminate approximately 8.0 acres of grading impacts associated with the previously approved design. These changes to the previously approved design occur in the southerly segment of the road extension outside of the MHPA. The northern segment of the proposed road extension has a fixed end point just south of the Torrey Santa Fe Road intersection. Refer to response to comment J15 on the issue.

It should be noted that Alternative Road Designs, such as those suggested in the comment, were considered and rejected as not potentially feasible in Section 8.3.2 of the Draft EIR because of the need to satisfy engineering safety standards, including sight distances and horizontal/vertical distances, grades, and design speeds, and provide access to adjacent undeveloped parcels (i.e., Kilroy Commercial Office development parcel west of Camino Del Sur and other units of the Rhodes Crossing subdivision).

P2 The crossing of Deer Canyon by Camino Del Sur is identified in the 1996 Torrey Highlands Subarea Plan and the alignment that is proposed by the Merge 56 project is the same alignment approved by the City in 2001 and 2004. The Draft EIR includes a CEQA compliant analysis and disclosure of the potentially significant impacts of extending Camino Del Sur across Deer Canyon. The Draft EIR demonstrates that potentially significant impacts to biological resources associated with the extension of Camino del Sur would be mitigated to a less than significant level. Furthermore, the roadway is identified in the MSCP Subarea Plan as a compatible use within the MHPA. Refer to responses B3 and J15 regarding the fact that the road is a compatible use in the MHPA and the current design impacts less habitat than the City anticipated when purchasing the adjacent MHPA.

As noted above in response P1, the road alignment affecting Deer Canyon was established as part of the prior engineering work completed by the City for Camino Del Sur North in 2001. The project analyzed in the Draft EIR is consistent with that prior engineering work and all of the impacts to biological resources in Deer Canyon would be mitigated to below a level of significance. Thus, CEQA does not require modifications to the proposed project design features in this location. Furthermore, no additional mitigation or consideration of an alternative project design is required under CEQA because a reasonable range of alternatives, including the consideration and rejection of Alternative Road Designs, is provided in the Draft EIR.

COMMENT

RESPONSE

P2
cont.

retaining/crib wall are not a legitimate justification for otherwise avoidable impacts to an existing preserve and the MHPA. And the Camino Del Sur North connection to the Del Mar Mesa Trail system can still be achieved across a retaining/crib wall.

P3

II. Incorporate Applicable Required Rhodes Crossing Project Conservation Conditions

A portion of the Merge 56 project is located with the former Rhodes Crossing project approved by the City Council in 2004 with several important conservation conditions read into the record of the project as approved by Council by then-Councilmember Scott Peters. These conditions are described in section IIa – d below and must be incorporated into the Merge 56 project where applicable.

P4

a. Darkwood Canyon Wildlife Corridor

The 2004 Rhodes Crossing project conditions included a required contribution by Mr. Rhodes of \$150,000 to purchase corrugated culverts for construction of a wildlife movement tunnel under Camino Del Sur South connecting the Del Mar Mesa Preserve and Rhodes Crossing vernal pool mitigation areas to Darkwood Canyon. The required conservation conditions also included \$150,000 for wildlife movement tunnel culverts under Park Village Boulevard connecting Darkwood Canyon to Los Peñasquitos Canyon. In the alternative, the \$150,000 for the tunnel under just Camino Del Sur South could be used for biologically superior improvements to the corridor between Del Mar Mesa and Darkwood Canyon. Because Camino Del Sur South is now a part of the Merge 56 project, the final EIR must disclose the entity or individual whom is now responsible for providing the required wildlife tunnel funds and include construction of the tunnels (or biologically superior improvements to the Del Mar Mesa – Darkwood Canyon corridor) under Camino Del Sur South and Park Village Boulevard as part of the Merge 56 project.

P5

The conclusion in the EIR that "...the proposed two-lane roadway component of Camino Del Sur would not interfere substantially with the movement of wildlife" is incorrect and unsupported. While it may be true that wildlife movement between the Del Mar Mesa and Los Peñasquitos Canyon preserves is already constrained, this makes the Darkwood Canyon corridor all the more important and proposed project impacts to this corridor are significant precisely because the other wildlife movement corridors in the area are so constrained. The Darkwood Canyon corridor is one of the few wildlife movement areas left between the Del Mar Mesa and Los Peñasquitos Canyon preserves and impacts are significant and must be acknowledged and avoided or mitigated.

P6

Irrespective of the conclusion of significance of the Darkwood Canyon corridor in the EIR, the project must still provide the wildlife tunnels under Camino Del Sur South (or funding for a biologically superior alternative for the Camino Del Sur South tunnel) and Park Village Boulevard because these were a required condition of approval of the Rhodes Crossing project.

P3

This comment does not address the adequacy of the Draft EIR. The project is a new development as described in the Introduction to the Draft EIR (Section 1.3.1). The Draft EIR is a stand-alone, project-level CEQA document that evaluates the potentially significant direct, indirect, and cumulative impacts of the project as proposed and does not tier off any prior CEQA documents with respect to the previously approved Rhodes Crossing project referenced in the comment. As disclosed in the Draft EIR, all feasible mitigation for the project has been identified. Thus, the commenter's general statement that measures that were read into the record for a previous approval must be incorporated into the project is not consistent with the intent of CEQA.

P4

A wildlife movement undercrossing is not a project component of the Camino Del Sur extension. Since the prior entitlement process was complete, the project design has been narrowed to a two-lane road and lowered in grade in the vicinity of where a wildlife corridor was proposed under the four-lane, higher grade version previously approved for the Camino Del Sur South. The Draft EIR includes an analysis of the potentially significant impacts on wildlife movement associated with the project including the modified roadway. As described in Section 5.3 of the Draft EIR, the roadway extension as designed would have a less than significant impact on wildlife movement without the need for a wildlife undercrossing or tunnel beneath Camino Del Sur. Please refer to response to comment J13 for an additional discussion of why the wildlife undercrossing is not required.

P5

There are four wildlife corridors connecting Los Peñasquitos Canyon and Del Mar Mesa recognized in the Del Mar Mesa Natural Resource Management Plan, as presented in Figure 3-5 in that plan and reproduced in Figure 5.3-3 of the Draft EIR. As noted by the commenter, wildlife movement between Del Mar Mesa and Los Peñasquitos Canyon Preserve is constrained due to existing development. The proposed alignment and roadbed design for Camino Del Sur in Darkwood Canyon includes a narrower road and an at-grade area where wildlife crossing could occur. This section of roadway also incorporates traffic calming measures and median landscaping designed to be non-attractive to wildlife. Given the limited viability of the Darkwood Canyon connection outside of the MHPA, now and over the long term independent of the project, the revised design of Camino Del Sur considered in the Draft EIR, and the presence of the three higher quality connections to the west that are conserved in the MHPA, the project would not interfere substantially (i.e., would not have a significant impact) on the regional movement of wildlife. Refer to response to comment J13 which further describes why the project's impacts to wildlife movement would be less than significant and are adequately addressed in the Draft EIR.

P6

Refer to responses to comments J13, P4, and P5 which all describe why an undercrossing or tunnel would not be required in the project design.

COMMENT

RESPONSE

P6
cont.

In fact, provision of the required wildlife tunnel under Park Village Boulevard will help reduce the very constraints cited in the EIR to minimize the significance of proposed impacts to the Darkwood Canyon corridor.

P7

b. Vegetation Restoration in the Del Mar Mesa Preserve

The 2004 Rhodes Crossing project conditions included a required contribution by Mr. Rhodes of \$125,000 for the restoration of disturbed natural vegetation in the nearby Del Mar Mesa Preserve. Because the Merge 56 project includes a significant portion of the approved Rhodes Crossing project, the final EIR must disclose the entity or individual whom is now responsible for providing the required vegetation restoration funds and include the Del Mar Mesa Preserve vegetation restoration as a part of the Merge 56 and Camino Del Sur projects.

P8

c. Vehicle Barriers

The 2004 Rhodes Crossing project conditions included a required measure that Mr. Rhodes would either contribute \$50,000 or construct as part of the Rhodes Crossing project telephone pole type-vehicle barriers on the west side of Camino Del Sur to prevent unauthorized vehicle access to the Del Mar Mesa Preserve and vernal pool mitigation areas on the Rhodes Crossing property. Because Camino Del Sur is now a part of the Merge 56 project, the final EIR must disclose the entity or individual whom is now responsible for providing the required vehicle barrier funding or actually constructing the barriers and include the barriers as a part of the project.

P9

Since the time of approval of the Rhodes Crossing Project, unauthorized recreational use of the Del Mar Mesa Preserve and particularly the Del Mar Mesa Ecological Reserve owned by the California Department of Fish and Wildlife near the Merge 56 project has become a major edge effect causing significant harm to vernal pools and many other sensitive biological resources. Some of the unauthorized recreational use originates in Rancho Penasquitos and accesses the Del Mar Mesa Preserve through the Merge 56 and Rhodes Crossing properties. The Merge 56 and Camino Del Sur projects must therefore include measures such as iron rail fence and vehicle barriers along the western edge of Camino Del Sur to deter unauthorized access into the Del Mar Mesa Preserve and vernal pool mitigation areas on the Rhodes Crossing property. Fencing and barriers should be installed as permanent project elements anywhere natural vegetation in the Del Mar Mesa Preserve and vernal pool mitigation areas on the Rhodes Crossing property are adjacent to or will otherwise remain visible from Camino Del Sur following future construction of the Rhodes Crossing project. Permanent iron fencing should even be installed on steep natural or manufactured slopes as recreation users will take advantage of any fencing gaps irrespective of terrain. Fencing and barriers can be temporary anywhere that future construction of the Rhodes Crossing project will ultimately block access to the Del Mar Mesa Preserve and vernal pool mitigation areas on the Rhodes Crossing property. But even temporary barriers must consist of iron fence and vehicle barriers as wire fence or chain link alternatives are ineffective and the

P7

Refer to responses to comment P3; Section 5.3 of the Draft EIR evaluates the project's potentially significant impacts on sensitive vegetation communities and imposes adequate mitigation to reduce those impacts to a less than significant level, in accordance with the City Biology Guidelines.

P8

Refer to responses to comments B3, B15, and P3. Fencing is proposed along the west side of Camino Del Sur where it would interface with the MHPA to prevent human intrusion and access into Del Mar Mesa Preserve.

P9

Refer to responses to comments B3, B15, and P3.

COMMENT

RESPONSE

P9
cont.

presence of a completed Camino Del Sur and Carmel Mountain Road will significantly expand unauthorized access to preserve areas.

d. Removal of Del Mar Mesa Preserve Fencing and K-Rail

The 2004 Rhodes Crossing project conditions included a required measure that Mr. Rhodes would either contribute \$10,000 or remove fencing and k-rail cement barriers between the Rhodes Crossing project and the Del Mar Mesa Ecological Reserve upon approval of the property owner, the California Department of Fish and Wildlife. Because the Merge 56 project includes a significant portion of the approved Rhodes Crossing project, the EIR must disclose the entity or individual whom is now responsible for contributing or acting to remove the fencing and k-rail and include this as a part of the Merge 56 and Camino Del Sur projects if applicable.

P10

III. Suitable Uplands Vegetation Mitigation

The Marron Valley Cornerstone Lands and Anderprizes site are located at significant distances and support very different vegetation from that to be impacted under the Merge 56 and Camino Del Sur projects and so are not suitable as mitigation for project impacts to sensitive uplands vegetation. The final EIR should identify all in-kind land/vegetation or mitigation bank credits in much closer proximity to the project. A property at the western end of Deer Canyon may be purchased by the San Diego Association of Governments and could provide a proximate and far more suitable option for uplands vegetation mitigation.

P11

IV. Invasive Weeds

The EIR is correct in stating the following on the topic of invasive weeds:

During construction, however, invasive, non-native plants could colonize areas disturbed by construction, and those species could potentially spread into the avoided on-site City Wetlands and off-site vernal pool preserves. Invasion by non-native plants caused by construction would be considered a significant impact; however, no invasive non-native plant species would be allowed into areas within or adjacent to the MHPA, vernal pool preserves, or any natural area per the Land Use Adjacency Guidelines.

P12

Invasive weeds will become a significant impact from the project when they inevitably colonize areas disturbed during construction of Merge 56 and Camino Del Sur and subsequently and inevitably spread into the Del Mar Mesa Preserve, Rhodes Crossing vernal pool mitigation areas, and Darkwood Canyon. The final EIR should mitigate this by including project conditions not only to control all invasive weeds directly on the project sites over the course of construction and long-term maintenance but also to fund control of invasive plants by agency property owners on adjacent preserve and open space areas. The amount of required funding for invasive weed control on the preserve and open space lands should be determined through a PAR analysis.

P10 Refer to responses to comment P3.

P11 Comment noted. The Draft EIR evaluated and disclosed the project's potentially significant impacts to sensitive upland habitat in Section 5.3. To mitigate those impacts to a less than significant level, the Draft EIR imposes upland habitat mitigation that complies with the MSCP Subarea Plan as well as the City's Biology Guidelines. Refer also to response to comment B24. No changes to the Draft EIR are required in response to this comment.

P12 The Draft EIR evaluated the biological resource impacts identified in the comment. As disclosed in that analysis, the project would reduce any potentially significant impacts to a less than significant level through project design features and overall compliance with the City's Land Use Adjacency Guidelines. Refer to responses to comments B5, B15, B20, and J12.

COMMENT

RESPONSE

P13

V. Project Storm Water Discharge and Deer Canyon

The watercourses in Deer Canyon within the Del Mar Mesa Preserve and in Darkwood Canyon are downstream of the Merge 56 and Camino Del Sur projects and are already experiencing significant harmful incision from unnaturally high volumes of storm water runoff. The Merge 56 and Camino Del Sur projects will compound these problems with significant additional impermeable surfaces and should therefore include measures to reduce storm water volumes in this area below that of existing conditions. The projects should include design elements to retain storm water onsite to the maximum extent possible as determined through engineering, not cost or lost development space, with storm water discharged to Deer and Darkwood canyons at lower volumes and over a longer period of time than just the duration of storms. Measures to dissipate storm water energy alone where storm water enters the canyons will not adequately address or mitigate this problem.

P14

VI. Historic Site

A possible historic site located on *both* the U.S. Fish and Wildlife Service's San Diego National Refuge and Merge 56 and Camino Del Sur project areas should be investigated for significance as part of the projects. Stacked cobble formations, small artificial mound "steps" across vernal pools, and parallel line soil patterns of historic tilling or grading are all located on the San Diego National Wildlife Refuge property in a linear area of cleared land apparent on 1928 or 1929 aerial photographs of the area available from the County of San Diego. The linear cleared area visible in the aerial photo appears to extend some distance away from the ground features and onto the Merge 56 and Camino Del Sur projects. The dimensions and northwest / southeast orientation of the cleared area suggest possible use as an aircraft landing strip. But this is speculation that should be researched with a determination of significance for the possible historic site.

Thank you for your consideration.

Sincerely,

David Hogan

P13

The Draft EIR analyzes and discloses the project's potentially significant impacts with respect to applicable thresholds of significance regarding drainage, hydrology and stormwater. The project would comply with all applicable stormwater standards and would not increase runoff rates beyond existing conditions. Please refer to response to comments J8 and J11 that further discuss stormwater controls associated with the project. Other upstream developments that were approved before the more stringent requirements became mandatory are responsible for increased peak flow rates through the local canyons. Remedying runoff associated with the existing or proposed upstream development is not a direct or cumulative project impact caused by the project that requires review under CEQA.

P14

The project's area of potential effect was surveyed four times during the completion of environmental review for this project site, as described in Section 5.4 of the Draft EIR. As part of the prior work, ASM conducted an evaluation and testing of two sites. An evaluation of a historic site (SDI-13077H) was conducted and determined it was interesting but not historically significant as defined by CEQA. No significant impacts are anticipated to the site, however, construction monitoring would be conducted to address unanticipated finds during ground disturbing activities. As noted in response to comment B3, the Merge 56 project would not have an adverse environmental impact on any of the Refuge lands or any historic resources on those lands.

COMMENT

RESPONSE

From: Heather Graehl <heather@graehl.com>
Sent: Saturday, April 29, 2017 11:15 AM
To: DSDEAS@sandiego.gov
Subject: Project Name: MERGE 56 (AKA MERGE 56 DEVELOPMENT) Project No. 360009 / SCH No. 2014071065 Community Plan Area: Del Mar Mesa / Torrey Highlands Subarea / Rancho Peñasquitos Council District: 5 / 6

To Whom it May Concern,

Q1

I hope I am not too late in consideration for my comments on the Merge 56 project. I do not support the construction of Camino Del Sur South connecting to Carmel Mountain Rd altogether. While I understand this is part of the original community plan, things have changed since the 90s such as the introduction of Merge 56 project. I did read the whole EIR released earlier this year. I appreciate that the road has been reduced from 4 lane to 2 lane, but I still have concerns. I have enclosed some drone photographs of the impacted area with construction of Camino Del Sur South connector. It will change our quiet Darkwood Canyon backyard view to something far less desirable, a road. I support maximum delay on building the road connector and especially would like to emphasize that there should be noise and beautification for those that previously had a beautiful backyard view of Darkwood Canyon. As I said, I oppose the construction of the connector altogether. If it must go forward I would like consideration to the noise and aesthetic impact it will have on my home. The road would affect my property value negatively.

Regards,
 Heather Graehl
 12310 Darkwood Rd

Photos enclosed.
 Merge 56:



Eclipse and Senda Panacea Rd pictured, Camino Del Sur proposed between

Q1

The road extension has been in the long-term plans for the local communities for decades; their future presence have been contemplated in the Rancho Peñasquitos Community Plan, the MSCP and all other relevant planning documents. The Draft EIR analyzed the noise impacts of the road extension and determined that less than significant impacts would occur due to existing noise walls and/or distance between the road and noise-sensitive receptors in the project area (refer to Section 5.6 of the Draft EIR). Impacts to private views are not taken into account when assessing project impacts; only those from public vantage points are recognized in the City's Significance Determination Thresholds. The Draft EIR demonstrates that the project would not have significant adverse visual effects/neighborhood character impacts. The comment that the project might result in a potential devaluation of property is not an issue analyzed under CEQA.

COMMENT

RESPONSE



Camino Del Sur S. to left, Proposed Road would go through this land



Backyard View



View from Merge 56 down into Darkwood Canyon and Park Village Elementary

COMMENT

RESPONSE



MERGE 56 DEVELOPMENT PROJECT

SAN DIEGO, CALIFORNIA



FINAL ENVIRONMENTAL IMPACT REPORT

SCH No. 2014071065

PROJECT No. 360009

DECEMBER 2017

Prepared for:

City of San Diego
Development Services Department
Land Development Review
1222 First Avenue, MS 501
San Diego, CA 92101-4155

MERGE 56 DEVELOPMENT PROJECT
FINAL ENVIRONMENTAL IMPACT REPORT

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DECEMBER 2017

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**MERGE 56 DEVELOPMENT PROJECT
FINAL ENVIRONMENTAL IMPACT REPORT**

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ACRONYMS AND ABBREVIATIONS

ADD	Assistant Deputy Director	DSD	Development Services Department
ADRP	Archaeological Data Recovery Program	EAS	Environmental Analysis Section
ADT	average daily trips/traffic	EIR	Environmental Impact Report
AIA	Airport Influence Area	EMF	electromagnetic field
ALUC	Airport Land Use Commission	EMT	Emergency Medical Technician
ALUCP	Airport Land Use Compatibility Plan	EPIC	Energy Policy Initiative Center
AME	Archaeological Monitoring Exhibit	EPP	Essential Public Project
AMSL	above mean sea level	ERM	Environmental Review Manager
ARB	Air Resources Board	ESA	Endangered Species Act
ASM	ASM Affiliates, Inc.	ESL	Environmentally Sensitive Lands
BI	Building Inspector	FAA	Federal Aviation Administration
BMP	best management practice	FBA	Facilities Benefit Assessment
BSO	Biologically Superior Option	FEMA	Federal Emergency Management Agency
BTR	Biological Technical Report	FESA	Federal Endangered Species Act
Caltrans	California Department of Transportation	ft	foot/feet
CAP	Climate Action Plan	FY	Fiscal Year
CBC	California Building Code	GHG	greenhouse gas
CDs	Construction Documents	GPA	General Plan Amendment
CDFW	California Department of Fish and Wildlife	gpd	gallons per day
CDMG	California Division of Mines and Geology	HCM	Highway Capacity Manual
CEC	California Energy Commission	HCP	Habitat Conservation Plan
CEQA	California Environmental Quality Act	HRG	Historical Resources Guidelines
CESA	California Endangered Species Act	HVAC	heating, ventilation and air conditioning
CFGC	California Fish and Game Code	I-15	Interstate 15
cfs	cubic feet per second	I-5	Interstate 5
CGS	California Geological Survey	ITP	Incidental Take Permit
City	City of San Diego	LDC	Land Development Code
CM	Construction Manager	Ldn	Ldn Consulting, Inc.
CNEL	Community Noise Equivalent Level	LDR	Land Development Review
CNPS	California Native Plant Society	LID	low impact development
Corps	U.S. Army Corps of Engineers	LLG	Linscott, Law & Greenspan Engineers
CPA	Community Plan Amendment	LMXU	Local Mixed Use
CPTED	Crime Prevention Through Environmental Design	LOS	level of service
CPUC	California Public Utilities Commission	m	meter
CR	Commercial Regional Register	MBTA	Migratory Bird Treaty Act
CRHR	California Register of Historical Resources	MCAS	Marine Corps Air Station
CSDHR	City of San Diego Historical Resources	MHD	Medium High Density Residential
CSVR	Consultant Site Visit Record	MHPA	Multi-Habitat Planning Area
CUP	Conditional Use Permit	MLD	Most Likely Descendant
CWA	Clean Water Act	MMC	Mitigation Monitoring Coordination
cy	cubic yard(s)	MMRP	Mitigation, Monitoring and Reporting Program
dB	decibel		
DG	decomposed gravel		

MMTCO ₂ e	million metric tons CO ₂ e	sf	square foot/feet
MOU	Memorandum of Understanding	SHPO	State Historic Preservation Officer
mph	miles per hour	SR-56	State Route 56
MRZ	Mineral Resource Zone	SRA	Scientific Resources Associated
MSCP	Multiple Species Conservation Program	STC	Sound Transmission Class
MTS	Metropolitan Transit System	SWRCB	State Water Resources Control Board
NAHC	Native American Heritage Commission	TET	The Environmental Trust
NCCP	Natural Community Conservation Planning Program	TIA	Traffic Impact Analysis
NCFUA	North City Future Urbanizing Area	USD	University of San Diego
NFPA	National Fire Protection Association	USEPA	U.S. Environmental Protection Agency
NHPA	National Historic Preservation Act	USFWS	U.S. Fish and Wildlife Service
NOP	Notice of Preparation		
NPDES	National Pollutant Discharge Elimination System	V/C	volume to capacity
NPPA	Native Plant Protection Act	VMT	vehicle miles traveled
NRHP	National Register of Historic Places	vphpl	vehicles per hour per lane
NRMP	Natural Resources Management Plan	VTM	Vesting Tentative Map
		WMP	Waste Management Plan
OSHA	Occupational Safety and Health Administration	WQTR	Water Quality Technical Report
		WS	Waters of the State
		WSA	Water Supply Assessment
PDP	Planned Development Permit	WUS	Waters of the U.S.
PeMS	Performance Measurement System		
PFFP	Public Facilities Financing Plan		
PI	Principal Investigator		
PME	Paleontological Monitoring Exhibit		
RE	Resident Engineer		
RMP	Resource Management Plan		
ROW	right-of-way		
RPS	Renewal Portfolio Standard		
RTP	Regional Transportation Plan		
SAA	Streambed Alteration Agreement		
SANDAG	San Diego Association of Governments		
SB	Senate Bill		
SCIC	South Coastal Information Center		
SCR	Substantial Conformance Review		
SCS	Sustainable Communities Strategy		
SDAB	San Diego Air Basin		
SDAPCD	San Diego Air Pollution Control District		
SDCRAA	San Diego County Regional Airport Authority		
SDG&E	San Diego Gas and Electric		
SDMC	San Diego Municipal Code		
SDP	Site Development Plan		
SDPD	San Diego Police Department		
SDREO	San Diego Regional Energy Office		
SEIR	Subsequent Environmental Impact Report		

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EXECUTIVE SUMMARY

This summary provides a brief synopsis of the Merge 56 Development Project (project) description, the results of the environmental analysis, and project alternatives considered in this Environmental Impact Report (EIR). The summary does not contain the extensive background and analysis contained in the various sections of the EIR.

The purpose of an EIR is to inform public agency decision makers and the general public of the potentially significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project (State CEQA Guidelines Section 15121(a)). This EIR is an informational document for use by the City of San Diego (City), decision makers and members of the general public to evaluate the environmental effects of the proposed project. This document complies with all criteria, standards and procedures of CEQA and the State CEQA Guidelines (California Administrative Code 15000 et. seq.) and the City's EIR Guidelines (City 2005a). The City is the Lead Agency for the project evaluated in this EIR. This document has been prepared as a Project EIR pursuant to Section 15161 of the State CEQA Guidelines. This document represents the independent judgment of the City as Lead Agency (State CEQA Guidelines Section 15050).

ES-1 PROJECT LOCATION, BACKGROUND, PURPOSE, AND DESCRIPTION

The 72.34-acre project site is located in the north-central portion of the City. The property and public roads are situated in the communities of Torrey Highlands and Rancho Peñasquitos, immediately adjacent to the State Route 56 (SR-56) right-of-way (ROW). Regional access to the site is from SR-56, Interstate 5 (I-5) and Interstate 15 (I-15); local access to the site is from the southern termini of Camino Del Sur and Carmel Mountain Road, as well as from the existing section of Camino Del Sur between Dormouse Road and Park Village Road.

The Merge 56 Development project (project) is comprised of two major project components. The first component is a 41.34-acre mixed-use development (including internal private road improvements) which consists of a mixed-use center containing commercial, office, hotel and residential uses on a triangular-shaped property, including 525,000 square feet (sf) of commercial, office, theater/cinema, and hotel uses and 242 residences (i.e., 158 multi-family and 84 single-family). The second part of the project is comprised of 31 acres of public road improvements to complete undeveloped segments of Camino Del Sur and Carmel Mountain Road, Circulation Element roads. The approximately 0.93-mile long Camino Del Sur extension would be constructed from its current terminus south of SR-56 and Torrey Santa Fe Road to its intersection with current terminus north of Dormouse Road and Park Village Road. The existing paved portion of Carmel Mountain Road would be realigned north of its current location and the road would be extended approximately 0.38 mile south from SR-56 ROW to its planned intersection with Camino Del Sur. Both public roads front the development property and would intersect at the southern boundary of the mixed-use development.

Impacts of implementing elements of the project have been previously evaluated in three certified or adopted CEQA documents: Rhodes Crossing EIR (Project No. 3230; SCH No. 2002121089), Camino Ruiz North Roadway MND (LDR No. 40-0386; SCH No. 2000121031), and Camino Del Sur Project EIR

(LDR No. 41-0248; SCH NO. 2001121109). These previous analyses are incorporated by reference in this EIR.

The primary objectives of the project are to:

1. Develop a project that is consistent with the primary goals and objectives of the General Plan, Subarea Plan, Community Plan, applicable City regulations, and existing and planned surrounding land uses;
2. Develop a mixed-use center wherein community-serving retail, office and residential uses are constructed instead of the standard commercial center, self-storage facility and medium high-density residential development envisioned in the Community Plan;
3. Develop a project that places larger structures and more intensive uses along the freeway frontage and sets back the lowest density residential as far as possible from the freeway;
4. Provide a range of residential housing types to meet the needs of existing and future City residents;
5. Develop affordable housing units to satisfy the City's housing needs identified in the Torrey Highlands Subarea Plan and Housing Element of the General Plan;
6. Provide commercial and office uses to create professional/administrative employment opportunities with convenient freeway access, within walking distance of residential housing, as well as retail, restaurant and entertainment services;
7. Use sustainable architectural, landscaping and site design elements and materials to create a pedestrian-oriented community featuring active retail spaces, public gathering places, and landscaped areas linked by pedestrian pathways and bicycle lanes;
8. Locate uses and their parking fields to enable and encourage 'park once' solutions to people visiting more than one retail or office space, as well as minimize the amount of empty parking spaces at low demand times by sharing parking amongst compatible users;
9. Minimize surface parking fields and integrate parking into structures to minimize their visibility from public vantage points within the community and improve the streetscape appearance;
10. Implement the Circulation Element connections in the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan, in accordance with the adopted Public Facilities Financing Plan;
11. Reclassify the Circulation Element Roads in the Subarea Plan and Community Plan to balance the environmental impacts of road construction with the traffic capacity and circulation needs of the communities;
12. Convey traffic volumes anticipated at buildout of surrounding development areas at acceptable levels of service; and
13. Provide for new trail connections that offer linkages with existing and future trails recognized in the applicable planning documents.

The following entitlements are necessary for the Mixed-use Development component of the Merge 56 Development Project:

- A GPA is required to redesignate land uses from Commercial Employment, Retail and Services; Residential; and Parks, Open Space and Recreation to Multiple Use;
- A CPA is required to redesignate the project site from Commercial Regional (CR) and Medium High Density Residential (MHD) to Local Mixed Use Center (LMXU) South;
- A Rezone is required to rezone the project site from Regional Commercial (CR-2-1) and Multi-family Residential (RM-3-9) to Community Commercial (CC-3-5) and Residential Small Lot (RX 1-2);
- The Planned Development Permit (PDP) to amend PDP No. 53203 to allow for deviations from the CC-3-5 zoning requirements in accordance with San Diego Municipal Code (SDMC) Section 126.0602(a)(1);
- A Site Development Permit (SDP) is required to amend SDP No. 53204 for proposed impacts to Environmentally Sensitive Lands (ESL);
- A Conditional Use Permit (CUP) is required to allow a cinema/theater greater than 5,000 square feet (sf) in size; and
- A Vesting Tentative Map amending VTM No. 7938 to re-subdivide the property from three lots to 100 lots (84 RX zoned lots, seven CC zoned lots, five open space lots, and four lots for private drives).

For the public roads component of the Merge 56 Development Project, the following approvals are requested:

- ASDP is required to amend SDP No. 3278 (for the southern portion of Camino Del Sur) and SDP No. 40-0386 (for the northern portion of Camino Del Sur and Carmel Mountain Road) to permit ESL impacts.
- A CPA is required to reclassify Camino Del Sur from a four-lane major road to a modified two-lane collector for the segment from Carmel Mountain Road south to Dormouse Road and to reclassify Carmel Mountain Road from a four-lane major road to a modified two-lane collector road.
- A public right-of-way (ROW) vacation is required for Camino Del Sur and Carmel Mountain Road to revise the dedicated ROW and incorporate revisions attributable to downgrading the road classifications. A water easement vacation is also proposed.
- The applicable Public Facilities Financing Plans would be amended to reflect changes or additions to the public facilities included in those plans resulting from the CPA approval.

Mixed-Use Development

The Mixed-Use Development would consist of a mixed-use center containing commercial, office, hotel and residential uses on the 41.34-acre, triangular-shaped property. The project would allow for construction of 525,000 square feet (sf) of commercial, office, theater/cinema, and hotel uses, and 242 residences (i.e., both multi-family and single-family).

The project has been designed to implement the design intent of the LMXU designation, as described in Section 5.1, *Land Use*, of this EIR. The commercial component of the project would be anchored by a community shopping center fronting the primary internal roadway and featuring various retail and restaurant establishments, market hall, grocery store, hardware, cinema, fitness uses, restaurants and other retail uses on the ground floor with offices and residential uses on the upper floors. Office uses could occur at the western site entrance, as well as integrated with the community shopping center on upper levels to create an integrated mixed-use neighborhood. A 120-room hotel would be situated between the western office building and SR-56. The residential units would consist of 47 affordable flat units, 111 townhomes/market rate flats and 84 single-family dwelling units.

Architecturally, the commercial portion of the project is designed to provide an urban oriented central plaza with communal seating, outdoor dining opportunities and specialized retail shopping. A variety of architectural detail and massing would be used to provide a more pedestrian-scale along the façade. All structures would comply with the CC-3-5 development regulations pertaining to building height. Architecturally, the center would exhibit a contemporary appearance, with large glass openings, deep overhanging roof eaves and open trellises. The project would highlight natural materials and colors, usable outdoor spaces, and drought-tolerant landscaping. The two main office structures would feature a contemporary architectural style using a combination of materials that may include glass, concrete, steel, stucco, and natural stone. The proposed attached townhome and flat units would feature a contemporary architectural style, with more residentially-scaled doors and windows, building heights, and the use of warm natural materials at ground level to create a pedestrian-friendly façade. The single family residential units would be constructed in three architectural styles: Formal Spanish, Spanish Colonial and Santa Barbara. Building materials would include stucco, wood, and/or stone. Development of the project site would include landscape treatments along the street frontages and parkways, common use areas and adjacent to the various buildings. The landscape design would establish a theme for the property which would complement the project architecture by providing a variety of trees, shrubs, and ground cover to accent building architecture and to screen large retaining walls, where needed.

Traffic flow through the Mixed-Use Development area would primarily be accomplished via the east-west trending Private Drive M which would intersect at a signalized intersection with Camino Del Sur and traffic roundabout at Carmel Mountain Road; cross-walks would be provided at the intersections. To minimize cut through traffic along Private Drive M and reduce travel speeds through the center of the site, the road would feature two roundabouts in conjunction with other internal traffic calming measures.

Parking for the mixed-use center would primarily be provided in multi-level parking structures integrated behind and beneath the commercial structures and office structures. Limited surface parking would also be provided behind the commercial structures. Three parking structures would be constructed across the northern edge of development immediately south of Private Drive T. Parking for the multi-family residential (affordable) units would be provided for within the commercial parking area. Parking for the townhomes and guests would be in surface lots/carports integrated among the units. All single-family residences would have garages with additional parking available on the street. All parking would be provided consistent with the City's LDC, including provisions for shared parking among commercial, office and multi-family (affordable units) uses.

Primary utility service to the site would be provided underground within the ROW for Camino Del Sur and Carmel Mountain Road, as part of those roadway improvements.

Public Roads

Regional access to the site would continue to be from SR-56, I-5 and I-15. Local access to the project site would be via the proposed extensions of Camino Del Sur and Carmel Mountain Road, which are public roads planned in the Torrey Highlands and Rancho Peñasquitos communities. A ROW vacation is proposed due to modifications to the road dimensions in association with the downgraded classifications and realignment of an existing section of Carmel Mountain Road to avoid potential impacts to off-site vernal pool preserves. A CPA is proposed for the segments of Camino Del Sur south of Carmel Mountain Road and north of Dormouse Road and Carmel Mountain Road between SR-56 and Camino Del Sur to reduce grading impacts associated with the public roadways component of the project and “right-size” the road based on projected traffic volumes in the Traffic Impact Analysis (TIA).

Pedestrian and Bicycle Circulation

Implementation of the Merge 56 Development Project would provide for pedestrian and bicycle circulation through the construction of a network of contiguous and non-contiguous sidewalks, pathways, and public spaces. These facilities would provide multiple connections between proposed uses within the development area and to off-site areas.

The project design would facilitate movement to off-site locales to the east and west via walkways, sidewalks, road improvements, bike lanes and trail connections. Non-contiguous sidewalks would be constructed along Camino Del Sur and Carmel Mountain Road to facilitate linkages between the Park Village area, the project site and areas to the north in Rancho Peñasquitos and Torrey Highlands. Class II bike lanes would be incorporated into the design for Camino Del Sur and Carmel Mountain Road. Access to existing trails and open space areas would be facilitated by two trail connections placed in the southern and northern portions of Camino Del Sur. In addition to providing access from the sidewalk, a segment of public trail would be constructed from the northerly sidewalk along the base of the western fill slope constructed as part of Camino Del Sur. A new segment of public trail would also be extended from the sidewalk the southern portion of Camino Del Sur along the adjacent fill slope and off-site through natural terrain to the floor of Darkwood Canyon. The proposed trail connections would link the road ROW to existing trails in the Del Mar Mesa Preserve and a future trail into the Darkwood Canyon open space.

ES-2 SUMMARY OF PROPOSED PROJECT ACTIONS

The Applicant is seeking the following discretionary actions from the City for both components of the Merge 56 Development Project:

- EIR Certification;
- VTM;
- GPA;
- CPA;
- Rezone;

- PDP;
- SDP;
- CUP;
- ROW and Easement Vacations; and
- Public Facilities Financing Plan amendment.

In addition, the following approvals would be required by other agencies:

- Encroachment Permit from California Department of Transportation (Caltrans);
- National Pollutant Discharge Elimination System (NPDES) Municipal Storm Water Permit Compliance;
- NPDES General Construction Activity Permit for Stormwater Discharges Compliance;
- California Fish and Game Code Section 1602 Streambed Alteration Agreement;
- Federal Clean Water Act Section 404 Permit;
- Federal Endangered Species Act Section 7 Consultation, if needed; and
- Federal Clean Water Act Section 401 Water Quality Certification.

ES-3 ENVIRONMENTAL ANALYSIS

The EIR contains an environmental analysis of the potential impacts associated with implementation of the proposed project. The issues that are addressed in detail in the EIR include Land Use, Transportation/Circulation, Biological Resources, Historical Resources, Paleontological Resources, Noise, Greenhouse Gas Emissions and Visual Effects/Neighborhood Character. Of these issues, the analysis contained in this EIR concluded that the project could result in direct or cumulatively significant impacts with respect to Land Use, Transportation/Circulation, Biological Resources, Historical Resources, Paleontological Resources, ~~Noise~~, and Visual Effects/Neighborhood Character. All significant impacts would be mitigated, except for direct impacts to Visual Effects/Neighborhood Character (landform alteration) and cumulative impacts to Transportation/Circulation, which would be significant and unmitigated upon project implementation. The City determined that the Merge 56 Development Project would not have the potential to cause significant impacts for the following issue areas: Agriculture and Forestry Resources, Air Quality, Energy, Geologic Conditions, Health and Safety, Hydrology/Water Quality, Mineral Resources, Public Utilities, and Public Services and Facilities.

Table ES-1 summarizes the project's potentially significant direct and cumulative environmental impacts and required mitigation measures by issue, as analyzed in Sections 5.0 and 7.0 of this EIR. The last column of this table indicates whether the impact would be reduced to below a level of significance after implementation of the mitigation measures.

ES-4 PROJECT ALTERNATIVES

Four project alternatives are addressed in detail in this report: No Project/No Development, No Project/Existing Entitlements Alternative, Reduced Project Alternative, and Vernal Pool Avoidance Alternative. A summary of these alternatives is presented below with the detailed analysis provided

in Section 8.0, *Project Alternatives*. Pursuant to Section 15126(e)(2) of the State CEQA Guidelines, the Reduced Project Alternative is identified as the environmentally superior alternative based on the fact that it would eliminate cumulatively significant transportation/circulation impacts to street segments (i.e., Black Mountain Road) and reduce the project's contribution to cumulatively significant freeway segment impacts which would occur until SR-56 is widened to six lanes.

No Project/No Development Alternative

Pursuant to Section 15126.6(e)(3)(B) of the State CEQA Guidelines, the No Project Alternative is the "circumstance under which the project does not proceed." For purposes of this SEIR, the No Project/No Development Alternative assumes that the site would remain in its current condition (i.e., vacant and undeveloped). Impacts associated with this alternative, as compared to the project, are described in Section 8.5 of this report. Implementation of the No Project/No Development Alternative would avoid or substantially lessen all identified significant project-related impacts below a level of significance, including cumulatively significant and unmitigated transportation/circulation and direct visual effects/neighborhood character impacts associated with the project. This alternative would not meet any of the basic project objectives.

No Project/Existing Entitlements Alternative

The No Project/Existing Entitlements Alternative would involve developing the property and public roads pursuant to the existing Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan using entitlements received under the Rhodes Crossing project. Specifically, this would entail developing the mixed-use site with 250,000 sf of commercial, 273,855 sf of self storage, and 242 multi-family residences. The No Project/Existing Entitlements Alternative would involve the construction of a standard, regional commercial center wherein the commercial buildings would be situated near the center of the site and surrounded by surface parking lots (refer to Figure 8-1 in this EIR). Under this alternative, the self-storage facility would be situated behind the commercial center adjacent to SR-56 and the multi-family housing units would be clustered near SR-56 adjacent to the Carmel Mountain Road overpass. Camino Del Sur and Carmel Mountain Road would be constructed as four-lane major roadways under this alternative, with no changes from their planned road classifications.

The focus of the proposed commercial center under the No Project/Existing Entitlements Alternative would be a plaza, two major tenants, space for smaller shops and kiosks in the parking lot. A meandering pedestrian pathway would extend from the plaza eastward to the multi-family residential area and Carmel Mountain Road. The residential units would be wrapped around multi-story parking structures and would include 47 affordable units, as required in the Torrey Highlands Subarea Plan. Two small open space areas would remain undeveloped to protect the isolated vernal pools that exist on site. This alternative would require the extensions of Camino Del Sur and Carmel Mountain Road in a similar configuration and capacity (i.e., four-lane major roadways) as contemplated in the applicable plans. The mixed-use commercial center with a variety of commercial, office, hotel, and residential uses and linkages envisioned by the Project Applicant and described in Section 3.0, *Project Description*, would not be constructed under this alternative. General Plan and Community Plan amendments would not be needed to implement the No Project/Existing ~~Community Plan Entitlements~~ Alternative. Implementation of the No Project/Existing Entitlements Alternative would not avoid or substantially lessen cumulatively significant impacts to

transportation/circulation below a level of significance. Identified significant impacts to land use, biological resources, historical resources, and paleontological resources from the project would remain the same or greater under this alternative. Noise impacts would be ~~slightly reduced as the residential units would be clustered in a smaller area~~ less than significant similar to the project. ~~GHG impacts would be less than significant similar to the project.~~

Impacts to visual effects/neighborhood character would be significant and unavoidable and slightly greater than the project due to the additional grading for the public roads. This alternative would not meet most of the basic project objectives.

Reduced Project Alternative

The purpose of the Reduced Project Alternative would be to substantially lessen transportation/circulation impacts associated with the project. As detailed in Section 5.2, *Transportation/Circulation*, the project would not result in significant direct impacts in the near-term. In the Year 2035, however, cumulatively significant impacts are identified due to reduced capacity in the regional roadway system related to a potential downgrade of Black Mountain Road to four lanes (from six lanes) and the fact that there is no funding identified to expand SR-56 to six lanes until Year 2040. As such, the project would result in cumulatively significant impacts to street segments, intersections and freeway segments associated with these two facilities.

This alternative would involve reducing the intensity of the mixed-use development such that cumulatively significant and unmitigated traffic impacts are avoided or minimized. This could be accomplished by reducing project traffic by 70% (to 5,800 ADT), which would translate to a substantially reduced contribution to cumulative impacts along the impacted segments of Black Mountain Road resulting in less than significant cumulative impacts to those street segments, whose capacity could be permanently reduced should the road widening never be completed due to the Black Mountain Ranch's request for a CPA to downgrade the road's classification or if the road widening is never implemented due to inadequate funding. This 70% reduction in trips would also reduce the project's contribution to cumulative impacts to SR-56 as well. Table 5.2-7 in Section 5.2, *Transportation/Circulation*, shows that 5,800 ADT is fewer trips than the proposed commercial uses would generate, and more trips than the office and residential would produce. Thus, the ADT reduction associated with the Reduced Project Alternative could be accomplished in any number of ways, including reducing the amount of commercial/office and/or residential development constructed on site. All other aspects of this alternative would be the same as the project, including the amount of grading required to construct the project and extend the public roads, with related impacts outlined below.

Implementation of the Reduced Project Alternative would eliminate and reduce cumulatively significant impacts to transportation/circulation but not to levels that are below significance for intersections along Black Mountain Road and SR-56 freeway segments. Identified significant impacts to land use, biological, historic resources, paleontological resources and visual effects/neighborhood character from the proposed project would remain the same under this alternative. ~~Potential noise impacts would be less than the proposed project but still significant.~~ Less than significant noise impacts and greenhouse gas emissions impacts would occur and be slightly reduced as compared to the proposed project due to the reduction in emissions sources. Because this alternative would

substantially lessen the project's development potential below levels contemplated in the Subarea Plan, it would not be consistent with most of the project objectives.

Vernal Pool Avoidance Alternative

The purpose of the Vernal Pool Avoidance Alternative would be to avoid direct impacts to the two isolated vernal pools, their watersheds and a related buffer, while still constructing a mixed-use commercial center and adjacent public roads. This alternative would involve modifying the proposed grading plan for the development area to avoid direct impacts to the vernal pools and their buffered watersheds by installing retaining walls and fencing around the resources and placing them in open space lots (similar to the No Project/Existing Entitlements Alternative). The size of the retaining walls would be greater under this alternative. Because of the locations of the existing vernal pools relative to the proposed commercial and residential (townhome) buildings, public gathering spaces, and Private Drive M, substantive design changes along the frontage of the commercial center and internal circulation network would be required to implement the Vernal Pool Avoidance Alternative. This alternative would reduce the amount of proposed commercial space (by approximately 15,905 sf) and at least one multi-family residential unit, as compared to the project. All other aspects of this alternative would be the same as the project, including extension of public roads, with related impacts outlined below.

Under the Vernal Pool Avoidance Alternative, direct impacts to vernal pools would be reduced by this alternative; however, significant direct impacts to vernal pools and other sensitive biological resources would not be avoided or substantially lessened. Indirect effects to vernal pools would be greater than under this alternative. Identified significant impacts to land use, transportation/circulation, historical resources, ~~noise~~, paleontological resources and visual effects/neighborhood character associated with this alternative would remain similar to the project. The same less than significant noise and greenhouse gas emissions impacts would also occur. Significant and unavoidable impacts to visual effects/ neighborhood character (landforms) and cumulatively significant and unmitigated impacts to transportation/circulation would still occur.

ES-5 AREAS OF CONTROVERSY/ISSUES TO BE RESOLVED

As Lead Agency, the City prepared a Scoping Letter, which was distributed with the Notice of Preparation (NOP) to all responsible and trustee agencies, as well as various governmental agencies, including the Office of Planning and Research's State Clearinghouse. The City also conducted a public scoping meeting at the Rancho Peñasquitos library, in accordance with Section 21083.9 of CEQA, on August 6, 2014. Comments on the NOP were received from members of the public, the United States Fish and Wildlife Service (USFWS), the Native American Heritage Commission (NAHC), the California Department of Fish and Wildlife (CDFW), California Department of Transportation (Caltrans), San Diego County Archaeological Society, Inc., Rincon Band of Luiseno Indians, and California Native Plant Society. Copies of the NOP, comment letters, and scoping meeting transcript are contained in Appendix A of this document.

The concerns raised during the NOP and scoping meeting process were primarily related to the compatibility of the proposed uses; the need for the public road extensions; potential traffic impacts on SR-56, including the Carmel Mountain Road overcrossing; pedestrian safety issues near SR-56 and Park Village Elementary School; potential effects on wetland resources, including jurisdictional

areas, vernal and road pools, and related mitigation; potential effects on sensitive species and wildlife corridors; possible impacts to biological resources on Del Mar Mesa Preserve; potential effects on archaeological and Native American resources; possible changes to hydrology in nearby canyons; restricting and maintaining public access to local trails; evaluation of alternatives to avoid project impacts; consideration for fire danger/public safety; and potential cumulative impacts.

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
LAND USE		
Would the proposal conflict with the environmental goals, objectives, or guidelines of the General Plan/ Community Plan in which it is located?	No mitigation measures would be required	Less than significant
Would the project require a deviation or variance and the deviation or variance would in turn result in a physical impact on the environment?	No mitigation measures would be required.	Less than significant
Would the proposal conflict with the provisions of the City's Multiple Species Conservation Program (MSCP) Subarea Plan or other approved local, regional or state habitat conservation plan?	<p>Implementation of Mitigation Measure Bio-1 <i>Biological Resource Protection During Construction</i> and Mitigation Measure Bio-3 <i>Upland Vegetation Communities</i> would mitigate most potential indirect impacts associated with grading/land development. The following mitigation is also required to mitigate land use adjacency impacts to the MHPA to below a level of significance.</p> <p>Lu-1 Land Use Adjacency Guidelines</p> <p>Prior to issuance of any construction permit or notice to proceed, Development Services Department/Land Development Review, and/or MSCP staff shall verify the Project Applicant has accurately represented the project's design in or on the Construction Documents (CDs; CDs consist of Construction Plan Sets for Private Projects and Contract Specifications for Public Projects) are in conformance with the associated discretionary permit conditions and Exhibit "A," and also the City's MSCP MHPA Land Use Adjacency Guidelines. The Project Applicant shall provide an implementing plan and include references on/in CDs of the following:</p>	Less than significant

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
LAND USE (cont.)		
	<p>A. Grading/Land Development/MHPA Boundaries: MHPA boundaries on-site and adjacent properties, including the San Diego National Wildlife Refuge, shall be delineated on the CDs. Development Services Department Planning and/or MSCP staff shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA.</p> <p>B. Drainage: The use of structural and non-structural Best Management Practices, Best Available Technology, and use of sediment catchment devices downstream of paving activities shall be used to reduce potential impacts associated with construction. The project design shall comply with the Standard Urban Stormwater Management Plan and Municipal Stormwater Permit criteria of the State Water Resources Control Board and City.</p> <p>Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the MHPA or vernal pool preserves.</p> <p>C. Toxics/Project Staging Areas/Equipment Storage: No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Provide a note in/on the CDs that states: <i>"All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."</i></p> <p>No staging/storage areas for equipment and materials shall be located within or adjacent to the MHPA or vernal pool preserves; no equipment maintenance shall be conducted within or near the MHPA or vernal pool preserves.</p>	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
LAND USE (cont.)		
	<p>No trash, oil, parking, or other construction related activities shall be allowed outside the established limits of grading. All construction related debris shall be removed off site to an approved disposal facility.</p> <p>D. Lighting: Lighting within or adjacent to the MHPA and off-site vernal pool preserve areas shall be directed away/shielded from the MHPA and be subject to City Outdoor Lighting Regulations per LDC Section 142.0740.</p> <p>E. Noise: Due to the site's location adjacent to or within the MHPA where the Qualified Biologist has identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for the following: coastal California gnatcatcher (March 1 through August 15). If construction is proposed during the breeding season for the species, a USFWS protocol survey shall be required in order to determine species presence/absence. If a protocol survey is not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring.</p> <p>Coastal California Gnatcatcher (Federally Threatened)</p> <p>Prior to the issuance of any grading permit the City Manager (or appointed designee) shall verify that the MHPA boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:</p> <p>No clearing, grubbing, grading, or other construction activities shall occur within 500 feet of the MHPA between March 1 and August 15 (gnatcatcher breeding season) until the following requirements have been met to the satisfaction of the City Manager:</p>	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
LAND USE (cont.)		
	<p>A. A Qualified Biologist (possessing a valid federal Endangered Species Act Section 10(a)(1)(A) Recovery Permit) shall survey appropriate habitat (coastal sage scrub) areas within the MHPA that lie within 500 feet of the project footprint and would be subject to construction noise levels exceeding 60 dB hourly average for the presence of the gnatcatcher. If no appropriate habitat is present, then the surveys will not be required. If appropriate habitat is present, gnatcatcher surveys shall be conducted pursuant to USFWS protocol survey guidelines within the breeding season prior to commencement of any construction. If gnatcatchers are present within the MHPA, the following conditions must be met:</p> <ul style="list-style-type: none"> I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted within the MHPA. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; <u>and</u> II. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB hourly average at the edge of occupied gnatcatcher habitat within the MHPA. An analysis showing that noise generated by construction activities would not exceed 60 dB hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to commencement of construction 	

**Table ES-1
 PROJECT IMPACTS AND PROPOSED MITIGATION**

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
LAND USE (cont.)		
	<p>activities during the breeding season, areas restricted from such activities shall be staked or fenced under supervision of a Qualified Biologist; <u>or</u></p> <p>III. At least two weeks prior to commencement of construction activities and under direction of a Qualified Acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB hourly average at the edge of habitat (within the MHPA) occupied by the gnatcatcher. Concurrent with commencement of construction activities and construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of occupied habitat area within the MHPA to ensure that noise levels do not exceed 60 dB hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Qualified Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).</p> <p>* Construction noise shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity to verify that noise levels at the edge of occupied habitat within the MHPA are maintained below 60 dB hourly average or to the ambient noise level if it already exceeds 60 dB hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels within occupied MHPA habitat to below 60 dB hourly average or to the ambient noise level if it already exceeds 60 dB</p>	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
LAND USE (cont.)		
	<p>hourly average. Such measures may include but are not limited to limitations on the placement of construction equipment and the simultaneous use of equipment.</p> <p>B. If gnatcatchers are not detected within the MHPA during the protocol survey, the Qualified Biologist shall submit substantial evidence to the City Manager and applicable wildlife agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:</p> <p style="padding-left: 20px;">I. If evidence indicates high potential for gnatcatcher presence based on historical records or site conditions, Condition A.III shall be adhered to as specified above. If evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.</p>	
TRANSPORTATION/CIRCULATION		
<p>Would the proposal result in an increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system?</p>	<p>No mitigation measures would be required for direct impacts. The following mitigation measures are required to mitigate the project's cumulatively significant impacts to intersections and street segments.</p> <p><i>Intersections.</i></p> <p>Tra-1 Camino Del Sur/SR-56 Westbound Ramps</p> <p>Prior to issuance of the first project building permit, the owner/permittee shall pay FBA fees toward the construction of <i>Torrey Highlands PFFP Project No. T-1.3</i> to provide the northbound to westbound loop on-ramp at Camino Del Sur/SR-56 Westbound Ramps, to the satisfaction of the City Engineer.</p>	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
TRANSPORTATION/CIRCULATION (cont.)		
	<p>Tra-2 Camino Del Sur/SR-56 Eastbound Ramps</p> <p>Prior to issuance of the first project building permit, the owner/permittee shall pay FBA fees toward the construction of <i>Torrey Highlands PFFP Project No. T-1.3</i> to provide the southbound to eastbound loop on-ramp at Camino Del Sur/SR-56 Eastbound Ramps, to the satisfaction of the City Engineer.</p> <p>Tra-3 Carmel Mountain Road/Black Mountain Road</p> <p>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.</p> <p>Tra-4 Black Mountain Road/SR-56 Westbound Ramps</p> <p>Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (17.7%) toward the unfunded portion of <i>Rancho Peñasquitos PFFP Project No. T-2D</i> (corresponding <i>Black Mountain Ranch PFFP Project No. T-57</i>, <i>Pacific Highlands Ranch PFFP Project No. T-11.1</i>) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its ultimate classification as a Six-Lane Primary Arterial, to the satisfaction of the City Engineer. This improvement shall include the restriping of the temporary striping on Black Mountain Road overpass at SR-56 to provide three (3) thru lanes in the northbound direction, to the satisfaction of the City Engineer.</p>	<p>Cumulatively significant and unmitigated due to timing of 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</p>

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
TRANSPORTATION/CIRCULATION (cont.)		
	<p><i>Tra-5 Black Mountain Road/SR-56 Eastbound Ramps</i></p> <p>Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (25.2%) toward the unfunded portion of <i>Rancho Peñasquitos PFFP Project No. T-2D</i> (corresponding <i>Black Mountain Ranch PFFP Project No. T-57, Pacific Highlands Ranch PFFP Project No. T-11.1</i>) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its ultimate classification as a Six-Lane Primary Arterial to the satisfaction of the City Engineer. This would include the restriping of the temporary striping on Black Mountain Road overpass at SR 56 to provide three (3) thru lanes in the northbound direction, to the satisfaction of the City Engineer.</p> <p><i>Tra-6 Black Mountain Road/Park Village Road</i></p> <p>Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (36.1%) toward the unfunded portion of <i>Rancho Peñasquitos PFFP Project No. T-2D</i> (corresponding <i>Black Mountain Ranch PFFP Project No. T-57, Pacific Highlands Ranch PFFP Project No. T-11.1</i>) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its ultimate classification as a six-lane primary arterial, to the satisfaction of the City Engineer.</p> <p><i>Street Segments.</i></p> <p><i>Tra-7 Black Mountain Rd from SR-56 Eastbound Ramps to Park Village Road</i></p> <p>Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (35.9%) toward the unfunded portion of <i>Rancho Peñasquitos PFFP Project No. T-2D</i> (corresponding <i>Black Mountain Ranch PFFP Project No. T-57, Pacific Highlands Ranch PFFP Project No. T-11.1</i>) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its</p>	<p>Peñasquitos PFFP Project No. T-2D as part of Black Mountain Ranch CPA</p>

**Table ES-1
 PROJECT IMPACTS AND PROPOSED MITIGATION**

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
TRANSPORTATION/CIRCULATION (cont.)		
<p>Would the proposal result in the addition of a substantial amount of traffic to a congested freeway segment, interchange, or ramp?</p>	<p>ultimate classification as a six-lane primary arterial, to the satisfaction of the City Engineer.</p> <p>Tra-8 Black Mountain Rd from Park Village Rd to Mercy Rd</p> <p>Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (37.4%) toward the unfunded portion of <i>Rancho Peñasquitos PFFP Project No. T-2D</i> (corresponding <i>Black Mountain Ranch PFFP Project No. T-57</i>, <i>Pacific Highlands Ranch PFFP Project No. T-11.1</i>) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its ultimate classification as a six-lane primary arterial, to the satisfaction of the City Engineer.</p> <p><i>Freeway Mainline Segments.</i></p> <p>Tra-9 SR-56 from Carmel Valley Road to Black Mountain Road (Eastbound and Westbound)</p> <p>Prior to issuance of the first project building permit, the owner/permittee shall pay FBA fees toward the construction of the <i>Torrey Highlands PFFP Project No. T-1.2B</i> to expand SR-56 from I-5 to I-15 to a six-lane freeway, to the satisfaction of the City Engineer.</p> <p><i>Freeway Ramp Metering.</i> No mitigation measures would be required because less than significant impacts are identified.</p>	<p>Cumulatively significant and unmitigated due to timing of Torrey Highlands PFFP Project No. T-1.2B</p>

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
TRANSPORTATION/CIRCULATION (cont.)		
Would the proposal have a substantial impact upon existing or planned transportation systems?	Mitigation Measures Tra-1 through Tra-9 would partially mitigate cumulatively significant impacts to planned transportation systems.	Cumulatively significant and unmitigated due to timing of Torrey Highlands PFFP Project No. T-1.3 and Project No. T-1.2B, lack of adequate funding in the PFFP and removal of Rancho Peñasquitos PFFP Project No. T-2D (i.e., Black Mountain Project No. T-11.1) as part of Black Mountain Ranch CPA.
Would the proposal result in substantial alterations to present circulation movements including effects on existing public access areas?	No mitigation measures would be required.	Less than significant
Would the proposal conflict with adopted policies, plans or programs supporting alternative transportation modes?	No mitigation measures would be required.	Less than significant

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES		
<p>Would the proposal result in substantial adverse impacts, either directly or through habitat modifications, to any species identified as a candidate, sensitive or special status species in the MSCP or other local or regional plans, policies or regulations, of by the CDFW or USFWS?</p>	<p>Bio-1 Biological Resource Protection During Construction</p> <p>I. Prior to Construction</p> <p>Biologist Verification: The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination section stating that a Project Biologist (Qualified Biologist), as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project. The Qualified Biologist shall monitor, as is feasible, for the presence of sensitive animal species and shall, if practicable, direct or move these animals out of harm's way (i.e., to a location of suitable habitat outside the impact footprint).</p> <p>Pre-construction Meeting: The Qualified Biologist shall attend a pre-construction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.</p> <p>Biological Documents: The Qualified Biologist shall submit all required documentation to Mitigation Monitoring Coordination verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, MSCP, ESL Ordinance, project permit conditions; CEQA; endangered species acts; and/or other local, State or federal requirements.</p>	<p>Less than significant</p>

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<p>Biological Construction Mitigation/Monitoring Exhibit: The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit which includes the biological documents in C, above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements, avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City Assistant Deputy Director/Mitigation Monitoring Coordination. The Biological Construction Mitigation/Monitoring Exhibit shall include a site plan, written and graphic depiction of the project’s biological mitigation/monitoring program, and a schedule. The Biological Construction Mitigation/Monitoring Exhibit shall be approved by Mitigation Monitoring Coordination and referenced in the construction documents.</p> <p>Resource Delineation: Prior to construction activities including the erection of any permanent fencing (e.g., around the four vernal pool preserves adjacent to the project), the Qualified Biologist shall supervise the placement of silt and orange construction fencing or equivalent along the limits of disturbance and verify compliance with any other project conditions as shown on the Biological Construction Mitigation/ Monitoring Exhibit. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora and fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site. <u>Temporary construction fencing shall be removed upon construction completion.</u></p>	

**Table ES-1
 PROJECT IMPACTS AND PROPOSED MITIGATION**

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<p>Education: Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).</p> <p>II. During Construction</p> <p>Monitoring: All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on “Exhibit A” and/or the Biological Construction Mitigation/Monitoring Exhibit. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record. The Consultant Site Visit Record shall be e-mailed to Mitigation Monitoring Coordination on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.</p> <p>Subsequent Resource Identification: The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna on site (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, State or federal regulations have been determined and applied by the Qualified Biologist.</p>	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<p>III. Post Construction</p> <p>In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL Ordinance and MSCP, CEQA, and other applicable local, State and federal laws. The Qualified Biologist shall submit a final Biological Construction Mitigation/Monitoring Exhibit/report to the satisfaction of the City Assistant Deputy Director/Mitigation Monitoring Coordination within 30 days of construction completion.</p> <p><i>Sensitive Vegetation Communities</i></p> <p>Bio-2 Sensitive Natural Communities</p> <p><u>Vernal Pools and Road Pools</u></p> <p>Prior to the issuance of the first construction and/or grading permit, impacts, impacts to vernal pools and road pools shall be mitigated through off-site re-establishment of vernal pool habitat <u>in accordance with a vernal pool mitigation plan approved by the City, USFWS, and CDFW. The mitigation shall occur at a 3:1 ratio.</u> Vernal/road pool impacts and their associated mitigation requirements for both the Mixed-Use Development and roadway project components are presented together in Table 5.3-6, <i>Mitigation for Impacts to Vernal/Road Pools</i>. The mitigation for the Mixed-Use vernal pool impacts and the Public Road vernal pool and road pool impacts is proposed to occur at a City-owned parcel on Del Mar Mesa (see Figure 7, <i>Vernal Pool Mitigation Site</i>, in Appendix C1 of the Biological Technical Report). In total, the project requires 0.123 acre of vernal pool mitigation. The proposed effort on the City-owned parcel would, however, provide 0.193 acre of created vernal pool habitat. This would leave</p>	

**Table ES-1
 PROJECT IMPACTS AND PROPOSED MITIGATION**

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<p>approximately 0.070 acre of surplus vernal pool surface area that could be used by the City as mitigation for other City projects. Additionally, the Applicant will enhance an existing vernal pool (0.021 acre) as part of the overall effort on the City-owned parcel. The creation of surplus vernal pool habitat and enhancement of the existing vernal pool are being conducted to compensate for the use of City-owned land for private (i.e., the Mixed-Use) mitigation. The final mitigation, however, shall be determined through consultation with the City and USFWS <u>and a final vernal pool mitigation plan shall be submitted to the USFWS for approval within 120 days of the Applicant receiving the final Biological Opinion.</u></p> <p>Upon completion of the mitigation, there shall be a five-year maintenance and monitoring period to ensure successful habitat creation followed by implementation of a long-term habitat management plan <u>approved by the City.</u> The mitigation shall, at a minimum, replace the functions and services lost through impacts to vernal and road pools from the project. All of the pools also shall support reproducing populations of San Diego fairy shrimp. With the completed mitigation, it is expected that functions and services (water filtration, sensitive wildlife and plant habitat, etc.) would be greater in the mitigation pools than in the impacted pools by the end of the five-year mitigation effort. This realization of target functions and values shall be documented by conducting quantitative and qualitative analyses throughout the five-year monitoring period.</p> <p>Long-term management (after the five-year maintenance and monitoring period) and funding of the City roadway portion of the vernal pool mitigation area would be the responsibility of the City. Long-term management and funding of the</p>	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<p>Mixed-Use vernal pool mitigation area would be the responsibility of owner/permittee to prepare a Property Analysis Record and provide an endowment to ensure adequate long-term funding for the Mixed-Use vernal pool mitigation component. Long-term management and funding of the surplus pools would be determined through consultation between the City and owner/permittee. Actual management activities would be implemented by the City and/or a third-party entity approved and authorized by the City.</p> <p>All mitigation for impacts to vernal pools, road pools (and San Diego fairy shrimp) shall occur as defined in the final permits/authorizations to be issued by the Corps, USFWS, and City prior to issuance of grading permits.</p> <p><u>Other Wetland/Riparian Areas</u></p> <p>The northern portion of Camino Del Sur would impact a total of 0.5 acre of wetland/riparian habitat (other than vernal pool, i.e., southern willow scrub, mule fat scrub, and freshwater marsh; Table 5.3-1). Prior to the issuance of the first construction and/or grading permit, mitigation for these impacts shall be met through off-site re-establishment of wetland habitat at a 3:1 ratio (1.5 acres of mitigation for these impacts). The proposed mitigation site is located along the creek in McGonigle Canyon approximately 1.5 miles northwest of the project (See Figure 8, <i>Off-Site Wetland/Riparian Mitigation Site</i>, in Appendix C1). The mitigation site supports existing wetland habitat along the creek and is located within the MHPA. The mitigation shall include widening the creek to the south in an area that has been filled and used for agricultural purposes.</p>	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<p>The mitigation area shall be constructed specifically for the Camino Del Sur portion of the City's roadway project component and shall not be a part of any current or proposed future mitigation banking agreement. The total acreage to be re-established at this location is 1.58 acres, which includes the 1.5 acres required for this wetland/riparian habitat mitigation plus an additional 0.08 acre required for impacts to non-wetland streambeds as described in Mitigation Measure Bio-8, <i>Jurisdictional Areas</i>.</p> <p>Wetland/riparian habitat shall be re-established by expanding the width of the existing creek and creating a mosaic of site-appropriate wetland/riparian associated habitats through the installation of a broad species mix. The habitats to become established are anticipated to range from freshwater marsh adjacent to the central portions of the channel that experience steady water flows, to riparian scrub and forest habitats along the periphery of the wetland mitigation area. As with the vernal pool mitigation discussed above, the wetland mitigation effort shall include a five-year maintenance and monitoring period, a long-term HMP, and an endowment to provide long-term management funding. See Appendix C1 for additional details.</p> <p>All mitigation for the impacts shall occur as defined in the final permits/authorizations to be issued by the Corps, CDFW, USFWS, and City prior to issuance of grading permits.</p> <p>Bio-3 Upland Vegetation Communities</p> <p>Prior to the issuance of the first construction and/or grading permit, mitigation for direct impacts to 61.2 acres of sensitive upland vegetation communities and Nuttall's scrub oak shall be accomplished through preservation of a minimum of</p>	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<p>51.8 acres of suitable habitat/mitigation credit. The impacts and potential mitigation ratios and acreages are presented in Table 5.3-7, <i>Mitigation for Impacts to Sensitive Upland Vegetation Communities from the Mixed-Use Development</i>, and Table 5.3-8, <i>Mitigation for Impacts to Sensitive Upland Vegetation Communities from the Public Roads</i>, are based on Table 3, Upland Mitigation Ratios of the City's Biology Guidelines and the Torrey Highlands Subarea Plan (THSP) for impacts on the Merge 56 Development site.</p> <ul style="list-style-type: none"> The Applicant shall meet the 32.7-acre upland mitigation requirement for the Mixed-Use Development through the assignment of credits in the Deer Canyon Mitigation Bank, and/or the purchase of credits in the City's Marron Valley Cornerstone Lands Mitigation Bank and/or the acquisition of land available at the Crescent Heights site owned by Pardee Homes <u>and/or the acquisition of land available in the East Elliot community</u>. Any MHPA land acquired from Pardee Homes <u>or others</u> for project mitigation would be dedicated in fee title to the City of San Diego. Conveyance of any land in fee title to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director. Final mitigation compliance may be a combination of these three options; would be dependent upon credit/land availability; and would be subject to City and wildlife agency approval prior to issuance of the first grading permit. Mitigation for Camino Del Sur impacts to scrub oak chaparral (a Tier I habitat) shall be met through use of 1.7 acre of credits in the Deer Canyon Mitigation Bank in the MHPA west of the project that have been allocated by Mr. Keith Rhodes for the "Rhodes Crossing Project." The 	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<p>Deer Canyon Mitigation Bank has 13.81 acres of remaining Tier I mitigation credits that were previously allocated and currently owned by Mr. Keith Rhodes.</p> <ul style="list-style-type: none"> The remaining 17.4 acres of mitigation for Camino Del Sur and Carmel Mountain Road impacts to Tier II and Tier III habitats shall occur at the Anderprizes mitigation site (in the City of San Diego) in accordance with the Conservation Credit Agreement among SANDAG and other signatories for regional transportation projects and local streets and roads (SANDAG et al. 2014). The Anderprizes mitigation site has 5.76 acres of Tier I and 24.88 acres of Tiers II and III mitigation credits available (SANDAG et al. 2014). <p><i>Sensitive Plant Species</i></p> <p>Direct impacts to Nuttall's scrub oak, summer holly, and spine shrub shall be mitigated through preservation of habitat prescribed in Mitigation Measure Bio-3. The Deer Canyon Mitigation Bank supports Nuttall's scrub oak, summer holly and spine shrub (Recon Environmental, Inc. 2015; CNDDDB 2015).</p> <p><i>Sensitive Wildlife Species</i></p> <p>Bio-4 San Diego Fairy Shrimp</p> <p>Prior to the issuance of the first construction and/or grading permit, mitigation for direct impacts to San Diego fairy shrimp in two vernal pools located on the Mixed-Use Development site and direct impacts to San Diego fairy shrimp designated Critical Habitat shall be determined through consultation with the USFWS through a Section 7 Consultation with the Corps and addressed in an amended and/or new Biological Opinion.</p>	

**Table ES-1
 PROJECT IMPACTS AND PROPOSED MITIGATION**

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<p>Mitigation for impacts to the San Diego fairy shrimp shall be met through vernal pool habitat creation/enhancement in the off-site mitigation identified in Mitigation Measure Bio-2, <i>Sensitive Natural Communities</i>. All of the created pools shall support reproducing populations of San Diego fairy shrimp as part of the vernal pool mitigation effort. The mitigation shall be conducted in accordance with a mitigation plan to be approved by the USFWS and City prior to issuance of grading permits.</p> <p>The following measures shall also be implemented to protect San Diego fairy shrimp and its habitat in the off-site vernal pool preserves adjacent to the project. Additional measures to protect San Diego fairy shrimp and its habitat in the off-site vernal pool preserves adjacent to the project are listed below in Mitigation Measure Bio-8.</p> <ul style="list-style-type: none"> • <u>A Biological Monitor shall be on site full time during initial grading near the vernal pool preserves and throughout the remaining grading/excavation activities at a minimum frequency of three times per week to ensure that grading limits are observed.</u> • <u>The Biological Monitor will periodically monitor the vernal pool preserves and adjacent habitats for excessive amounts of dust (i.e., if a visible film of dust is observed on the surface or on adjacent plants) and will recommend remedial measures to address dust control if necessary.</u> • <u>No staging/storage areas for equipment and materials shall be located within or adjacent to the vernal pool preserves; no equipment maintenance shall be conducted within or near the vernal pool preserves.</u> 	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<ul style="list-style-type: none"> • <u>Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or installation of sediment traps shall be used to control erosion and deter drainage during construction activities into the vernal pool preserves.</u> • <u>No trash, oil, parking, or other construction-related activities shall be allowed outside the established limits of grading. All construction-related debris shall be removed off site to an approved disposal facility. The Applicant shall submit documentation to the USFWS prior to the initiation of project construction demonstrating that the distribution of San Diego fairy shrimp has not changed from the baseline (i.e., the number and distribution of pools occupied by San Diego fairy shrimp has not changed from the condition described in the amended or new Biological Opinions since the most recent survey completed for the project). Pools already occupied do not need to be re-surveyed; however, pools and project areas supporting suitable habitat conditions shall be re-assessed and re-surveyed to protocol standards.</u> • <u>A Qualified Biologist approved by the USFWS and the City shall oversee installation of fencing and erosion control measures within or up-slope of off-site vernal pool preserves a minimum of once per week and daily during all rain events to ensure that any breaks in the fence or erosion control measures are repaired immediately.</u> • <u>The Applicant shall submit to the USFWS for approval, at least 30 days prior to initiating project grading, the final plans for initial clearing and grubbing of sensitive habitat and project construction. These final plans</u> 	

**Table ES-1
 PROJECT IMPACTS AND PROPOSED MITIGATION**

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<p>shall include photographs that show the fenced limits of impacts and the fenced limits of all areas to be avoided. <u>If work occurs beyond the fenced or demarcated limits of impact, all work will cease until the problem has been remedied to the satisfaction of the USFWS.</u> The Qualified Biologist shall be on the project site during clearing and grubbing of suitable habitat for the San Diego fairy shrimp, including all Critical Habitat, and any occupied habitat within 200 feet of the grading limits. The Qualified Biologist shall conduct weekly site visits during rough grading to ensure that the grading limits have been respected and compliance with all mitigation has been achieved.</p> <ul style="list-style-type: none"> • The Qualified Biologist shall be knowledgeable of vernal pool species. The Applicant shall submit the Qualified Biologist’s name, address, telephone number, and work schedule on the project to the USFWS and the City at least seven days prior to initiating impacts. • The Qualified Biologist shall halt work, if necessary, and confer with the USFWS to ensure the proper implementation of San Diego fairy shrimp and habitat protection measures. The Qualified Biologist shall also report any violation to the USFWS within 24 hours of its occurrence. • The Qualified Biologist shall implement a contractor training program to ensure compliance with the mitigation measures to avoid and minimize incidental take of San Diego fairy shrimp. • The Qualified Biologist shall submit: <ul style="list-style-type: none"> ○ Monthly letter reports (including photographs of impacted areas) to the USFWS during project construction within 200 feet of 	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<p>avoided San Diego fairy shrimp habitat. The monthly reports shall document that authorized impacts were not exceeded, and general compliance with all conditions was met.</p> <ul style="list-style-type: none"> o A final report to the USFWS within 60 days of project completion that includes as-built construction drawings with an overlay of pools that were impacted or remain off site, photographs of the off-site pools, and other relevant information documenting that incidental take was not exceeded and that general compliance with the project as described in the amended Biological Opinion, including all mitigation measures, was achieved. <p>Bio-5 Coastal California Gnatcatcher</p> <p>Prior to the issuance of the first construction and/or grading permit, direct impacts to the coastal California gnatcatcher shall be mitigated through acquisition and preservation of Diegan coastal sage scrub habitat in accordance with Mitigation Measure Bio – 3. Potential indirect impacts to the coastal California gnatcatcher from noise shall be mitigated through the implementation of Mitigation Measure LU-1.</p> <p>Bio-6 San Diego Black-tailed Jackrabbit and Sensitive Animal Species with Moderate to High Potential to Occur</p> <p>Potential direct impacts to the San Diego black-tailed jackrabbit, silvery legless lizard, Coronado skink, Bell's sage sparrow, California horned lark, Dulzura pocket mouse, and northwestern San Diego pocket mouse shall be mitigated through Biological Projection During Construction Bio-1 and acquisition and preservation of habitat in accordance with Mitigation Measure Bio-3.</p>	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<p><u>Additionally, all steep-walled trenches or excavations created during project construction shall be covered, except when being actively used, to prevent entrapment of wildlife (e.g., reptiles and small mammals). If trenches cannot be covered, exclusion fencing shall be installed around the trench or excavation. Open trenches or other excavations shall be inspected by a qualified biologist a minimum of three times per day and immediately before backfilling. Any entrapped wildlife shall be removed and relocated to a safe location by the qualified biologist. Also, if any native, vertebrate species is found in the path of construction, the biologist shall make every effort to relocate it to a safe location. Exclusionary devices, as necessary, shall be erected to prevent the migration into or the return of the species into the work area.</u></p> <p>Bio-7 Raptor Foraging Habitat</p> <p>Prior to the issuance of the first construction and/or grading permit, impacts to raptor foraging habitat shall be mitigated through acquisition and preservation of non-native grassland, in accordance with Mitigation Measure Bio-3.</p>	
<p>Would the proposal result in a substantial adverse impact on any Tier I, Tier II, Tier IIIA or Tier IIIB habitats as identified in the Biology Guidelines of the Land Development Code or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?</p>	<p>Impacts to sensitive habitat identified in the Biology Guidelines and MSCP Subarea Plan shall be mitigated through the implementation of Mitigation Measures Bio-1, Bio-2 and Bio-3.</p>	<p>Less than significant</p>

**Table ES-1
 PROJECT IMPACTS AND PROPOSED MITIGATION**

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
<p>Would the proposal result in a substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pools, riparian areas, etc.) through direct removal, filling, hydrological interruption, or other means?</p>	<p>Implementation of Mitigation Measure Bio – 2 <i>Sensitive Natural Communities</i> shall be required to mitigate impacts to vernal pools/road pools and wetland/riparian areas. The following additional mitigation is also required to mitigate impacts to non-wetland, jurisdictional streambeds.</p> <p>Bio-8 Jurisdictional Areas</p> <p>Prior to the issuance of the first construction and/or grading permit, impacts to 0.05 acre of non-wetland, federal and State jurisdictional streambeds (non-City jurisdictional) from the southern portion of Camino Del Sur shall be mitigated through the use of credits at the El Cuervo Norte Wetland Mitigation Site in Los Peñasquitos Canyon Preserve. The City pursued and completed the El Cuervo Norte habitat restoration effort in order to meet agency jurisdictional mitigation requirements for several City projects, including Camino Del Sur. A total of 0.08 acre of creation credits and 0.01 acre of enhancement credit was set aside for Camino Del Sur (south) impacts (i.e., from Carmel Mountain Road to 1,600 feet North of Park Village Road, which is the same area analyzed in this report). The acreage set aside was based on the impacts from Camino Del Sur (four lanes; 0.07 acre) analyzed in the Final EIR for Camino Del Sur (City 2005). The proposed southern extension of Camino Del Sur as part of the project would be two lanes. The mitigation site received final sign-off from the Corps on July 7, 2010 following the five-year maintenance and monitoring period.</p> <p>Given that the El Cuervo project has been completed well in advance of the project impacts (no temporal loss), and that the current project impacts (0.05 acre) are reduced from those approved previously (0.07 acre), a 1:1 mitigation ratio is considered appropriate. The 0.03 acre of surplus creation credit and 0.01 acre of remaining enhancement credit available at El Cuervo Norte would be available for other City projects (e.g., Camino Del Sur [north]). The suitability of</p>	<p>Less than significant</p>

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<p>this previously completed mitigation effort shall be determined and verified by the Corps, CDFW, and RWQCB as part of the jurisdictional permit process. Camino Del Sur (North) would impact 0.04 acre of non-wetland, federal and State jurisdictional streambed (non-City jurisdictional). Mitigation for this impact shall occur at a 2:1 ratio (0.08 acre) through off-site creation of wetland/riparian habitat along the creek in McGonigle Canyon as described in Mitigation Measure Bio- 2. A total of 1.58 acres of wetland habitat shall be created at this location for Camino Del Sur (north) impacts to wetlands (1.5 acres created; see Mitigation Measure Bio - 2) and non-wetland streambeds (0.08 acre created per this measure, Mitigation Measure Bio-8). Mitigation Measure Bio - 4 shall also be implemented to avoid or minimize potential indirect impacts to off-site vernal pool preserves. Additional measures contained in the Land Use Adjacency Guidelines to protect the adjacent MHPA from indirect edge effects would also provide protection for these off-site vernal pool preserves.</p> <p>The following measure is also required.</p> <p>Prior to any construction-related activities that would impact jurisdictional areas (including earthwork and fencing), the Applicant shall schedule a pre-construction meeting with Mitigation Monitoring Coordination and submit to the Development Services Department written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the pre-construction meeting for that phase of work. The Applicant shall provide evidence of the following to the City Manager:</p> <ul style="list-style-type: none"> A. Compliance with the Corps Section 404 permit; B. Compliance with the Regional Water Quality Control Board Section 401 Water Quality certification; and, C. Compliance with the CDFW Section 1601-1603 SAA. 	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
	<p><u>Bio-9 Vernal Pool Protection During and After Construction</u></p> <p><u>Construction monitoring shall be conducted throughout the rainy season by a Qualified Biologist during grading of the public roads in the vicinity of the off-site vernal pool preserves and for the 3 years following road construction. Monitoring shall consist of observing the hydrological characteristics (i.e., ponding) of the off-site vernal pool preserves during and post-construction. In the event that sufficient rainfall to demonstrate adequate ponding does not occur during the 3 years following project construction, monitoring shall continue in 1-year increments, to a maximum of 5 years after the completion of road construction. A monitoring report shall be submitted to the USFWS by September 1 following each monitoring season. If monitoring within the prescribed monitoring period detects impacts to the ponding of the off-site vernal pools from construction and/or operation of the project, the project applicant shall implement remedial measures to eliminate and repair observed hydrologic changes, to the satisfaction of the USFWS and CDFW.</u></p>	
<p>Would the proposal interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP Plan, or impede the use of native wildlife nursery sites?</p>	<p>No mitigation measures would be required.</p>	<p>Less than significant</p>

**Table ES-1
 PROJECT IMPACTS AND PROPOSED MITIGATION**

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
Would the proposal result in a conflict with the provisions of an adopted Habitat HCP, NCCP, or other approved local, regional, or State HCP, either within the MSCP plan area or in the surrounding region?	Implementation of Mitigation Measures Bio-2 through Bio-89 would be 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.	Less than significant
Would the proposal introduce a land use within an area adjacent to the MHPA that would result in adverse edge effects?	Impacts from edge effects related to Grading/Land Development, Drainage and Toxics, Lighting and Noise on the MHPA shall be mitigated by Mitigation Measure LU-1 which requires compliance with applicable requirements in the Land Use Adjacency Guidelines.	Less than significant
Would the proposal result in a conflict with any local policies or ordinances protecting biological resources?	No mitigation measures would be required.	Less than significant
Would the proposal result in the introduction of invasive species of plants into natural open space areas?	No mitigation measures would be required.	Less than significant

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES		
<p>Would the proposal result in an alteration, including the adverse physical or aesthetic effects and/or destruction of a prehistoric or historic building (including an architecturally significant building), structure, object or site?</p>	<p><i>Hist-1 Unknown Subsurface Resources</i></p> <p>The following measures shall be implemented prior to issuance of construction permits, prior to the start of construction, during construction and after construction within 100 feet of the two previously recorded sites (i.e., SDI-13078 and SDI-13077H) on the Merge 56 Development Project site, within the right-of-way for Camino Del Sur and within the eastern trail alignment to Darkwood Canyon:</p> <p>I. Prior to Permit Issuance</p> <p>A. Entitlements Plan Check</p> <p>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 Archaeological Monitoring and Native American monitoring have been noted on the appropriate construction documents.</p> <p>B. Letters of Qualification have been submitted to ADD</p> <p>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 archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.</p>	<p>Less than significant</p>

**Table ES-1
 PROJECT IMPACTS AND PROPOSED MITIGATION**

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.</p> <p>3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.</p> <p>II. Prior to Start of Construction</p> <p>A. Verification of Records Search</p> <p>1. The PI shall provide verification to MMC that a site-specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.</p> <p>2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.</p> <p>3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.</p> <p>B. PI Shall Attend Precon Meetings</p> <p>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</p>	

**Table ES-1
 PROJECT IMPACTS AND PROPOSED MITIGATION**

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.</p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> 2. Identify Areas to be Monitored <ol style="list-style-type: none"> a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. b. The AME 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 <ol style="list-style-type: none"> 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 	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.</p> <p>III. During Construction</p> <p>A. Monitor(s) Shall be Present During Grading/Excavation/Trenching</p> <ol style="list-style-type: none"> 1. The Archaeological Monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. 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 PMEAME. 2. <u>The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.</u> 	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.</p> <p>3. <u>The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.</u></p> <p>34. <u>The archaeological and Native American consultant/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.</u></p> <p>B. Discovery Notification Process</p> <ol style="list-style-type: none"> 1. In the event of a discovery, the Archaeological 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. 	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>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.</p> <p>4. <u>No soil shall be exported off-site until a determination can be made regarding the significance of the resources, specifically if Native American resources are encountered.</u></p> <p>C. Determination of Significance</p> <p>1. The PI and Native American <u>consultant/monitor, where Native American resources are discovered,</u> shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.</p> <p>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.</p> <p>b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP), <u>which has been reviewed by the Native American consultant/monitor,</u> 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.</p> <p>c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.</p>	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>IV. Discovery of Human Remains</p> <p>If human remains are discovered, work shall halt in that area and the following procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:</p> <p>A. Notification</p> <ol style="list-style-type: none"> 1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS). 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone. <p>B. Isolate Discovery Site</p> <ol style="list-style-type: none"> 1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains. 2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience. 3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin. 	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>C. If Human Remains ARE determined to be Native American</p> <ol style="list-style-type: none"> 1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call. 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information. 3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with the California Public Resource and Health & Safety Codes. 4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods. 5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF: <ol style="list-style-type: none"> a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR; b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner. 	

**Table ES-1
 PROJECT IMPACTS AND PROPOSED MITIGATION**

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>c. In order to protect these sites, the Landowner shall do one or more of the following:</p> <ul style="list-style-type: none"> (1) Record the site with the NAHC; (2) Record an open space or conservation easement on the site; (3) Record a document with the County. <p>d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.</p> <p>D. If Human Remains are NOT Native American</p> <ul style="list-style-type: none"> 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial. 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98). 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man. 	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>V. Night and/or Weekend Work</p> <p>A. If night and/or weekend work is included in the contract</p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> 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 of the next business day. b. Discoveries. All discoveries shall be processed and documented using the existing procedures detailed in Sections III, During Construction, and IV, Discovery of Human Remains. 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 of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made. <p>B. If night and/or weekend work becomes necessary during the course of construction</p> <ol style="list-style-type: none"> 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. 	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<p>C. All other procedures described above shall apply, as appropriate.</p> <p>VI. Post Construction</p> <p>A. Preparation and Submittal of Draft Monitoring Report</p> <p>1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,</p> <p style="padding-left: 20px;">a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.</p> <p style="padding-left: 20px;">b. Recording Sites with State of California Department of Parks and Recreation</p> <p style="padding-left: 40px;">The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.</p> <p>2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.</p>	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	<ol style="list-style-type: none"> 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. <p>B. Handling of Artifacts</p> <ol style="list-style-type: none"> 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate. 3. The cost for curation is the responsibility of the property owner. <p>C. Curation of artifacts: Accession Agreement and Acceptance Verification</p> <ol style="list-style-type: none"> 1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. THIS WOULD ALSO REQUIRE THE INCLUSION OF ALL PRIOR ARCHAEOLOGICAL WORK CONDUCTED WHERE MATERIALS WERE COLLECTED IN 1996 BY PIGNIOLO, AND 2003 BY BFSA AND 2012 BY ASM. REFER TO HISTORICAL RESOURCES (CULTURAL RESOURCES/CURATION AND FINAL REPORT PREPARATION OF PREVIOUS ARCHAEOLOGICAL WORK CONDUCTED MMRP CONDITION). This shall be completed in consultation with MMC and the Native American representative, as applicable. 	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HISTORICAL RESOURCES (cont.)		
	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 one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy 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 and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC, which includes the Acceptance Verification from the curation institution.	
Would the proposal result in any impact to existing religious or sacred uses within the potential impact area?	Implementation of Mitigation Measure Hist-1 would be required to address unknown subsurface resources on the project site.	Less than significant
Would the proposal result in the disturbance of any human remains, including those interred outside of formal cemeteries?	Implementation of Mitigation Measure Hist-1 would be required to address unknown subsurface resources on the project site.	Less than significant

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGICAL RESOURCES		
<p>Would the proposal require over 1,000 cubic yards of excavation in a high resource potential geologic deposit/formation/rock unit?</p>	<p><i>Paleo-1 Moderate to High Sensitivity Formations</i></p> <p>The following mitigation measures contain project conditions that have been developed by the City to reduce potential paleontological impacts to below a level of significance. These requirements comprise a comprehensive program to address potential impacts to moderate to high-sensitivity paleontological resources associated with the Linda Vista Formation, Mission Valley Formation, Stadium Conglomerate and Friars Formation, and are consistent with standard programs employed at other sites in the City. Implementation of these mitigation measures would allow preservation and future scientific study of any important paleontological resources encountered, thereby reducing impacts to below a level of significance.</p> <p>I. Prior to Permit Issuance</p> <p>A. Entitlements Plan Check</p> <ol style="list-style-type: none"> 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. <p>B. Letters of Qualification have been submitted to ADD</p> <ol style="list-style-type: none"> 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. 	<p>Less than significant</p>

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGICAL RESOURCES (cont.)		
	<ol style="list-style-type: none"> 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. <p>II. Prior to Start of Construction</p> <p>A. Verification of Records Search</p> <ol style="list-style-type: none"> 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. <p>B. PI Shall Attend Precon Meetings</p> <ol style="list-style-type: none"> 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. 	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGICAL RESOURCES (cont.)		
	<ol style="list-style-type: none"> 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 <ol style="list-style-type: none"> 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. 	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGICAL RESOURCES (cont.)		
	<p>III. During Construction</p> <p>A. Monitor Shall be Present During Grading/Excavation/Trenching</p> <ol style="list-style-type: none"> 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. <p>B. Discovery Notification Process</p> <ol style="list-style-type: none"> 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. 	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGICAL RESOURCES (cont.)		
	<ol style="list-style-type: none"> 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. <p>C. Determination of Significance</p> <ol style="list-style-type: none"> 1. The PI shall evaluate the significance of the resource. <ol style="list-style-type: none"> 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. 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. 	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGICAL RESOURCES (cont.)		
	<p>IV. Night and/or Weekend Work</p> <p>A. If night and/or weekend work is included in the contract</p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> 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 CSV 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. <p>B. If night work becomes necessary during the course of construction</p> <ol style="list-style-type: none"> 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. 	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGICAL RESOURCES (cont.)		
	<p>C. All other procedures described above shall apply, as appropriate.</p> <p>V. Post Construction</p> <p>A. Preparation and Submittal of Draft Monitoring Report</p> <p>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,</p> <p>a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.</p> <p>b. Recording Sites with the San Diego Natural History Museum</p> <p>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.</p> <p>MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.</p>	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGICAL RESOURCES (cont.)		
	<p>The PI shall submit revised Draft Monitoring Report to MMC for approval. MMC shall provide written verification to the PI of the approved report.</p> <p>MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.</p> <p>B. Handling of Fossil Remains</p> <ol style="list-style-type: none"> 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. <p>C. Curation of fossil remains: Deed of Gift and Acceptance Verification</p> <ol style="list-style-type: none"> 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. <p>D. Final Monitoring Report(s)</p> <ol style="list-style-type: none"> 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. 	

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGICAL RESOURCES (cont.)		
	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.	
Would the proposal require over 2,000 cubic yards of excavation in a moderate resource potential geologic deposit/formation/rock unit?	Implementation of Mitigation Measure Paleo-1 would be required to address buried fossil resources on the project site.	Less than significant
NOISE		
Would the proposal result in or create a significant increase in the existing ambient noise levels?	No mitigation measures would be required.	Less than significant
Would the proposal result in the exposure of people to future transportation noise levels which exceed standards established in the General Plan?	<u>No mitigation measures would be required.</u> Noi – 1 Interior Noise Levels Prior to issuance of a residential building permit for lots fronting Private Drive M, Camino Del Sur, Carmel Mountain Road and SR-56, an exterior to interior noise analysis shall be completed once the architectural floor plans are available, to determine if the related interior noise standard of 45 dBA CNEL is met. Appropriate noise attenuation measures identified in the interior noise analysis shall be incorporated into the project design to ensure compliance with the General Plan Noise Element Land Use – Noise Compatibility Guidelines.	Less than significant

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
GREENHOUSE GAS EMISSIONS		
Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	No mitigation measures would be required.	Less than significant
Would the project conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	No mitigation measures would be required.	Less than significant
VISUAL EFFECTS/NEIGHBORHOOD CHARACTER		
Would the proposal result in a substantial obstruction of any vista or scenic view from a public viewing area as identified in the community plan?	No mitigation measures would be required.	Less than significant
Would the proposal result in the creation of a negative aesthetic site or project or result in project bulk, scale, materials, or style which would be incompatible with surrounding development?	No mitigation measures would be required.	Less than significant
Would the proposal result in a substantial change in the existing landform?	Due to the hillside topography of the portion of the project site where Camino Del Sur would be extended, no measures are available that would reduce landform alteration impacts to below a level of significance.	Significant and unavoidable

Table ES-1 PROJECT IMPACTS AND PROPOSED MITIGATION		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
VISUAL EFFECTS/NEIGHBORHOOD CHARACTER (cont.)		
Would the proposal result in substantial light or glare which would adversely affect daytime or nighttime views in the area?	No mitigation measures would be required.	Less than significant

1.0 INTRODUCTION

1.1 PROJECT BACKGROUND

The Merge 56 Development Project (project) is comprised of two components: a mixed-use development proposal, and the Circulation Element public roads that adjoin the proposal.

The development property that is the subject of this Environmental Impact Report (EIR; Project No. 3230; SCH No. 2002121089) was previously subdivided under approvals received from the City of San Diego (City), including Planned Development Permit (PDP No. 53203), Site Development Permit (SDP No. 53204), and Vesting Tentative Map (VTM No. 7938), and portions were dedicated as public right-of-way (ROW). The Merge 56 Development Project is a subset of the larger subdivision project entitled by the City in 2005 (and formerly referred to as the Rhodes Crossing project) and consists of Units 4, 5 and 10 of that subdivision.

The public road improvements underwent grade and alignment studies and were approved by the City, including Camino Ruiz North Roadway (LDR No. 40-0386; SCH No. 2000121031) and Camino Del Sur Project (LDR No. 41-0248; SCH No. 2001121109). The name of Camino Ruiz North was changed to Camino Del Sur by City Council Resolution R-2003-709 on January 14, 2003. Although portions of both roads are constructed, the undeveloped segments that are the subject of this EIR have long been in the plans to serve the communities of Rancho Peñasquitos and Torrey Highlands. Both Carmel Mountain Road and Camino Del Sur are adopted Circulation Element roadways anticipated to be four-lane major arterials by both the Rancho Peñasquitos Community Plan (1993, as amended 2011) and the Torrey Highlands Subarea Plan (1996a). Portions of Camino Del Sur were analyzed in both the Rancho Peñasquitos Community Plan Update EIR (1992a; DEP No. 89-1222, SCH No. 91061052) and the Torrey Highlands Subarea Plan EIR (1996b; DEP No. 93-0152, SCH No. 93071041). These documents addressed the need for the proposed roadway for the area's circulation system, as well as measures to minimize impacts associated with its construction.

1.2 PROJECT SCOPE

This EIR addresses the construction and operation of the project, including the mixed-use development and public roads, located in central San Diego County, California. The property is under the jurisdiction of the City and situated on approximately 72 acres of undeveloped land in the north-central portion of the City in the communities of Torrey Highlands, Rancho Peñasquitos, and Del Mar Mesa, immediately adjacent to the State Route 56 (SR-56) ROW. The roads would link the Torrey Highlands and Rancho Peñasquitos communities through the project site.

Subsequent to approval of TM No. 7938 and adoption of the grade and alignment studies for the public roads, several new vernal pools were observed within the ROW for the future Camino Del Sur. In addition, the Applicant filed an application to modify proposed uses within Units 4, 5 and 10 of the TM, adjust site grading, and impact two isolated vernal pools formerly proposed in open space lots. Reducing the capacity of both public roads from four travel lanes to two travel lanes would also change the impacts disclosed in the prior California Environmental Quality Act (CEQA) documents. These changes to the characteristics of the approved projects and/or the circumstances surrounding the projects require revisions to the existing entitlements and certified CEQA documents pursuant to Section 15162(a) of the State CEQA Guidelines.

The project is a General Plan Amendment (GPA) to modify the land use designation of the site from Commercial Employment, Retail and Services; Residential; and Parks, Open Space and Recreation to Multiple Use; a Community Plan Amendment (CPA) to redesignate the project site from Commercial Regional (CR) and Medium High Density Residential (MHD) to Local Mixed Use (LMXU) South and downgrade the road classifications for Camino Del Sur and Carmel Mountain Road; a rezone to modify the underlying zoning from Agriculture (AR-1-1) to Community Commercial (CC-3-5) and Residential Small Lot (RX 1-2); an amendment to PDP No. 53203 for deviations from the zoning requirements in accordance with San Diego Municipal Code (SDMC) Section 126.0602(a)(1); an amendment to SDP No. 53204 for development on a site that contains Environmentally Sensitive Lands (ESL), for ESL deviations and for development on a site with sensitive biological resources and historical (archaeological) resources; a Conditional Use Permit (CUP) for a theater greater than 5,000 square feet (sf) in size; and an amendment to Vesting Tentative Map (VTM No. 7938) to re-subdivide the site into 100 lots (i.e., 84 RX-zoned lots, seven CC-zoned lots, five open space lots and four lots for private drives) that would allow the construction of up to 525,000 sf of commercial, office, theater, and hotel uses and 242 residential dwelling units.

Additionally, amendments to SDP No. 3278 for the southern section of Camino Del Sur and SDP No. 40-0386 for the northern section of Camino Del Sur and Carmel Mountain Road would also be required to permit impacts to ESL within the ROW for the roads. A public ROW vacation would be needed to modify the previously dedicated ROW for Camino Del Sur and Carmel Mountain Road due to modifications to the road dimensions in association with the downgraded classifications and realignment of an existing section of Carmel Mountain Road to avoid impacts to vernal pools.

1.3 EIR SCOPE

The public agency with the greatest responsibility for supervising or approving the project or the first public agency to make a discretionary decision to proceed with a proposed project should ordinarily act as the "Lead Agency" pursuant to State CEQA Guidelines Section 15051(b)(1). The City is the Lead Agency for the proposed project evaluated in this EIR.

In accordance with the CEQA of 1970 (California Public Resources Code Section 21000 et. seq.), if a Lead Agency determines that there is substantial evidence in light of the whole record that a project may have a significant effect on the environment, the agency must prepare an EIR (State CEQA Guidelines Section 15064(a)(1)). The purpose of an EIR is to inform public agency decision makers and the general public of the potentially significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project (State CEQA Guidelines Section 15121(a)). This EIR contains a project-level analysis of the project described in detail in Section 3.0, *Project Description*. A Project EIR should "focus primarily on the changes in the environment that would result from the development project," and "examine all phases of the project, including planning, construction and operation" (State CEQA Guidelines Section 15161).

This EIR is an informational document for use by the City, decision makers and members of the general public to evaluate the environmental effects of the proposed project. This document complies with all criteria, standards and procedures of CEQA and the State CEQA Guidelines (California Administrative Code 15000 et. seq.) and the City's EIR Guidelines and has been prepared

as a EIR pursuant to Section 15161 of the State CEQA Guidelines. This document represents the independent judgment of the City as Lead Agency (State CEQA Guidelines Section 15050).

1.3.1 Relationship of EIR to Prior CEQA Documentation

When making the determination to prepare this EIR, the City conducted a review of the prior CEQA documents in the context of the Merge 56 Development Project. As noted earlier, impacts of developing the site and extending the roads have been previously evaluated in three certified or adopted project-level CEQA documents: Rhodes Crossing EIR (SCH No. 2002121089), Camino Del Sur-North Roadway MND (SCH No. 2000121031), Camino Del Sur-South Project EIR (SCH NO. 2001121109). The full range of environmental topics were addressed in these prior CEQA documents. The City's review of these prior CEQA documents determined that although a project-level analysis had been conducted, substantial changes to the projects evaluated in those prior CEQA documents require revisions of the previous EIRs and MND due to one or more new significant environmental effects, a substantial increase in the severity of previously identified significant impacts and/or changes in circumstances that have occurred. As such, a determination was made to prepare a new project-level evaluation.

1.3.2 Notice of Preparation/Scoping Meeting

In reviewing the application for the Merge 56 Development Project, as well as the prior CEQA documentation, the City concluded that it could result in potentially significant environmental impacts based on the City's Significance Determination Thresholds (as of January 2011). As Lead Agency, the City prepared a Scoping Letter, which was distributed with the Notice of Preparation (NOP) in July 2014 to all responsible and trustee agencies, as well as various governmental agencies, including the Office of Planning and Research's State Clearinghouse. The City also conducted a public scoping meeting, in accordance with Section 21083.9 of CEQA, on August 6, 2014.

In accordance with the scoping process, the EIR addresses in detail the following potentially significant environmental impacts associated with the project:

- Land Use
- Transportation/Circulation
- Biological Resources
- Historical Resource
- Paleontological Resources
- Noise
- Greenhouse Gas Emissions
- Visual Effects/Neighborhood Character

Additional CEQA-mandated environmental topics, such as Agriculture and Forestry Resources, Air Quality, Energy, Geologic Conditions, Health and Safety, Hydrology and Water Quality, Mineral Resources, Public Utilities and Public Services and Facilities were not found to be significant based on the scoping results. These issues are addressed in Section 7.0, Other CEQA Sections.

A copy of the Scoping Letter, NOP, Scoping Meeting notice, Scoping Meeting sign-in sheet and Scoping Meeting transcript are contained in Appendix A of this report. Verbal and written comments received during the scoping process have been taken into consideration during the preparation of this EIR. An outline of the issues noted during the scoping process is contained in the *Areas of Controversy/Issues to be Resolved* discussion in Section ES of this report. The environmental

conditions evaluated as the baseline in this EIR are those that existed at the time the NOP was circulated.

1.4 PUBLIC REVIEW PROCESS

This EIR and the technical analyses it relies on are available for review by the public and public agencies for 45 days to provide comments “on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated” (State CEQA Guidelines Section 15204). The EIR and all supporting technical studies and documents are available for review at the City of San Diego, Development Services Department, 1222 First Avenue, Fifth Floor, San Diego, 92101-4153, as well as at the Rancho Peñasquitos and Carmel Valley branch libraries, as well as at the City Main Library and the City of San Diego website at <http://www.sandiego.gov/city-clerk/officialdocs/notices/index.shtml>.

The City, as Lead Agency, will consider the written comments received on the Draft EIR and comments made at the public hearing in making its decision whether to certify the EIR as complete and in compliance with CEQA, and whether to approve or deny the proposed project, or take action on a project alternative. In the final review of the proposed project, environmental considerations, as well as economic and social factors, will be weighed to determine the most appropriate course of action. Subsequent to certification of the EIR, agencies with permitting authority over all or portions of the project may use the EIR to evaluate environmental effects of the project, as they pertain to the approval or denial of applicable permits.

Section 15381 of the State CEQA Guidelines defines a Responsible Agency as all public agencies, other than the Lead Agency, which have discretionary approval power over the project. Section 15386 of the State CEQA Guidelines defines a Trustee Agency as a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the State of California.

1.5 CONTENT AND ORGANIZATION OF THE EIR

As stated above, the content and format of this EIR are in accordance with the most recent guidelines and amendments to CEQA and the State CEQA Guidelines. Technical studies have been summarized within individual environmental issue sections and/or under summary sections, and the full technical studies have been included in the appendices to this report and are available for review during the public comment period.

This EIR has been organized in the following manner:

- **Executive Summary** provides a summary of the EIR analysis, discussing the project description, the alternatives which would reduce or avoid significant impacts, and the conclusions of the environmental analysis. The conclusions focus on those impacts which have been determined to be significant but mitigated, as well as impacts considered significant and unmitigated, if applicable. Impacts and mitigation measures are provided in tabular format. In addition, this section includes a discussion of areas of controversy known to the City, including those issues identified by other agencies and the public.

- **Section 1.0, Introduction**, provides a brief description of the project and its background, the purpose of the EIR, project scope, key discretionary City actions, permits and approvals required by other agencies, and an explanation of the document format.
- **Section 2.0, Environmental Setting**, provides an overview of the regional and local setting, as well as the physical characteristics of the project site. The setting discussion also addresses the relevant planning documents and existing land use designations of the project site.
- **Section 3.0, Project Description**, provides a detailed description of the proposed project, including its purpose, goals, and main objectives, proposed land uses, project design, circulation/access improvements, parking facilities, utility improvements, and project construction. In addition, a discussion of discretionary actions required for project implementation is included.
- **Section 4.0, History of Project Changes**, chronicles the changes made to the project design in response to environmental concerns raised during the City's review of the project application.
- **Section 5.0, Environmental Analysis**, constitutes the main body of the EIR and includes the detailed impact analysis for each environmental issue. The topics analyzed in this section include: Land Use, Transportation/Circulation, Biological Resources, Historical Resources, Paleontological Resources, Noise, Greenhouse Gas Emissions, and Visual Effects/Neighborhood Character. Under each topic, Section 5.0 includes a discussion of existing conditions, the thresholds identified for the determination of significant impacts, and an evaluation of the impacts associated with implementation of the project. Where the impact analysis demonstrates the potential for a significant adverse impact on the environment, mitigation measures are provided which would minimize the significant effects. The EIR indicates whether the mitigation measures would reduce impacts to below a level of significance.
- **Section 6.0, Cumulative Impacts**, addresses the cumulative impacts due to implementation of the project in combination with other recently approved or pending projects in the area. The area of potential effect for cumulative impacts varies depending upon the type of environmental issue.
- **Section 7.0, Other CEQA Sections**, addresses effects found not to be significant wherein the text briefly discusses environmental issues determined not to have the potential for significant adverse impacts as a result of the proposed project. The areas with effects found not to be significant include: Air Quality, Agricultural and Forestry Resources, Energy, Geologic Conditions, Health and Safety, Hydrology/Water Quality, Mineral Resources, Public Utilities, and Public Services and Facilities. The section further addresses significant unavoidable impacts of the project, including those that can be mitigated but not reduced to below a level of significance; significant irreversible environmental changes that would result from the project, including the use of nonrenewable resources; and growth inducement, which includes a discussion of the potential for the project to foster economic or population

growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

- **Section 8.0, Project Alternatives**, provides a description and evaluation of alternatives to the project. This section addresses the mandatory “No Project” alternative, as well as development alternatives that would reduce or avoid the proposed project’s significant impacts.
- **Section 9.0** contains the Mitigation, Monitoring and Reporting Program for the project.
- **Section 10.0** contains the EIR References and Individuals and Organizations Consulted
- **Section 11.0** contains a Certifications Page, which lists the report preparers and their roles.

2.0 ENVIRONMENTAL SETTING

2.1 PROJECT LOCATION

The Merge 56 Development site is located in the north-central portion of the City. The property is situated in the communities of Torrey Highlands and Rancho Peñasquitos, immediately adjacent to the State Route 56 (SR-56) right-of-way (Figure 2-1, *Regional Location Map*). Regional access to the site is from SR-56, Interstate 5 (I-5) and Interstate 15 (I-15); local access to the site is from the southern termini of Camino Del Sur and Carmel Mountain Road, as well as from the existing section of Camino Del Sur between Dormouse Road and Park Village Road (Figure 2-2, *Project Location*). The Merge 56 Development project consists of two components: (1) the mixed-use development proposal (including internal road improvements) and (2) public road improvements to complete undeveloped segments of Camino Del Sur and Carmel Mountain Road, Circulation Element roads. The Camino Del Sur extension would be from its current terminus south of SR-56 and Torrey Santa Fe Road to its intersection with current terminus north of Dormouse Road and Park Village Road. The existing paved portion of Carmel Mountain Road would be realigned and extended south from SR-56 to its planned intersection with Camino Del Sur. Both public roads front the Merge 56 Development property and intersect at its southern project boundary. Rights-of-way (ROW) for both road extensions are predominantly undeveloped. The Multiple Habitat Planning Area (MHPA) is situated within or west of the rights-of-way for the road extensions but not within the proposed site.

2.2 EXISTING SITE CONDITIONS

The project site consists of a 41.34-acre development site and approximately 31 acres within the dedicated ROW for Carmel Mountain Road and Camino Del Sur (Figure 2-3, *Project Areas*). The project areas are largely undeveloped, with several dirt roads and trails crossing them. Some signs of former agricultural activities occur in the central portion of the development site; an approved construction road/stockpile occurs there as well. Habitats found on both components of the project include non-native grassland, coastal sage scrub, southern mixed chaparral, chamise chaparral, vernal pools, other wetlands, disturbed land, developed areas and other vegetation communities (as detailed in Section 5.3, *Biological Resources*). Refer to Figures 2-4a through d, *Site Photographs*, that illustrate the current conditions of the site when viewed from the north and south. A detailed description of the habitats present within the project area is contained in Section 5.3, *Biological Resources*, of this EIR.

An approximately 150-foot wide SDG&E utility easement crosses through the central portion of the project area in a northeast-southwest direction; no utility facilities are located within the easement. A 40-foot wide water and road easement also crosses through the project site. SR-56 is located along the northern boundary of the project area, and the constructed portion of Carmel Mountain Road extends along a portion of the eastern project boundary crossing over SR-56 via a two-lane bridge. The northern terminus of Camino Del Sur occurs in the southeastern portion of the study area, and the southern terminus of Camino Del Sur occurs in the northwestern corner of the study area. Portions of the ROW for Camino Del Sur and Carmel Mountain Road were dedicated to the City upon recordation of the Rhodes Crossing Parcel Map No. 15578 and as part of prior entitlement for the Park Village neighborhood. Figure 2-5, *Existing Site Conditions/Topography*, illustrates the topography and easements on the project site.

Topographically, the project area is comprised of mesa tops, with an approximate elevation of 400 feet above mean sea level (AMSL). Finger canyons extend from the project site to Deer Canyon and Los Peñasquitos Canyon such that surface flows from the project site ultimately drain into Los Peñasquitos Lagoon. The two lowest elevations on the site are approximately 310 feet AMSL, in its northwestern corner, and in a finger canyon of Los Peñasquitos Canyon that is situated at an elevation of 250 feet AMSL in the southern portion of the Camino Del Sur ROW. Within the development area, steep slopes are limited, while the public ROW area contains a small finger canyon that contains slopes that have a gradient of 25 percent or more. Soils in the study area include Olivenhain cobbly loam, Redding gravelly loam, and terrace escarpments, all of which generally have high shrink-swell potential.

These conditions described above constitute the baseline environmental setting used for documenting any changes in the environment resulting from the project. More detailed discussion of the project's environmental setting is provided in Section 5.0, *Environmental Analysis*, and Section 7.0, *Other CEQA Sections*.

2.3 SURROUNDING LAND USES

The project site is bounded on the west and south by undeveloped land; east of the site is the existing two-lane extension of Carmel Mountain Road that crosses over SR-56 and two-story, single-family residential development associated with the Rancho Peñasquitos community. To the northwest of the property, adjacent to the northern terminus of Camino Del Sur, is a convenience store/gas station/car wash adjacent to the SR-56/Camino Del Sur interchange and office development. The Torrey Highlands Village Center occurs along Camino Del Sur north of SR-56. In addition to the freeway, the SR-56 Class I bike path parallels the freeway travel lanes immediately north of the project site. Paved ramps connect the bike path with Carmel Mountain Road and Camino Del Sur. Darkwood Canyon to the east of the project site contains a trail used as a maintenance access road within the undeveloped canyon. The southerly segment of site is adjacent to single-family residential development in the Park Village neighborhood, as well as a public elementary school (Park Village Elementary School). Also, near the southern limits of Camino Del Sur is Peñasquitos Creek Neighborhood Park, and Los Peñasquitos Canyon Preserve. The Del Mar Mesa Preserve, including 160 acres associated with the a-San Diego National Wildlife Refuge, is jointly managed by the federal, state and local agencies, is and situated immediately west of the planned alignment for Camino Del Sur. With the exception of an undeveloped property that is planned for development, the area to the west of the site has been set aside to conserve listed and sensitive species is within the City's MHPA. Figure 2-2 shows the project site in relation to these surrounding land uses.

2.4 PLANNING CONTEXT

The project site, including Carmel Mountain Road and the northern portion of Camino Del Sur, is located within the southern portion of the Torrey Highlands Subarea Planning area, while the southern extension of Camino Del Sur extends from Torrey Highlands into the Rancho Peñasquitos Community Planning area (Figure 2-6, *Existing Land Use Designations*). The project is subject to the planning guidelines and policies of the City's General Plan, Torrey Highlands Subarea Plan, Rancho Peñasquitos Community Plan, Del Mar Mesa Specific Plan, Land Development Code (LDC), Natural Community Conservation Planning Program (NCCP)/Multiple Species Conservation Program (MSCP),

Carmel Mountain and Del Mar Mesa Natural Resource Management Plan, the Marine Corps Air Station (MCAS) Miramar Airport Land Use Compatibility Plan, the Regional Air Quality Strategy (RAQS) and the Water Quality Basin Plan. In addition, the project is subject to the City's LDC. Applicable planning guidelines, policies and regulations are summarized below and discussed in greater detail in Section 5.1, *Land Use*.

2.4.1 City of San Diego General Plan

The General Plan is a comprehensive, long-term document that sets out a long-range vision and policy framework for how the City could grow and develop, provide public services, and maintain the qualities that define San Diego. The General Plan is comprised of a Strategic Framework Element and ten additional elements covering planning issues such as housing, transportation, and conservation. The project site is designated as Commercial Employment, Retail and Services; Residential; and Parks, Open Space and Recreation in the General Plan (City 2008).

The General Plan lays the foundation for the more specific community plans which rely heavily on the goals, guidelines, standards, and recommendations within the General Plan. Applicable goals and recommendations from the General Plan are referenced in this EIR, where applicable.

The City adopted its Climate Action Plan (CAP) in December 2015. The CAP serves as mitigation for the City's 2008 General Plan (City of San Diego 2015). The General Plan calls for the City to reduce its carbon footprint through actions including adopting new or amended regulations, programs, and incentives.

2.4.2 North City Future Urbanizing Area - Torrey Highlands Subarea Plan

The North City Future Urbanizing Area (NCFUA) is a 12,000-acre area stretching easterly from Interstate 5 (I-5) and Carmel Valley to the Rancho Peñasquitos and Rancho Bernardo communities. The NCFUA Framework Plan was adopted in October 1992 and required the preparation of a plan for each subarea within the NCFUA to describe the open space, transportation, development and other definitive aspects of the subarea upon buildout, prior to shifting the lands from "Future Urbanizing" into "Planned Urbanizing" designations.

The northern portion of the Merge 56 Development project site is situated in the Subarea IV Area, whose subarea plan is referred to as the Torrey Highlands Subarea Plan. In November 1996, a phase shift was approved by ballot measure to place Subarea IV in the City's "Planned Urbanizing" tier, thereby effectuating the approved Subarea Plan. The Subarea Plan establishes goals for future development, identifies policies to guide development, and describes policy implementation throughout the plan area.

The project site is primarily planned in the Torrey Highlands Subarea Plan for Commercial Regional (CR) with a smaller portion designated for Medium High Density Residential (MH) (20-40 dwelling units per acre) use. Camino Del Sur is classified as a 6-lane major road from Carmel Valley Road north of SR-56 to Torrey Santa Fe Road south of SR-56, tapering to a 4-lane major road; Carmel Mountain Road is classified as a 4-lane major road in the plan.

2.4.3 Rancho Peñasquitos Community Plan

The Rancho Peñasquitos community is located in the northeastern portion of the City of San Diego. Rancho Peñasquitos lies 17 miles north of downtown San Diego and eight miles south of the City of Escondido. It is bounded on the east by the communities of Carmel Mountain Ranch and Sabre Springs, on the south by the Los Peñasquitos Canyon Preserve and the Mira Mesa community, and on the west and north by lands designated as future urbanizing and the Rancho Bernardo community planning area. Interstate 15 (I-15) provides the eastern boundary of the planning area and SR-56 traverses east-west through the south-central portion of the community. Rancho Peñasquitos encompasses approximately 6,500 acres. At full buildout, Rancho Peñasquitos is expected to have a population of 46,000-50,000 residing in approximately 15,800 dwelling units (City 1993, as amended 2011).

The Rancho Peñasquitos Community Plan designates the majority (approximately 51 percent) of land within its planning area for residential uses (Figure 2-6, *Existing Land Use Designations*). Within those residentially-designated lands, 76 percent is planned for single-family and 24 percent is planned for multifamily. Two percent of the land area in Rancho Peñasquitos is designated for commercial uses. Parks and designated open space areas comprise 34 percent of the community. The portion of Camino Del Sur within the community plan area is classified as a 4-lane major road in the plan.

2.4.4 Del Mar Mesa Specific Plan

The Del Mar Mesa Specific Plan is the City-adopted statement of policy for growth and regulations for development of the Del Mar Mesa planning area, one of five subareas designated by the NCFUA Framework Plan. The plan contains land use designations, establishes development regulations to permit the allocation of density to more developable portions of the community and establishes open space boundaries consistent with the City's MSCP, and identifies necessary public services and facilities. The only portion of the project within the Del Mar Mesa Specific Plan area is a portion of the ROW for the Camino Del Sur immediately south of its existing northern terminus, which is designated for MSCP/Open Space (Figure 2-6).

2.4.5 Land Development Code

Zoning regulations for the project site are governed by the City's LDC. The site's entitled zones are Commercial (CR-2-1) and Residential (RM-3-9). The development property is currently governed by Planned Development Permit (PDP) No. 53203, Site Development Permit (SDP) No. 53204, and Vesting Tentative Map (VTM) No. 7938, which were processed as part of the Rhodes Crossing Project (Project No. 3230). Construction of Camino Del Sur-South, south of the Carmel Mountain Road intersection, was approved as part of SDP No. 3278 and SDP No. 40-0386 was issued for the construction of Camino Del Sur-North and Carmel Mountain Road.

2.4.6 Natural Community Conservation Planning Program/Multiple Species Conservation Program

The NCCP initiated by the State of California in 1991 resulted in the promulgation of the special 4 (d) rule of the Federal Endangered Species Act (ESA). This rule focuses on conserving coastal sage scrub

habitat in order to avoid the need for future federal and state listing of each individual coastal sage scrub-dependent species. The City of San Diego, County of San Diego, U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW) and other local jurisdictions collaborated in the late 1990s to develop the Multiple Species Conservation Program (MSCP). The MSCP is a comprehensive, long-term habitat conservation plan that addresses the needs of multiple species by identifying key areas for preservation as open space that link core biological areas into a regional wildlife preserve. The City adopted its MSCP Subarea Plan (Subarea Plan) in March 1997 to meet the requirements of the NCCP, the federal ESA, and the California ESA. Approximately 2.2 acres of the western edge of the project study area occur within the MHPA and support southern willow scrub, Diegan coastal sage scrub, Diegan coastal sage scrub-southern mixed chaparral ecotone, southern mixed chaparral, chamise chaparral, and disturbed habitat (Alden Environmental 2015).

2.4.7 Carmel Mountain and Del Mar Mesa Natural Resource Management Plan

The Natural Resource Management Plan (NRMP) was prepared by the City to provide guidelines for the protection and maintenance of preserved natural open space on the Carmel Mountain Preserve and the Del Mar Mesa Preserve (Preserves) (RECON 2011; Figure 2-2). The natural open space of the Preserves contains extremely sensitive vegetation communities and species unique to the San Diego region. The primary resources to be protected on the Preserves are vernal pools, southern maritime chaparral, the continuity of habitat for wildlife movement and gene flow, and the federally and state listed flora and fauna (particularly the short-leaved dudleya, *Dudleya blochmaniae* ssp. *brevifolia*).

The Preserves also act to protect the quality of life for residents of San Diego County and the quality of the experience for visitors by adding to the feeling of openness and interaction with nature that San Diego fosters. The City of San Diego MSCP provides a framework for preserving and protecting natural resources in the San Diego region. The Carmel Mountain Preserve and Del Mar Mesa NRMP describes the tasks that will ensure management and maintenance of the Preserves in accordance with the MSCP and the Subarea Plan.

The 302.4-acre Carmel Mountain Preserve is approximately two miles southwest of the Del Mar Mesa Preserve and is owned by the City with the exception of two private inholdings. Ownership of Del Mar Mesa is split among private land holders and five public or non-profit land owners/managers: City, County of San Diego (County), CDFW, USFWS, and a non-profit manager (formerly The Environmental Trust [TET]). Each of these entities has mandates that direct their management of open space preserves. Five parcels on Del Mar Mesa Preserve, totaling 159.0 acres, have been preserved for mitigation by (1) the Metropolitan Wastewater Department, (2) public land managed by a nonprofit organization (formerly TET), (3) Mira Mesa Market Center, (4) Environmental Services Department, (5) the Deer Canyon Mitigation Bank, and (6) the San Diego Association of Governments (SANDAG)/California Department of Transportation (Caltrans) Environmental Mitigation Program. The City of San Diego Subarea Plan of the MSCP states that, if possible, the Del Mar Mesa area should be managed as a single unit rather than split into separate entities according to ownership (i.e., County, various City departments, easements). The NRMP treats Del Mar Mesa as a single unit; however, each property owner is responsible for managing the property under their ownership until such time as an MOU for management is adopted. The eastern boundary of the Del Mar Mesa Preserve is situated adjacent to the proposed extension of Camino Del Sur (Figure 2-6).

The City recently approved amendments to the Torrey Highland Subarea Plan, Rancho Peñasquitos Community Plan and Del Mar Mesa Specific Plan to add multi-use trail alignments within the communities that would connect to the Del Mar Mesa Preserve area. The amendments provide connectivity between Torrey Highlands and the Del Mar Mesa Specific Plan through two multi-use trail alignments adjacent to the residential and employment center areas and consolidate trail alignments into existing built trails that connect Deer Canyon to the Del Mar Mesa Preserve.

2.4.8 City of San Diego Vernal Pool Habitat Conservation Plan

The Preliminary Draft Vernal Pool Habitat Conservation Plan (VPHCP) was released for a 30-day public review on March 10, 2015. The VPHCP is intended to provide an effective framework to protect, enhance, and restore vernal pool resources within the City of San Diego, while improving and streamlining the environmental permitting process for impacts to threatened and endangered species associated with vernal pools. The VPHCP covers vernal pools and seven threatened and endangered covered species that do not have federal coverage under the City's MSCP Subarea Plan. Part of the VPHCP conservation strategy is to expand the City's existing MHPA to conserve targeted vernal pool complexes in a configuration that maintains habitat function and viability of the seven covered species, consistent with the Vernal Pool Recovery Plan (USFWS 1998); and to implement avoidance and minimization of impacts to vernal pools consistent with the VPHCP and the City's ESL Regulations. Portions of the proposed project site interface with North Planning Units of the Draft VPHCP.

2.4.9 MCAS Miramar Airport Land Use Compatibility Plan

Adopted in January 2010 and amended in December 2010, the MCAS Miramar Airport Land Use Compatibility Plan (San Diego County Regional Airport Authority [SDCRAA] 2010) provides for the orderly growth of the area surrounding the airport and safeguards the general welfare of the general public, and inhabitants within the vicinity of the airport. The project site is located within Review Area 2 of the Airport Influence Area and the MCAS Miramar Real Estate Disclosure Area, according to the MCAS Miramar Airport Land Use Compatibility Plan (SDCRAA 2010). Review Area 2 consists of locations beyond Review Area 1 but within the airspace protection and/or overflight notification areas. Limits on the heights of structures, particularly in areas of high terrain, are the only restrictions on land uses within Review Area 2.

2.4.10 Regional Air Quality Strategy

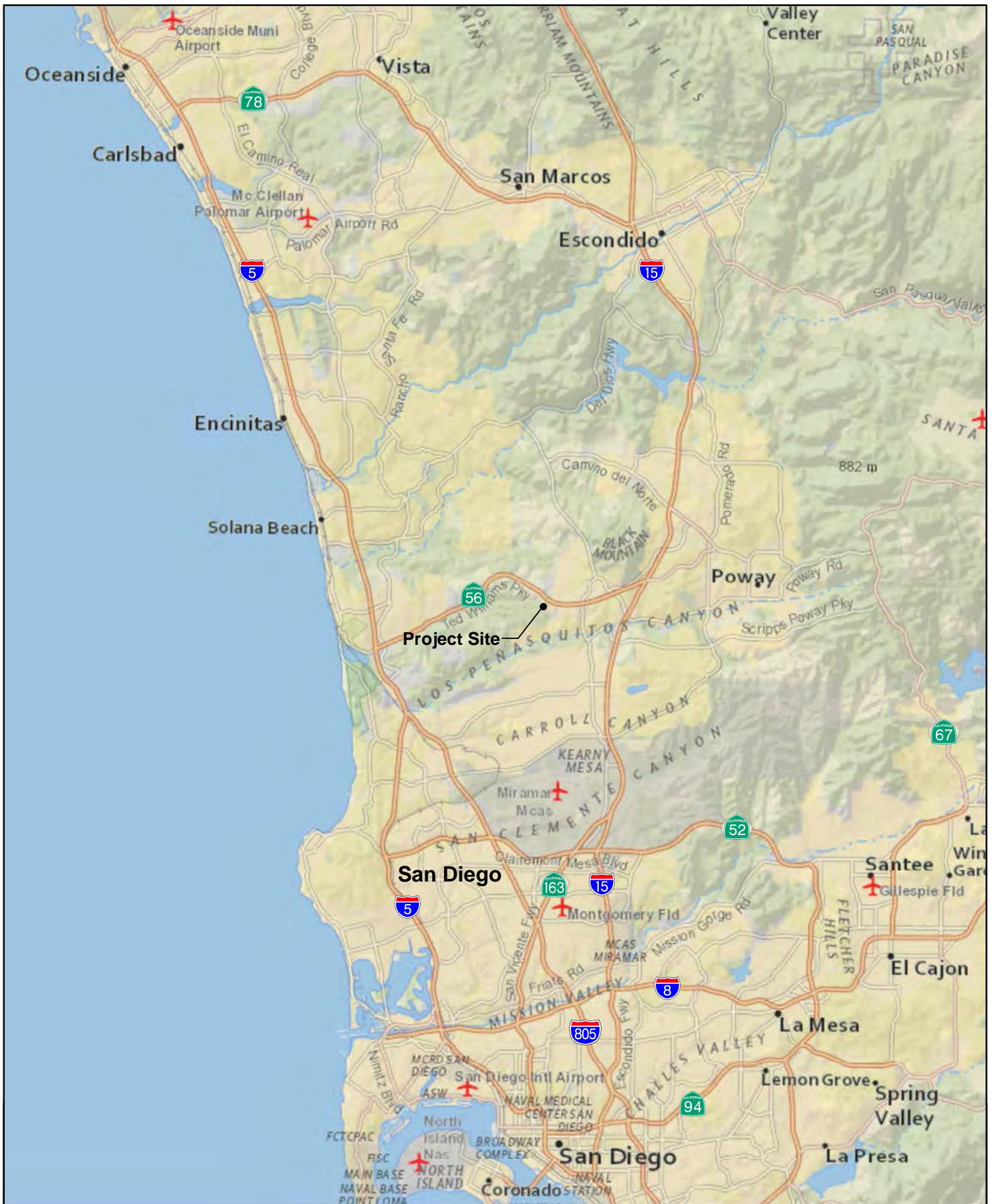
The Air Pollution Control District (APCD) and the San Diego Association of Governments (SANDAG) are responsible for developing and implementing the clean air plan for attainment and maintenance of the ambient air quality standards in the SDAB. The San Diego County Regional Air Quality Strategy (RAQS) is generally updated on a triennial basis, most recently in 2009. The 2016 update of the RAQS is in process. The RAQS outlines APCD's plans and control measures designed to attain the state air quality standards for O₃. The APCD has also developed the air basin's input to the State Implementation Plan (SIP), which is required under the Federal Clean Air Act for areas that are out of attainment of air quality standards. The SIP, approved by the EPA in 1996, includes the APCD's plans and control measures for attaining the O₃ national standard. The SIP is also updated on a triennial basis.

The RAQS relies on information from CARB and SANDAG, including mobile and area source emissions, as well as information regarding projected growth in the County, to project future emissions and then determine from that the strategies necessary for the reduction of emissions through regulatory controls. The SIP relies on the same information from SANDAG to develop emission inventories and emission reduction strategies that are included in the attainment demonstration for the air basin. The SIP also includes rules and regulations that have been adopted by the APCD to control emissions from stationary sources. These SIP-approved rules may be used as a guideline to determine whether a project's emissions would have the potential to conflict with the SIP and thereby hinder attainment of the national air quality standard for O₃.

2.4.11 Water Quality Control Plan for the San Diego Basin

The Regional Water Quality Control Board (RWQCB) adopted a Water Quality Control Plan for the San Diego Basin (Basin Plan) that recognizes and reflects regional differences in existing water quality, the beneficial uses of the region's ground and surface waters, and local water quality conditions and problems (RWQCB 1994). The Basin Plan is designed to preserve and enhance water quality and protect the beneficial uses of all regional waters.

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Source: Content may not reflect National Geographic's current map policy. Sources: National Geographic, Esri, DeLorme, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO,

Figure 2-1

Regional Location Map

MERGE 56 DEVELOPMENT PROJECT



Imagery ©2017, CNES / Airbus, Data CSUMB SFML, CA OPC, Data USGS, DigitalGlobe, Sanborn, U.S. Geological Survey, USDA Farm Service Agency

Source: Google

Figure 2-2

Project Location



MERGE 56 DEVELOPMENT PROJECT

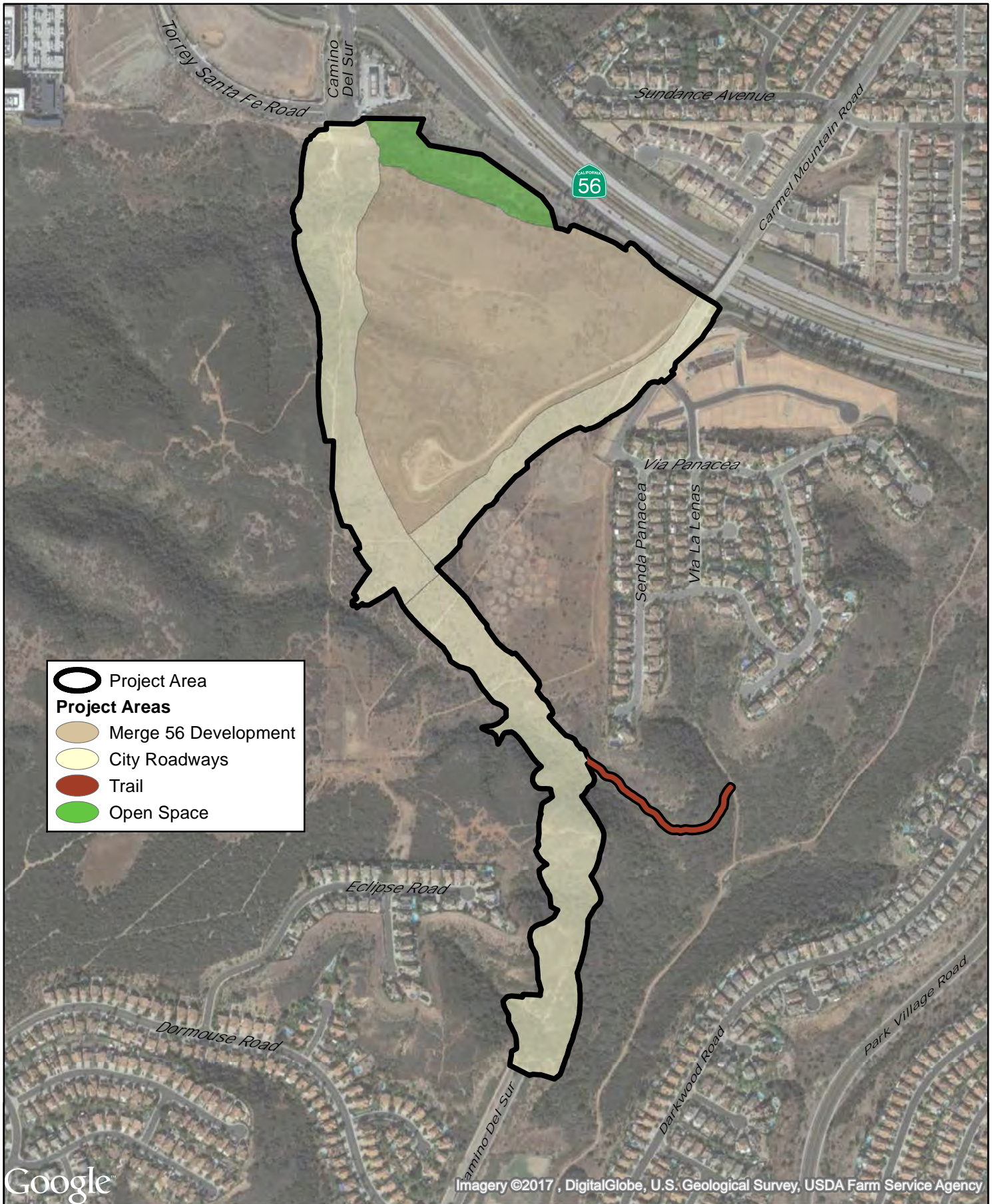


Figure 2-3

Project Areas

MERGE 56 DEVELOPMENT PROJECT

Source: Google





View from Camino Del Sur looking south towards project site



View from Camino Del Sur looking south towards project site

Figure 2-4a

Site Photographs



View from Camino Del Sur looking south towards project site



View from Camino Del Sur looking north towards project site

Figure 2-4b

Site Photographs

MERGE 56 DEVELOPMENT PROJECT



View from Camino Del Sur looking north towards project site



View from Camino Del Sur looking north towards project site

Figure 2-4c

Site Photographs



View of project site from Darkwood Canyon

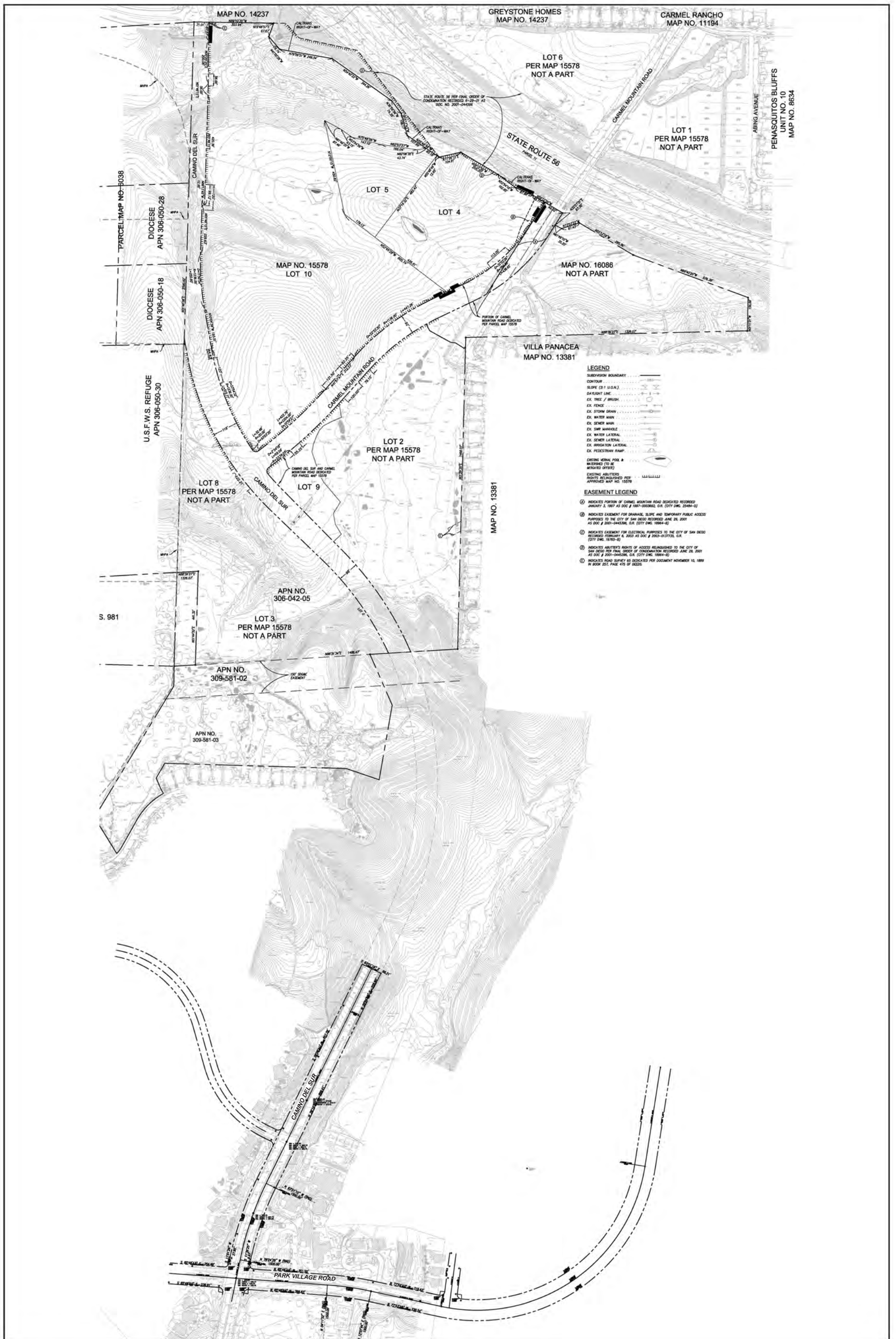


View of Darkwood Canyon from Camino Del Sur

Figure 2-4d

Site Photographs

MERGE 56 DEVELOPMENT PROJECT

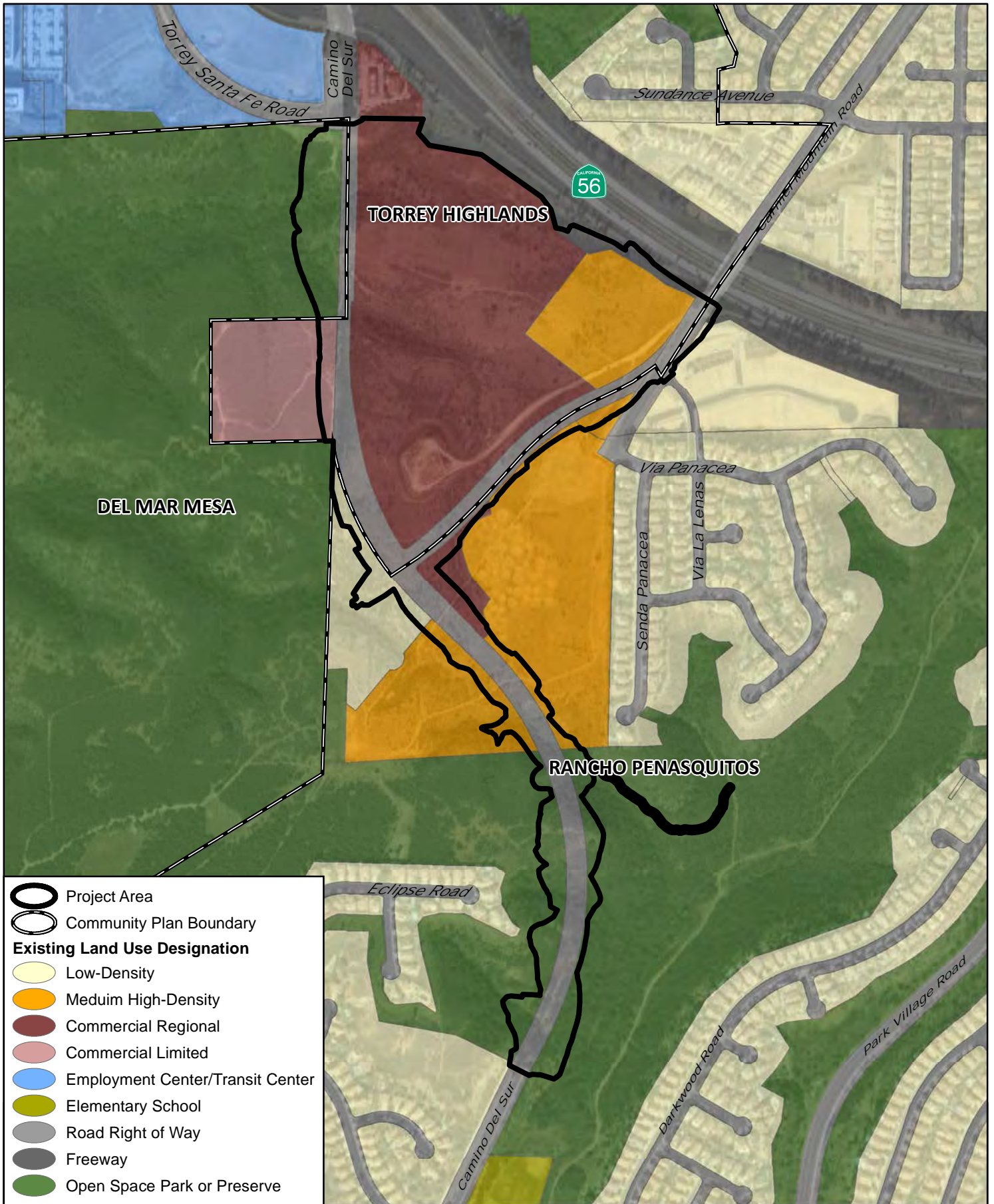


Source: Latitude 33 2017

Figure 2-5

Existing Site Conditions/Topography

MERGE 56 DEVELOPMENT PROJECT



Source: Torrey Highlands Subarea Plan, Google

Figure 2-6

Existing Land Use Designations

MERGE 56 DEVELOPMENT PROJECT



3.0 PROJECT DESCRIPTION

This section of the Environmental Impact Report (EIR) describes the goals and objectives of the project, its specific characteristics, project phasing and construction, and the discretionary actions required in conjunction with project approval by the City of San Diego (City) and other agencies.

3.1 PROJECT PURPOSE, GOALS AND OBJECTIVES

The primary purpose, goals and objectives of the proposed project are to:

1. Develop a project that is consistent with the primary goals and objectives of the General Plan, Subarea Plan, Community Plan, applicable City regulations, and existing and planned surrounding land uses;
2. Develop a mixed-use center wherein community-serving retail, office and residential uses are constructed instead of the standard commercial center, self-storage facility and medium high-density residential development envisioned in the Community Plan;
3. Develop a project that places larger structures and more intensive uses along the freeway frontage and sets back the lowest density residential as far as possible from the freeway;
4. Provide a range of residential housing types to meet the needs of existing and future City residents;
5. Develop affordable housing units to satisfy the City's housing needs identified in the Torrey Highlands Subarea Plan and Housing Element of the General Plan;
6. Provide commercial and office uses to create professional/administrative employment opportunities with convenient freeway access, within walking distance of residential housing, as well as retail, restaurant and entertainment services;
7. Use sustainable architectural, landscaping and site design elements and materials to create a pedestrian-oriented community featuring active retail spaces, public gathering places, and landscaped areas linked by pedestrian pathways and bicycle lanes;
8. Locate uses and their parking fields to enable and encourage 'park once' solutions to people visiting more than one retail or office space, as well as minimize the amount of empty parking spaces at low demand times by sharing parking amongst compatible users;
9. Minimize surface parking fields and integrate parking into structures to minimize their visibility from public vantage points within the community and improve the streetscape appearance;
10. Implement the Circulation Element connections in the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan, in accordance with the adopted Public Facilities Financing Plan;
11. Reclassify two Circulation Element Roads in the project area to balance the environmental impacts of road construction with the traffic capacity and circulation needs of the communities;
12. Convey traffic volumes anticipated at buildout of surrounding development areas at acceptable levels of service; and,

13. Provide for new trail connections that offer linkages with existing and future trails recognized in the applicable planning documents.

3.2 PROJECT CHARACTERISTICS

A detailed description of the proposed land uses, architectural design, landscape treatments, sustainability features, circulation/access improvements, parking facilities, and utility improvements is provided below.

3.2.1 Project Components

The Merge 56 Development Project (project) consists of two components, a mixed-use development and the public roads that adjoin the proposal, as described in detail below.

Mixed-Use Development

The development component of the project would consist of a local mixed-use center (LMXU) containing commercial, office, hotel and residential uses on the 41.34-acre, triangular-shaped property. The project would allow for construction of 525,000 square feet (sf) of commercial, office, theater/cinema, and hotel uses and 242 residences (i.e., 158 multi-family and 84 single-family). According to the Torrey Highlands Subarea Plan, the LMXU designation is intended for major grocery and drug stores, and pedestrian-oriented shops and stores including restaurants and civic uses. Multi-family housing and mixed-use residential units should be interspersed with ground floor commercial as envisioned in the plan. Residential density should decrease as the distance from the commercial center increases. Trails and pedestrian links to residential areas are required to be integrated with the commercial center. Although located near the freeway, the LMXU is not intended to be a freeway-oriented commercial development with dedicated freeway access. The existing LMXU in the Torrey Highlands Planning Area, Torrey Highlands Village Center, is situated northwest of the SR-56/Camino Del Sur interchange and the project site (refer to Figure 2-2 for an aerial of the project area).

The Merge 56 Development Project would create a second mixed use center in the vicinity of State Route 56 (SR-56) (refer to Figure 2-2 which shows the location of the existing LMXU center in the Torrey Highlands Planning Area). A description of the specific uses proposed on site is provided below. Figure 3-3, *Project Site Plan*, contains the site plan for the project. Architectural and landscape design details are described below under *Project Design Features*. The project has been designed to implement the intent of the LMXU designation, as described in Section 5.1, *Land Use*, of this EIR.

Commercial Uses

The commercial component of the project would be anchored by a community shopping center fronting the primary internal roadway and featuring various retail and restaurant establishments, market hall, grocery store, hardware, cinema, fitness uses, restaurants and other retail uses on the ground floor with offices and residential uses on the upper floors (Figure 3-3). A central plaza would be created along the frontage of the main street (i.e., Private Drive M on the site plan) and retail would be placed on both sides of the street. Most retail spaces would be one-story, with some restaurants and/or other users occupying second level mezzanine space. Commercial space would

also be placed on the ground floor below the townhome units fronting Private Drive M. With the 50,000-sf, 1,800-seat cinema in place, up to approximately 168,250 sf of commercial/retail-oriented space would be developed on the site.

Office Uses

Office uses would occur at both the north and south sides of the Private Drive M entrance to the project site along Camino Del Sur, as well as integrated with the community shopping center on upper levels to create an integrated mixed-use neighborhood. The L-shaped, western office building would range from four to six stories in height over two wings, and contain office spaces for a variety of tenants permitted in the CC-3-5 zone, including medical offices. The western office building south of Private Drive M would be constructed up to three stories in height and house similar office uses. In both office locations, retail-oriented uses would occupy a portion of the ground floor of the office buildings to provide services or restaurants in those locations. In the center of the commercial area there would be office spaces oriented towards smaller or more creative office users, above the ground floor retail uses. A total of approximately 185,368 sf of office uses are planned on site.

Hotel Use

Proposed in the northwest corner of the project site, the four-story, 120-room hotel would be situated between the western office building and visible from SR-56. The 54,000-sf "extended stay" hotel would feature typical, limited service hotel amenities, including an outdoor pool/spa. No restaurant or large meeting space are contemplated for the hotel.

Residential Uses

Up to 242 residential units are planned on site, including market rate flats, townhomes and single family units and 47 affordable flat units. Approximately 19 townhome units and all of the affordable housing would be integrated with the commercial area north of Private Drive M. The balance of the residential units is proposed south of Private Drive M, including 24 market rate apartment flats and 68 two- and three-story townhomes distributed across the site transitioning to 84 single-family dwelling units to the south. The two to three levels of affordable housing units are proposed over ground-floor commercial space in the northeast corner of the project site; an outdoor use area would also be situated in the vicinity of the housing. The townhomes south of Private Drive M would be clustered in groups surrounded by landscaped common area. The single-family units would be arranged in small clusters around private alleys accessible from internal private drives. A private recreation area with pool, spa and clubhouse is proposed in the southern portion of the project to serve residents of the single-family units. A three-foot high wall would be placed between residential uses and Camino Del Sur and along the southern portion of Carmel Mountain Road. A combination of a four- to eight-foot high wall would be placed at the northeast portion of the site near the intersection of SR-56/Carmel Mountain Road.

Open Space

As part of the project design, a 3.83-acre area in the northern portion of the site (i.e., Lot Z) would be retained as an Open Space and placed in a conservation easement.

Public Roads

Proposed extensions of Camino Del Sur and Carmel Mountain Road would be constructed as part of the Merge 56 Development Project; both are public roads planned in the Torrey Highlands and Rancho Peñasquitos communities. As part of its Community Plan Amendment (CPA), the project proposes a reclassification to downgrade the roads from four-lane majors to two-lane collectors as discussed below. Rights-of-way (ROW) for both roads have been previously dedicated per the Rhodes Crossing Vesting Tentative Map (VTM) No. 7938 (Project No. 3230) with the exception of the portion of Camino Del Sur–South where property acquisition would be required to implement the proposed road improvements. In addition, a ROW vacation across the previously dedicated portions of both public roads would be required due to modifications to the road dimensions in association with the downgraded classifications and realignment of an existing section of Carmel Mountain Road to avoid grading impacts to off-site vernal pool preserves. The roadway improvements would provide local and regional access to the Merge 56 Development Project, surrounding properties and local community, in accordance with the Circulation Elements of the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan.

The reclassification is proposed for the segment of Camino Del Sur south of Carmel Mountain Road and north of Dormouse Road and the portion of Carmel Mountain Road between SR-56 and Camino Del Sur. The reclassification is driven by the fact that a four-lane major road is no longer required to carry buildout traffic volumes since the roads were proposed in the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan. Grading associated with the reconfigured roads would be reduced by approximately 7 acres under the project. A specific description of the proposed road improvements is provided below.

Camino Del Sur

The project proposes to reclassify Camino Del Sur to a modified two-lane collector for the segment from Carmel Mountain Road south to Dormouse Road. The segment between Dormouse Road and Park Village Road would stay striped and classified as a four-lane major road.

The 0.93-mile extension of Camino Del Sur would be constructed as a four-lane major roadway with intersection enhancements from its current terminus south of Torrey Santa Fe Road to Private Drive M in a ROW that would vary from 129 to 137 feet in width, including a curb-to-curb width of 99 feet and a 24-foot landscaped median. The segment between Private Drive M and Carmel Mountain Road would be constructed as a four-lane major roadway with intersection enhancements, including 113-foot to 116-foot wide ROW, with 78-foot to 86-foot curb-to-curb width and a 16-foot to 24-foot wide landscaped median and grading for a future deceleration lane to Rhodes Crossing Unit 3. South of its intersection with Carmel Mountain Road, Camino Del Sur would transition to a modified two-lane collector to its existing terminus north of Dormouse Road. This southern segment of Camino Del Sur would feature a ROW that would vary from 70 to 103 feet in width, a curb-to-curb width of 50 to 78 feet and a 10- to 14-foot landscaped median. Retaining walls would be constructed in several locations along its length to minimize grading and prevent impacts to sensitive biological resources and preserve lands adjacent to the ROW. The project would install a traffic signal and crosswalk at the intersections of Camino Del Sur with Private Drive M and a roundabout at the Private Drive M/Carmel Mountain Road intersection, as stated in the project Traffic Impact Analysis

(Linscott, Law & Greenspan Engineers [LLG] 2016). Detailed drawings of the road improvements are available for review at the City offices.

The Camino Del Sur extension would link two existing sections of the road and provide a through connection between its interchange with SR-56 (south of Torrey Santa Fe Road) and its intersections with Dormouse Road and Park Village Road. Street lights would be installed according to current City Street standards. Guard rails would be provided, as appropriate, along portions of the roadway where slopes would exceed 25 vertical feet. Class II bicycle lanes would be provided along its entire length. A five-foot wide concrete sidewalk would also be provided on both sides of the street, separated from the roadway by a landscape buffer. A five-foot wide decomposed gravel (DG) pathway is also proposed along Camino Del Sur; the pathway would be constructed west of the roadway north of the Camino Del Sur/Carmel Mountain Road intersection and transition at the traffic signal to the east side of Camino Del Sur. The pathway would connect the public trail connection to the Del Mar Mesa Preserve and the future public trail connection to the east into Darkwood Canyon. Section 3.2.3, *Circulation/Access Improvements*, below provides more detail on the proposed trail connections.

A number of off-site circulation improvements would be implemented as part of the project along the existing segment of Camino Del Sur between its southerly terminus and Park Village Road. For pedestrian safety reasons, a traffic signal would be installed at the intersection of Camino Del Sur/Dormouse Road and a wrought iron fence would be placed down the centerline of the existing median between Dormouse Road and Park Village Drive to discourage mid-block crossings by pedestrians in the vicinity of Park Village Elementary School. The off-site built segment of Camino Del Sur south of the project site would also be restriped to its intersection with Dormouse Road.

Carmel Mountain Road

The project proposes to reclassify Carmel Mountain Road from a four-lane major road to a modified two-lane collector road. The existing segment of road would be realigned and extended 0.38 mile from the SR-56 ROW to its planned intersection with Camino Del Sur as a two-lane collector roadway, including a 74-foot wide ROW, with a 54-foot curb-to-curb width and a 14-foot wide landscaped median. Class II bicycle lanes would be provided. A five-foot wide concrete sidewalk would also be provided on each side of the street, separated from the roadway by a landscape buffer. In addition, a four-foot wide DG pathway would be constructed between the sidewalk and the road along the west side of Carmel Mountain Road. The road extension would follow the ROW dedicated as part of the Rhodes Crossing VTM No. 7938 (Project No. 3230), shifting the constructed portion of the road west of its current location to avoid impacts to an off-site vernal pool preserve (refer to Figure 5.3-1 in the *Biological Resources* section of the EIR).

As part of the Carmel Mountain Road improvements, restriping and a new sidewalk would be implemented on the existing two-lane Carmel Mountain Road bridge deck over SR-56. The restriping and sidewalk construction would provide for two travel lanes, two bike lanes and two sidewalks. No structural modifications to the bridge deck would be required to implement the project. The project design for Carmel Mountain Road would maintain the existing ramp connection with the westbound SR-56 bike path and a new eastbound connection to the bike path would be constructed as part of the project (alternatively, should Caltrans not permit the bike path connection, pedestrian and bicycle access from the path would be gained via the existing ramp on the east side of Carmel

Mountain Road). The project applicant would install a traffic roundabout at the intersection of Carmel Mountain Road and Private Drive M, in addition to the traffic signal at its intersection with Camino Del Sur.

3.2.2 Project Design Features

Architecture

The commercial portion of the Mixed-use Development component is designed to provide an urban oriented central plaza with communal seating, outdoor dining opportunities and specialized retail shopping. As noted above, the street-level commercial structures would be pedestrian in scale rising up to a height of approximately 15 to 20 feet above grade. In certain places, second- and third-floor office spaces above the retail would extend approximately 45 feet above grade and be set back, opening up to outdoor terraces that overlook the plaza. Larger anchors including a combination of a cinema, hardware, grocery, drug, and/or fitness uses would be between 30 and 45 feet above grade and located at the ends of the building or along the freeway edge. A variety of architectural detail and massing would create visual interest and break up the scale of the façade. Three stories of affordable housing would sit over a junior anchor space with a parking structure below the retail. Figure 3-4, *Project Site Sections*, illustrates the configuration and massing of the proposed commercial, office and affordable housing structures north of the main street. Architecturally, the center would exhibit a contemporary appearance, with large glass openings, deep overhanging roof eaves and open trellises. The project would highlight natural materials and colors, usable outdoor spaces, and drought-tolerant landscaping (Figures 3-5a through d, *Building Elevations – Mixed-Use Development*). Sketches of the project design are provided in Figure 3-6a, *Sketch View of Project from SR-56 Travel Lanes*, through Figure 3-6f, *Sketch View of Office*.

The two main office structures would feature a contemporary architectural style using a combination of materials that may include glass, concrete, steel, stucco, and natural stone. The tallest proposed structure would be the 6-story western office structure which would be 98 feet high, including the parapet wall surrounding mechanical equipment (i.e., heating, ventilation, and air conditioning [HVAC] equipment). The second office structure is envisioned as a three-story building, and would be approximately 56 feet high including its HVAC equipment and parapet wall (Figure 3-5b).

The proposed attached townhome and flat units would feature a contemporary architectural style, with more residentially-scaled doors and windows, building heights, and the use of warm natural materials at ground level to create a pedestrian-friendly façade. Ground floor unit entrances would front the streets with stoops, front porches, and landscaped buffers, while the garages would be located off private drives to the rear of the building. The units would feature upper floor terraces and balconies facing the street. The rooftop of the three-story townhome structures would be approximately 35 to 40 feet high. Flats would be three levels above a retail ground floor, with extensive glass-covered and open balconies. Single family units would be constructed in three architectural styles: Formal Spanish, Spanish Colonial and Santa Barbara. Building materials would include stucco, wood, and/or stone. Figures 3-7a and b, *Building Elevations – Residential Development*, provide architectural elevations of the residential structures, while sketches of the townhomes and paseos between the townhomes are provided in Figures 3-8a and b, *Sketch Views of Townhomes and Paseos*.

The project plans include sign criteria, intended to provide building signage which is oriented towards the freeway identifying larger building tenants, as well as a freeway-oriented pylon signage which would not exceed 50 feet tall and 25 feet wide. The signs would be architecturally designed to contribute to a sense of place, enhance overall project identity and provide an aspect of architectural harmony with the project buildings. At the primary entrances to the project off of Carmel Mountain Road and Camino Del Sur, as well as the secondary access south of the existing gas station on Camino Del Sur, six- to eight-foot high monument signs would be located on both sides of the entry. These monument signs would include the same key architectural elements as the center's structures, and would incorporate landscaping, yet be oriented to allow for optimum tenant identification without causing any traffic hazards. Buildings oriented towards Carmel Mountain Road and Camino Del Sur would be allowed to have tenant identification signage, as well as lower monument signage along the interior streets. Interior directional signage would be used for the efficient movement of vehicles and pedestrians towards their destinations. Directional signage would be both pole-mounted as well as ground-mounted, and be placed to enhance pedestrian and vehicle safety.

Landscape Treatments

Development of both components of the project site would include landscape treatments along the street frontages and parkways, common use areas and adjacent to the various buildings and walls (Figures 3-9a through c, *Landscape Plan*). The landscape design would establish a theme for the property which would complement the project architecture by providing a variety of trees, shrubs, and ground cover to accent building architecture and to screen large retaining walls, where needed. The commercial portion of the project would feature a central plaza with landscape elements typically found in the bottoms of canyons, including native riparian plantings, grasses, boulders and cobbles. The residential portion of the project would have a more traditional and structured landscape atmosphere. Large-scale evergreen and deciduous trees would be planted along Camino Del Sur and Carmel Mountain Road; the parkway dividing both roads would feature small-scale shrubs and groundcovers. Slopes adjacent to natural open space areas would be planted and hydroseeded with native or naturalized species. Bio-retention basins would be planted with native or naturalized small-scale shrubs and groundcovers. All walls greater than 150 feet in length would be articulated with vertical elements and retaining walls greater than five feet in height would be screened with landscape material, such as trees and screening shrubs, to minimize their appearance (Figures 3-9a through 3-9c). No invasive species would be planted on site or within the parkway and medians.

Since all habitable structures for the proposed project would be located greater than 100 feet from native open space areas, no formal brush management would be required on site, within off-site City open spaces, or on adjacent properties.

Sustainability Features

The overall project design would incorporate the following sustainability features for energy and water efficiency:

- Solar canopies would be installed on all parking decks;

- Centralized parking structures and walkable streets and plazas would encourage a “park once” strategy;
- Neighborhood-serving retail would be placed in close proximity to residences;
- Mixed-use live/work/play concept incorporated into site planning;
- Pedestrian-oriented development with multiple walkways linking commercial and residential areas;
- Bike racks would be provided in commercial and residential areas;
- Trail connections and bike lanes would be provided along public roads;
- Sustainable building design, including use of local building materials, low-flow fixtures (toilets and showers), and porous surfaces;
- Recycling receptacles would be placed throughout the site;
- Low-water use, native landscaping materials would be installed to minimize turf and irrigation demands; and
- State-of-the-art, low precipitation sprinkler equipment would be used in the mixed-use development.

3.2.3 Circulation/Access Improvements

Internal Vehicular Circulation

Traffic flow through the project site would primarily be accomplished via the east-west trending Private Drive M which would intersect at a signalized intersection with Camino Del Sur and traffic roundabout at Carmel Mountain Road; cross-walks would be provided at the intersections. To minimize cut through traffic along Private Drive M and reduce travel speeds through the center of the site, the road would feature two roundabouts in conjunction with other internal traffic calming measures (Figure 3-3). The northern legs of the roundabouts would serve the parking structures and access to Private Drive T, a secondary access road that would have right-in/right-out only access to Camino Del Sur. Parallel curbside parking, bicycle accommodation and raised crosswalks would also provide traffic calming along Private Drive M. Private Drives N, O, P, and Q would provide internal access for the residential portion of the project. Right-in/out access to Camino Del Sur would be provided from Private Drive N; emergency access only to Carmel Mountain Road from Private Drive N would be accommodated by removable bollards.

Internal and External Pedestrian and Bicycle Circulation

Implementation of the project would provide for pedestrian and bicycle circulation through the construction of a network of contiguous and non-contiguous sidewalks, pathways, and public spaces (Figure 3-10, *On-site Circulation*). These facilities would provide multiple connections between proposed uses within the development area and to off-site areas.

The project design would facilitate movement to off-site locales to the east and west via walkways, sidewalks, road improvements, bike lanes and trail connections. Non-contiguous sidewalks would be constructed along Camino Del Sur and Carmel Mountain Road to facilitate linkages between the

Park Village area, the project site and areas to the north in Rancho Peñasquitos and Torrey Highlands, as described above. Class II bike lanes would be incorporated into the design for Camino Del Sur and Carmel Mountain Road. Access to existing trails and open space areas would be facilitated by two trail connections placed in the southern and northern portions of Camino Del Sur (Figure 3-11, *Proposed Trail Connections*). In addition to providing access from the sidewalk, a segment of public trail would be constructed along the western fill slope. A new segment of public trail coordinated with City Park and Recreation Department would also be extended from the Camino Del Sur fill slope and off-site through natural terrain to the floor of Darkwood Canyon. The proposed trail connections would link the road ROW to approved existing trails in the Del Mar Mesa Preserve and a future trail into the Darkwood Canyon open space.

3.2.4 On-site Parking Facilities

Parking for the mixed-use center would primarily be provided in multi-level parking structures integrated behind and beneath the commercial structures and office structures. Limited surface parking would also be provided behind the commercial structures. Three parking structures would be constructed across the northern edge of development immediately south of Private Drive T, the largest of which would be Parking Structure 2 containing a basement and three parking levels. Parking Structure 1 is similar in size with a basement and four parking levels with the third structure amounting to a basement and two levels. Parking for the multi-family residential (affordable) units would be provided for within the commercial parking area. Parking for the townhomes and guests would be in surface lots/carports integrated among the units. All single-family residences would have garages with additional parking available on the internal private drives. Provisions for shared parking among commercial, office and multi-family (affordable units) uses would be proposed. With nearly all required commercial/office/hotel parking would be provided in structures. In total, the project would provide 1,683 spaces, which would be 85 more spaces than are required under the parking provisions in the San Diego Municipal Code (SDMC).

3.2.5 Utility Improvements

Primary utility service to the site would be provided underground within the ROW for Camino Del Sur and Carmel Mountain Road, as part of those roadway improvements. Specific utility improvements for the project are described below.

Stormwater

The majority of the site drains westerly towards McGonigle Canyon, with the remaining portions of the site draining south towards Los Peñasquitos Canyon (Chang Consultants 2015). The project design for the Mixed-use Development component of the project proposes a system of private storm drain pipes, structures and bio-filtration basins for drainage, designed in accordance with the City's Drainage Control Manual. The entire Merge 56 Development site, bounded by Camino Del Sur on the west, Carmel Mountain Road to the east, and SR-56 to the north would be treated by a combination of biofiltration basins and other BMP devices (pending final infiltration testing during construction) and drain northwesterly to an underground storage vault for hydromodification compliance. The systems would convey treated runoff via a culvert beneath Camino Del Sur to the west into Deer Canyon.

Post-construction storm water treatment best management practices (BMPs) for the northern portion of Camino Del Sur and Carmel Mountain Road would be constructed within the ROW and include the construction of public storm drain lines to convey runoff to bio-filtration basins and other BMP devices (pending final infiltration testing during construction) for treatment and storage vaults for flow control. After being treated, runoff from the northern portion of the Camino Del Sur and Carmel Mountain Road would be conveyed to a storage vault within the Camino Del Sur ROW and then discharged to the west into Deer Canyon, while runoff from the southern portion of Carmel Mountain Road and the middle of Camino Del Sur would be conveyed to a storage vault within the Camino Del Sur ROW, ultimately discharging into Deer Canyon. Runoff from the southern portion of Camino Del Sur would be conveyed to two bio-filtration basins situated in open space west of Camino Del Sur. Maintenance access roads designed using the minimum roadway width and length needed to provide safe access for maintenance crews and equipment would be provided to each of the basins, in accordance with the City's Drainage Design Manual.

The project's storm water treatment design took into consideration a variety of factors when determining the location of the bio-filtration basins. The slopes and topography in the project area, their impact to sensitive biological resources, the amount of grading required for their implementation, flow requirements, and post-construction maintenance costs. A more detailed description of the proposed drainage and storm water treatment systems is provided in Section 7.1.7, *Hydrology/Water Quality*, of this EIR.

Sewer

A 10-inch diameter public sewer line is proposed in the Camino Del Sur ROW from the Mixed-Use Development area to the nearest off-site point of connection near Torrey Santa Fe Road and in the existing Camino Del Sur segment near Dormouse Road. A 10-inch diameter public sewer line would be constructed beneath the section of Carmel Mountain Road associated with the project.

Water

A 12-inch diameter potable water line would be extended on site from the closest points of connection within existing segments of Carmel Mountain Road and Camino Del Sur. In addition, a 16-inch public water main and 24-inch diameter public recycled water line would be installed in the Camino Del Sur ROW. A 16-inch public water main and 8-inch diameter public recycled water line would be constructed within the Carmel Mountain Road ROW.

3.3 PROJECT CONSTRUCTION

Approximately 66 acres would be graded as part of the Merge 56 Development Project (refer to Section 5.3, *Biological Resources*). Approximately 35 acres in association with the mixed-use development area and roughly 31 acres for the public roads (and related improvements) would be rough graded and finished graded as part of the construction process. It is anticipated that approximately 626,700 cubic yards (cy) of cut and 731,200 cy of fill (including 104,500 cy of import) would be required to implement the grading plan for the Merge 56 Development Project. No blasting would be required. Figure 3-12, *Vesting Tentative Map and Grading Plan*, illustrates the grading required to implement the project.

To implement the grading plan, a series of retaining walls would be required to minimize grading and to create building pads and road beds; the maximum length of any retaining wall would not exceed 1,440 linear feet (to be located along the northern edge of the development area). The tallest retaining wall would be 44 feet in height and reach a length of 500 feet, along the eastern edge of the Camino Del Sur crossing of Deer Canyon adjacent to the northern edge of the development and proposed open space. The maximum height of fill slopes would be 66 feet (at 2:1 ratio) and the maximum fill depth would be 6 feet, while the height of any cut slopes would be 62 feet (at 2:1 ratio) with the maximum cut depth of 62 feet (Latitude 33 2016).

Typical construction equipment/vehicles required for project construction would include bulldozers, front-end loaders, scrapers, tractors, backhoes, paver/rollers, dump trucks, water trucks and concrete mixers. A 20-foot construction buffer is proposed along the outer edges of the grading limits to accommodate construction equipment access, except where the construction activities would occur near the off-site vernal pool preserves and near the San Diego National Wildlife Refuge property where a reduced construction buffer is proposed (refer to Section 5.3, *Biological Resources*). Construction staging would occur within approved project disturbance footprint and would be located as far away as possible from existing residences and biologically sensitive areas. Construction access would be via dirt roads connecting to the existing termini for Camino Del Sur and Carmel Mountain Road. Construction activities would occur from 7:00 a.m. to 7:00 p.m. Monday through Saturday, excluding public holidays, in accordance with the SDMC.

Grading and improvement plans would be reviewed by the City Engineer prior to development. The anticipated construction start date for the project is ~~2017~~2018 and will take approximately two years to complete.

3.4 DISCRETIONARY ACTIONS

This EIR is intended to provide documentation pursuant to CEQA to cover all local, regional, and state permits and/or approvals which may be needed to construct or implement the proposed project, including the public roads. The anticipated discretionary approvals required to implement the project are identified in Table 3-1, *Required Discretionary Actions*, and briefly described below.

Table 3-1 REQUIRED DISCRETIONARY ACTIONS	
Approval/Permit	Approving Agency
General Plan Amendment	City of San Diego
Community Plan Amendment	City of San Diego
Rezone	City of San Diego
Planned Development Permit Amendment	City of San Diego
Site Development Permit Amendments	City of San Diego
Conditional Use Permit	City of San Diego
Vesting Tentative Map Amendment	City of San Diego
Right-of-way and Easement Vacations	City of San Diego
Public Facilities Financing Plan Amendment	City of San Diego
EIR Certification	City of San Diego
Encroachment Permit	California Department of Transportation
National Pollutant Discharge Elimination System (NPDES) Municipal Storm Water Permit Compliance	Regional Water Quality Control Board
NPDES General Construction Activity Permit for Stormwater Discharges Compliance	Regional Water Quality Control Board State Water Resources Control Board
California Fish and Game Code Section 1602 Streambed Alteration Agreement	California Department of Fish and Wildlife
Federal Clean Water Act Section 404 Permit	U.S. Army Corps of Engineers
Federal Endangered Species Act Section 7 Consultation	U.S. Fish and Wildlife Service
Federal Clean Water Act Section 401 Water Quality Certification	San Diego Regional Water Quality Control Board

3.4.1 General Plan Amendment

The GPA would change the designated land uses on Figure LU-2, *General Plan Land Use and Street System*, in the General Plan from Commercial Employment, Retail and Services; Residential; and Parks, Open Space and Recreation to Multiple Use.

3.4.2 Community Plan Amendment

The CPA is required to change the land use designation of the project site in the Torrey Highlands Subarea Plan from Commercial Regional (CR) and Medium-High Density Residential (MHD) to Local Mixed-use Center (LMXU) South, to specify the planned land use intensity consistent with the project design, and to downgrade the classifications of on-site portions of Camino Del Sur and Carmel Mountain Road, Circulation Element roads in the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan, as described herein.

3.4.3 Rezone

The Rezone would modify the underlying zoning from the entitled zoning of Commercial (CR-2-1) and Residential (RM-3-9) Agriculture (AR-1-1) to Community Commercial (CC-3-5) and Residential Small Lot (RX 1-42) to make the project site consistent with its proposed land use designation.

3.4.4 Planned Development Permit

The intent of a PDP is to accommodate, to the greatest extent possible, an equitable balance of development types, intensities, styles, site constraints, project amenities, public improvements, and community and City benefits. The SDMC allows applicants to obtain a PDP to provide flexibility in the design of projects. The intent of the PDP amendment for the project is to implement the LMXU in accordance with the Torrey Highlands Subarea Plan. All lots within the subdivision would be subject to the use and development regulations of the CC-3-5 and RX 1-2 zones, as modified by the requested deviations. Deviations that the Project Applicant is requesting through the PDP include reduced front and rear yard setbacks in the RX zone, reduced front yard setbacks in the CC zone and a deviation from ground floor restrictions where residential uses and residential parking are prohibited on the ground floor in the front 30 feet of the lot. A deviation from the street frontage of 35 feet for residential lots in the RX-1-2 zone would be necessary as certain residential lots would not have direct frontage to the private drive. All structures would comply with the CC-3-5 development regulations pertaining to building height. A deviation for over-height retaining walls is also proposed.

3.4.5 Site Development Permit(s)

A Site Development Permit (SDP) to amend SDP No. 53204, SDP No. 3278, and SDP No. 40-0386 are required due to impacts to ESL resources (specifically, biological resources, archaeological resources, and steep slopes), as discussed in Section 5.1, *Land Use*, Section 5.3, *Biological Resources*, and Section 5.4, *Historical Resources*.

The amended SDP would provide authorization, as a third party beneficiary, for impacts to coastal sage scrub and covered species under the MSCP. ESL Findings would be required for SDP approval when projects would result in impacts to ESL. Supplemental Deviation Findings would also be required for impacts to ESL containing wetlands.

3.4.6 Conditional Use Permit

Construction and operation of the cinema/theater over 5,000 SF would require approval of a CUP.

3.4.7 Vesting Tentative Map

The project would require approval of a VTM to amend VTM No. 7938 to permit the re-subdivision of three lots to ~~create 100~~ create 107 lots, consisting of 84 RX zoned lots, ~~seven-12~~ CC zoned lots, ~~five~~ seven open space lots, and four lots for private drives, as shown in Figure 3-12. Figure 3-13, *Public Road Sections*, shows typical cross sections for the public roads that abut the VTM.

3.4.8 Right-of-Way and Easement Vacations

A public ROW vacation is required for Camino Del Sur and Carmel Mountain Road to revise the ROW dedicated in VTM No. 7938 and to incorporate revisions attributable to the downgraded road classifications for both roads. A water easement vacation is also proposed.

3.4.9 Public Facilities Financing Plan Amendments

The City has planned for the extensions of Camino Del Sur and Carmel Mountain Road in the current Torrey Highlands Facilities Benefit Assessment (Fiscal Year [FY] 2013) and the Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment (FBA) (FY 2014).

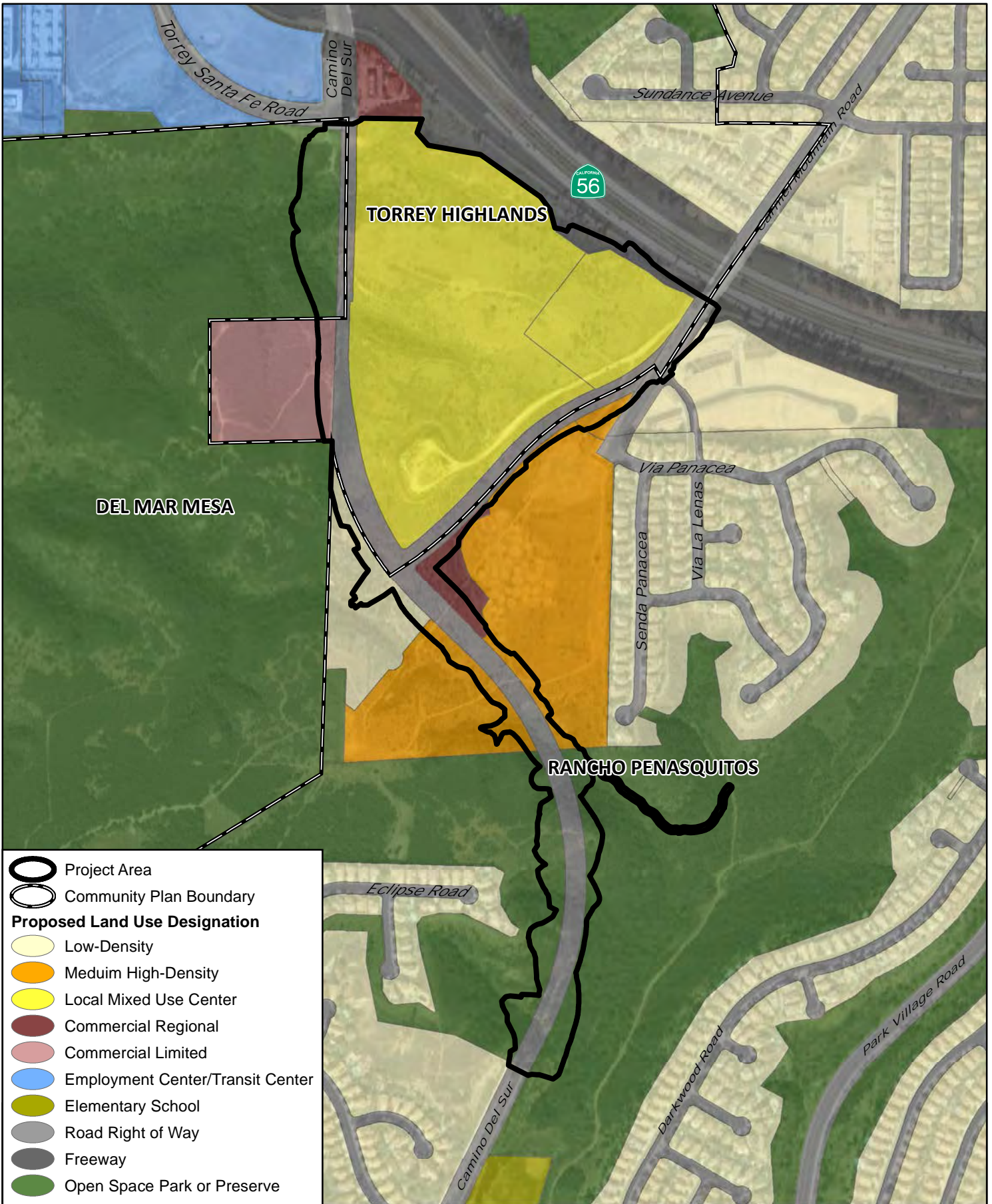
An amendment to the Public Facilities Financing Plans is required to revise the descriptions of the road improvements to Camino Del Sur and Carmel Mountain Road.

3.4.10 Other Agency Approvals

The applicant would have to obtain approval of an Encroachment Permit from Caltrans District 11 in order to grade within the right-of-way and restripe/construct a sidewalk on the Carmel Mountain Road bridge deck over SR-56 within the State ROW.

The applicant would also be required to obtain state and federal agency reviews and approvals for impacts to jurisdictional areas and listed species, as defined by the State Fish and Game Code (Section 1602 Streambed Alteration Agreement), Federal Clean Water Act (Section 404 Permit and Section 401 Water Quality Certification) and Federal Endangered Species Act (Section 7 Consultation), as described in Section 5.3, *Biological Resources*.

Approval of the NPDES requirements would also be necessary to address construction-related water quality issues, including Municipal Storm Water Permit Compliance and General Construction Activity Permit for Stormwater Discharges Compliance.



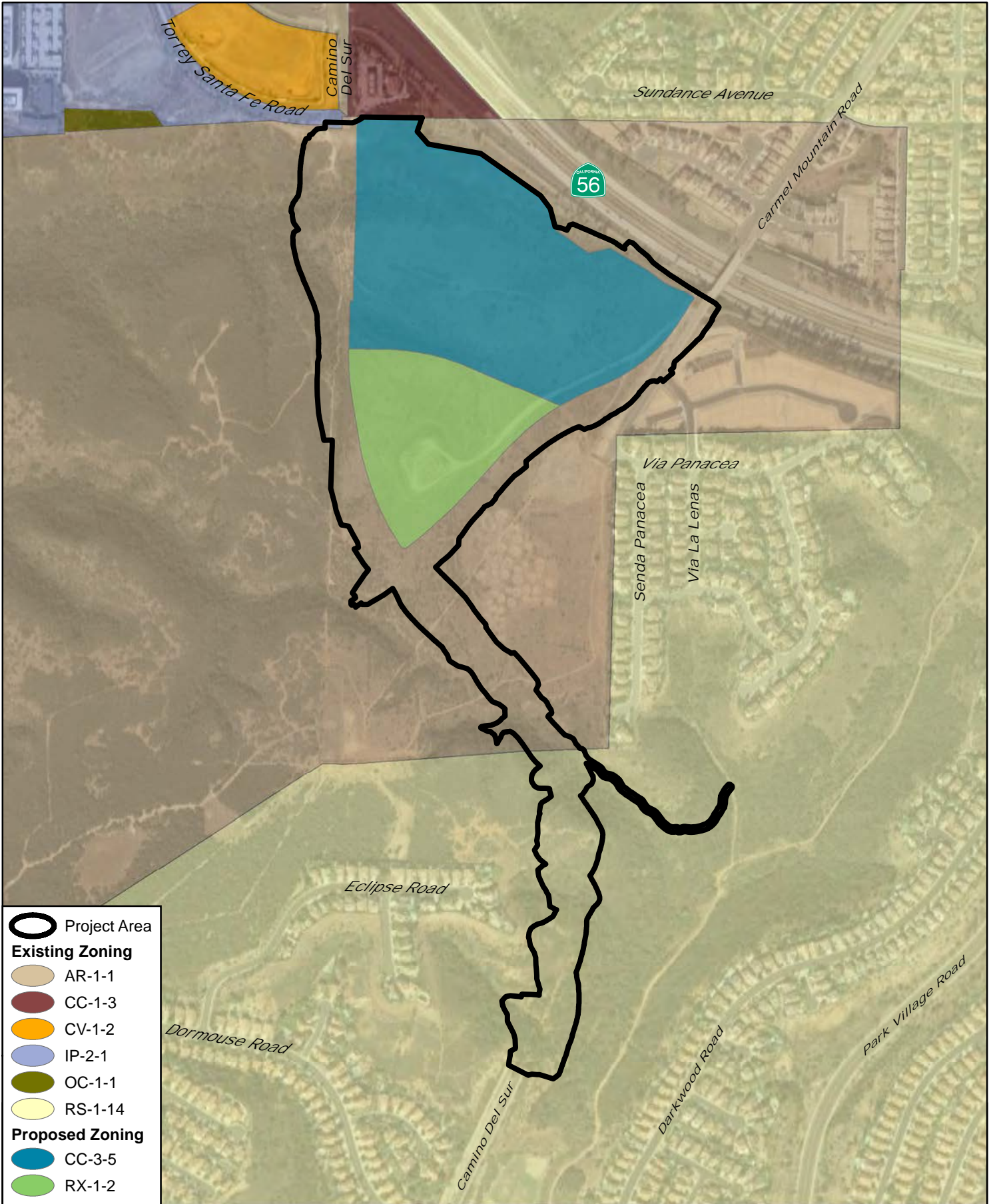
Source: Torrey Highlands Subarea Plan, Google

Figure 3-1

Proposed Land Use Designations

MERGE 56 DEVELOPMENT PROJECT





	Project Area
Existing Zoning	
	AR-1-1
	CC-1-3
	CV-1-2
	IP-2-1
	OC-1-1
	RS-1-14
Proposed Zoning	
	CC-3-5
	RX-1-2

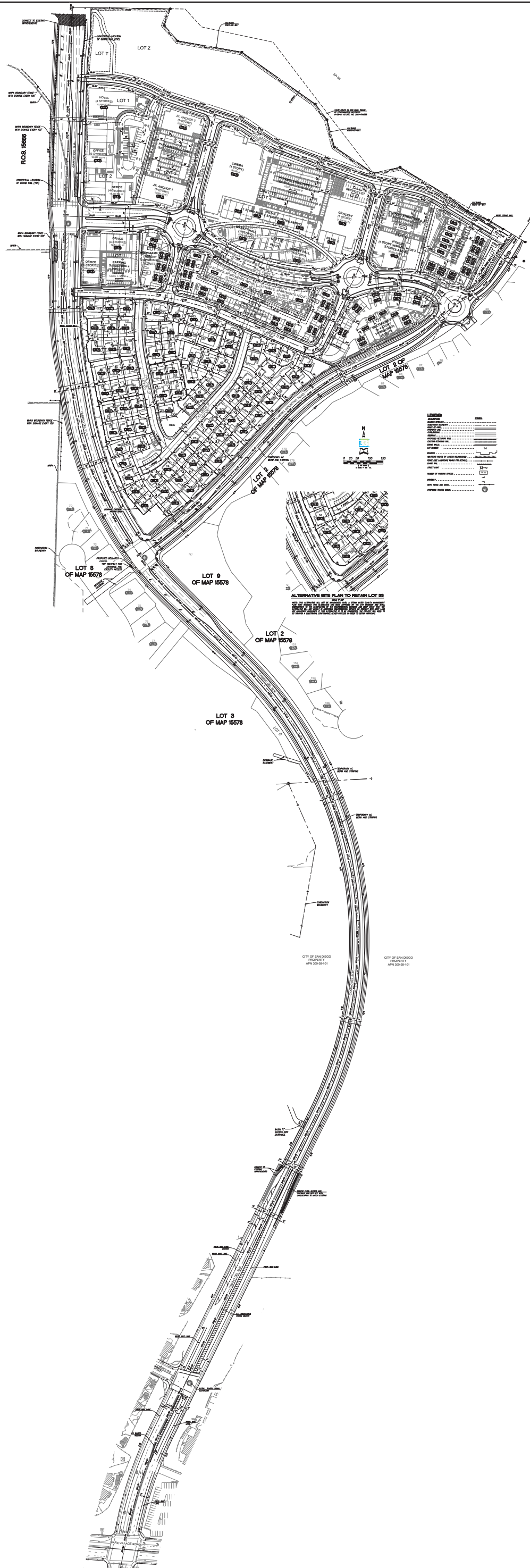
Source: SanGIS, Google

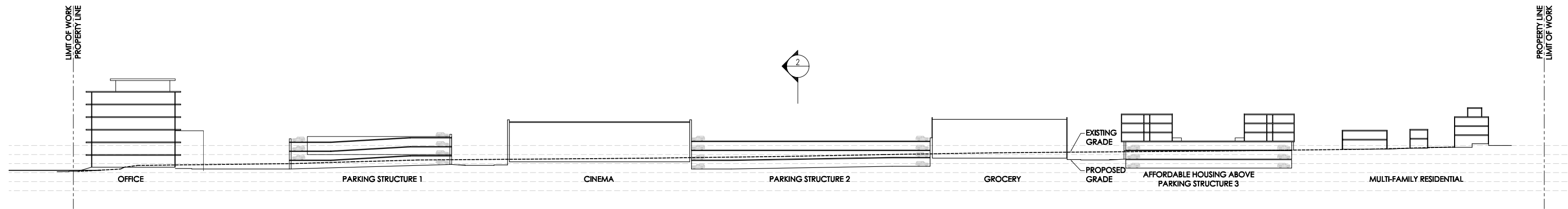


Figure 3-2

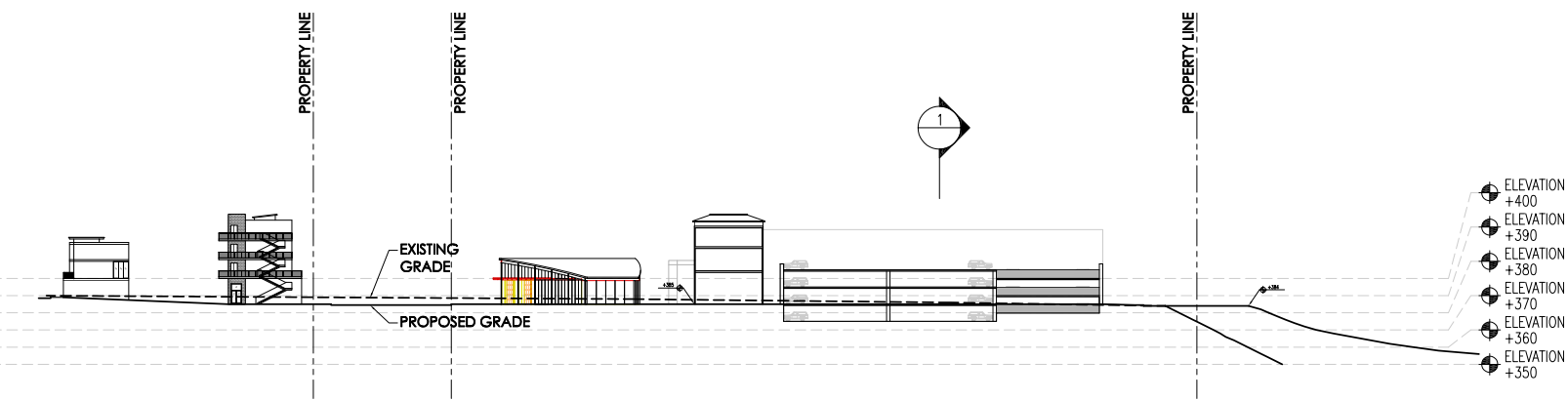
Proposed Zoning

MERGE 56 DEVELOPMENT PROJECT

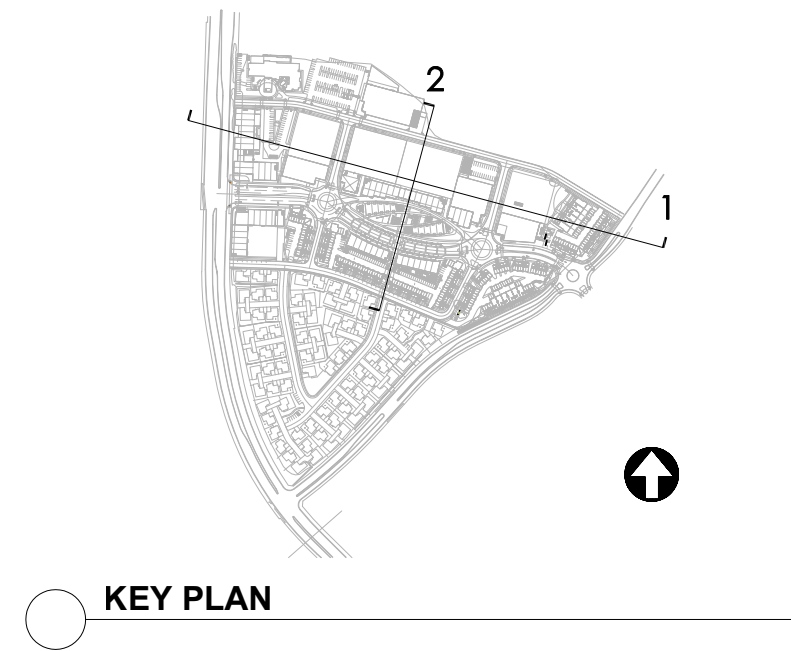




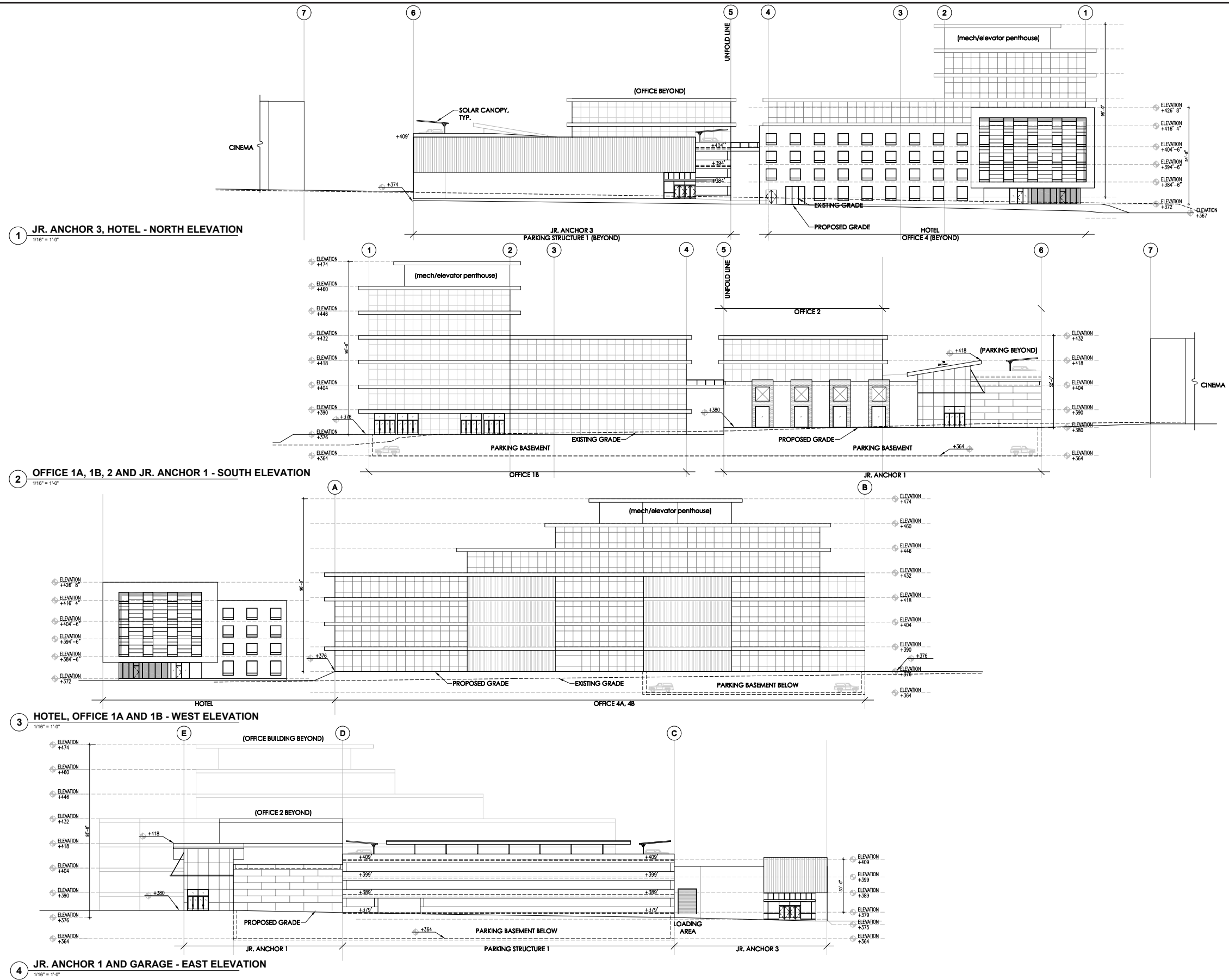
1 SITE SECTION
1" = 50'-0"

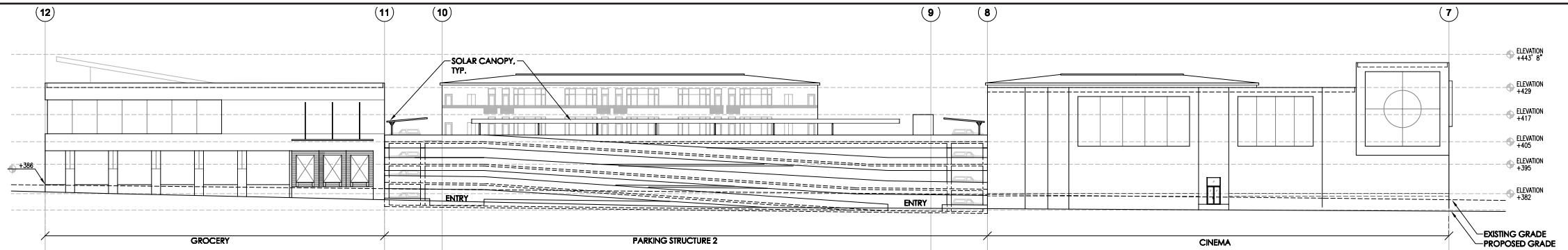


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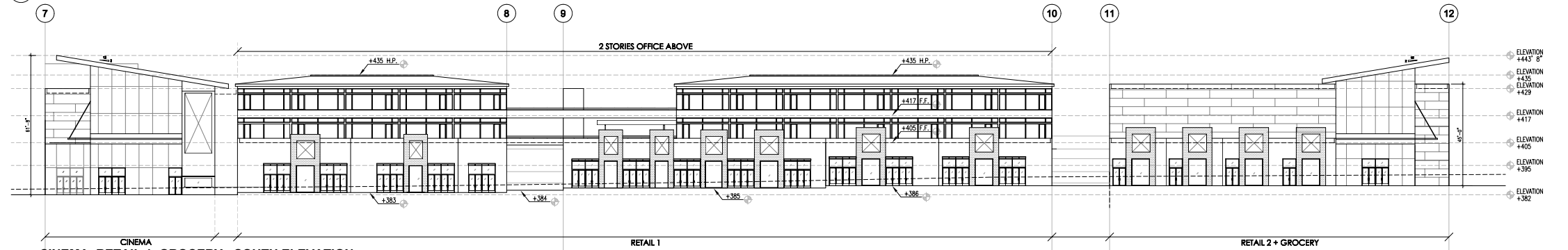


KEY PLAN

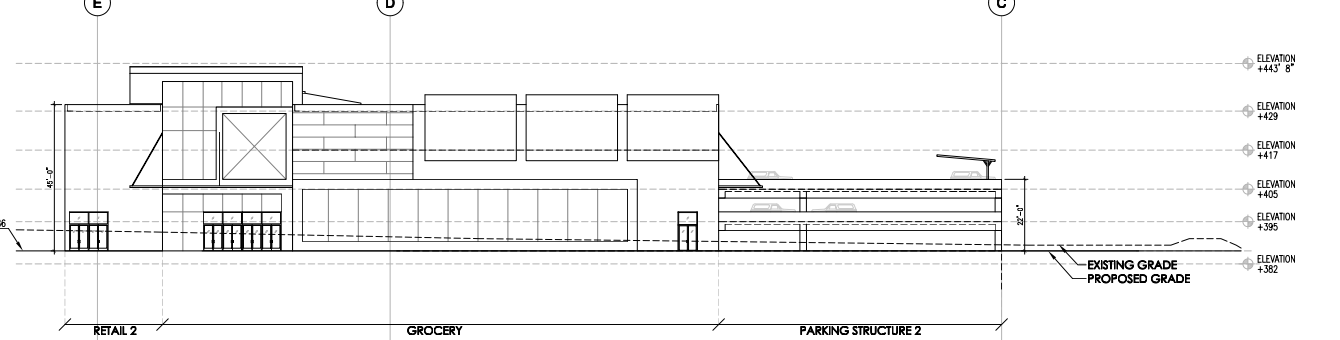




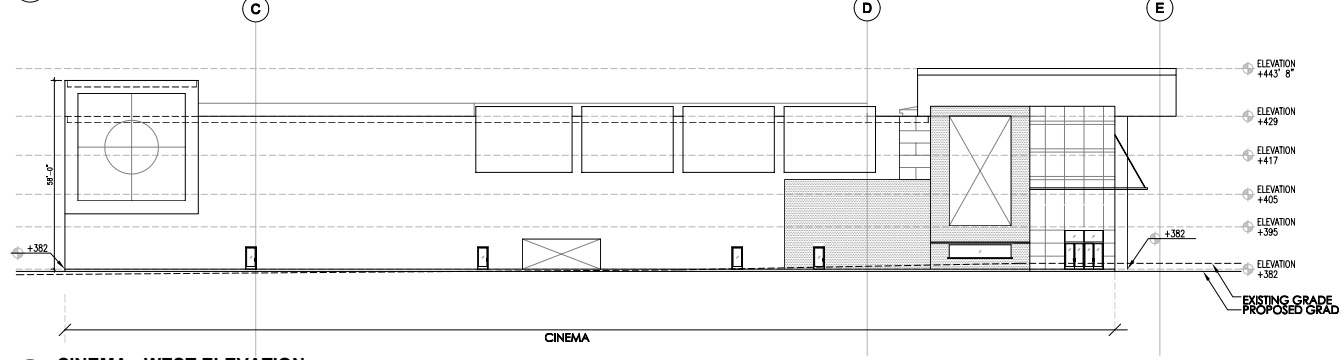
1 GROCERY, PARKING STRUCTURE 2, CINEMA - NORTH ELEVATION
1/16" = 1'-0"



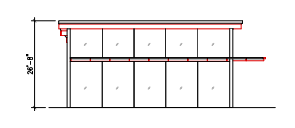
2 CINEMA, RETAIL 1, GROCERY - SOUTH ELEVATION
1/16" = 1'-0"



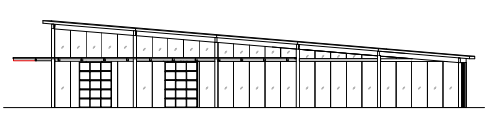
3 GROCERY - EAST ELEVATION
1/16" = 1'-0"



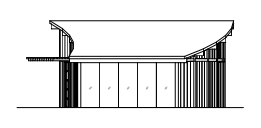
4 CINEMA - WEST ELEVATION
1/16" = 1'-0"



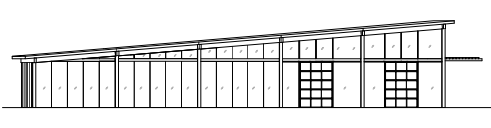
5 MARKET HALL EAST ELEVATION
1/16" = 1'-0"



6 MARKET HALL NORTH ELEVATION
1/16" = 1'-0"



7 MARKET HALL WEST ELEVATION
1/16" = 1'-0"

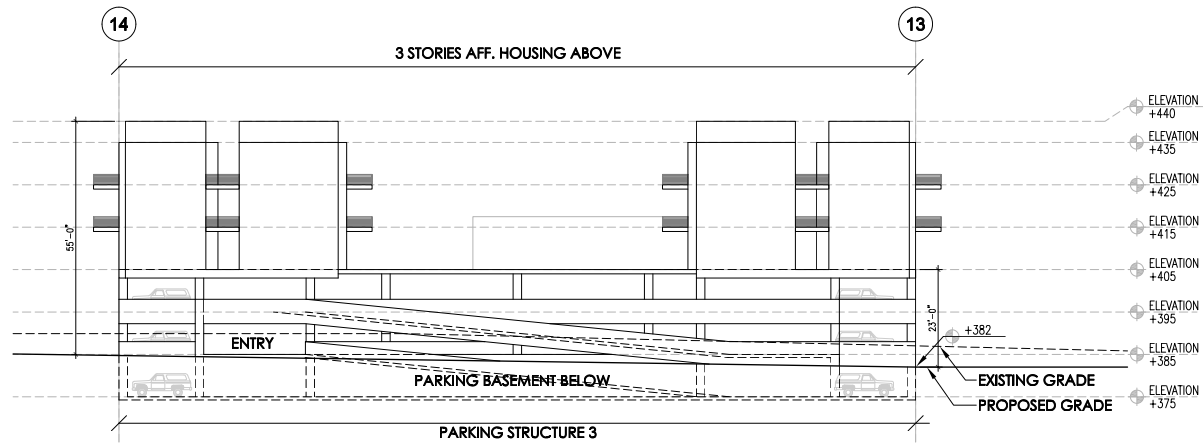


8 MARKET HALL SOUTH ELEVATION
1/16" = 1'-0"

Source: Safdie Rabines Architects 2015

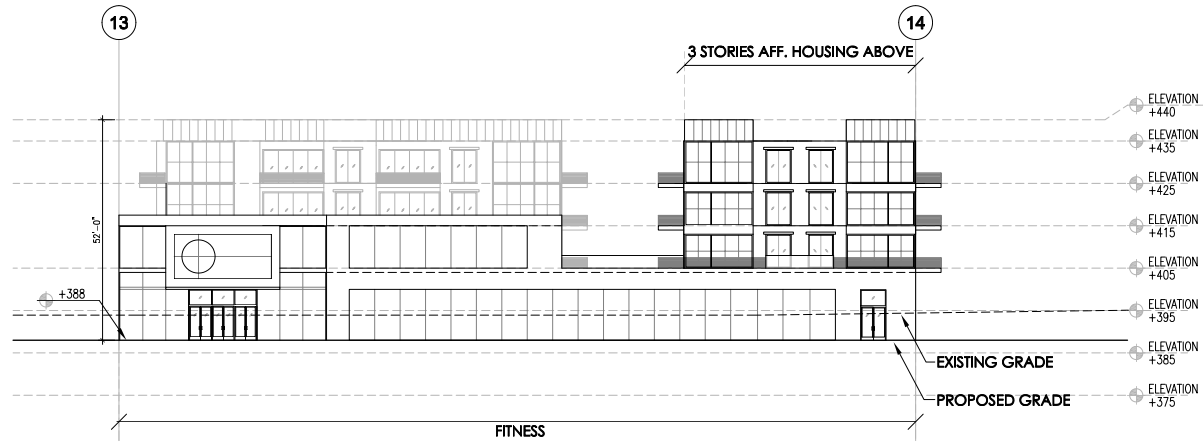
Figure 3-5b

Building Elevations - Mixed-Use Development



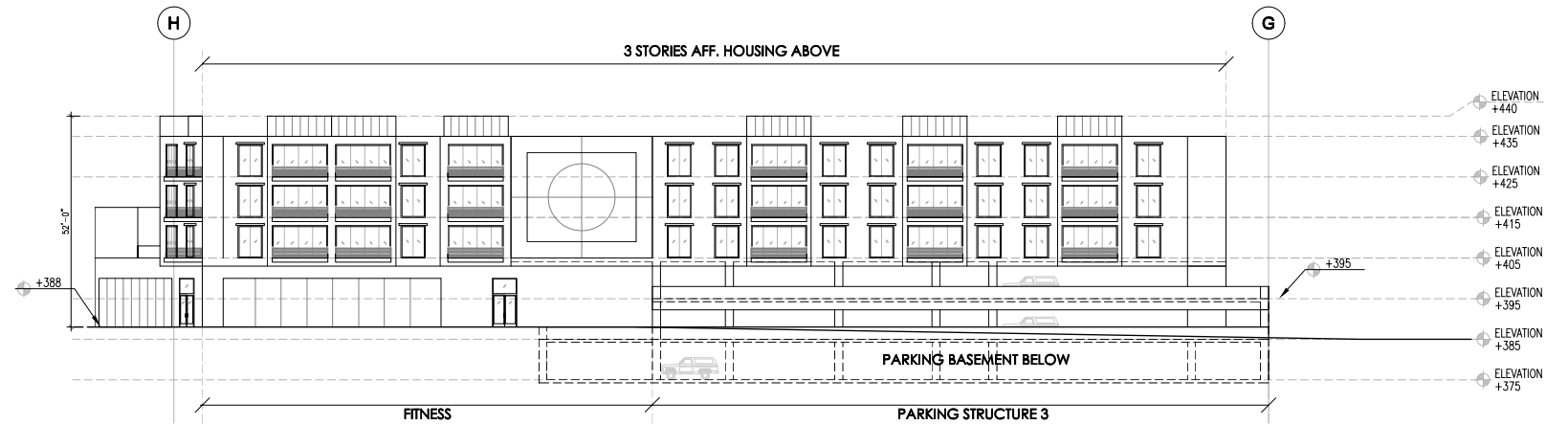
1 AFFORDABLE HOUSING AND PARKING STRUCTURE 3 NORTH ELEVATION

1/16" = 1'-0"



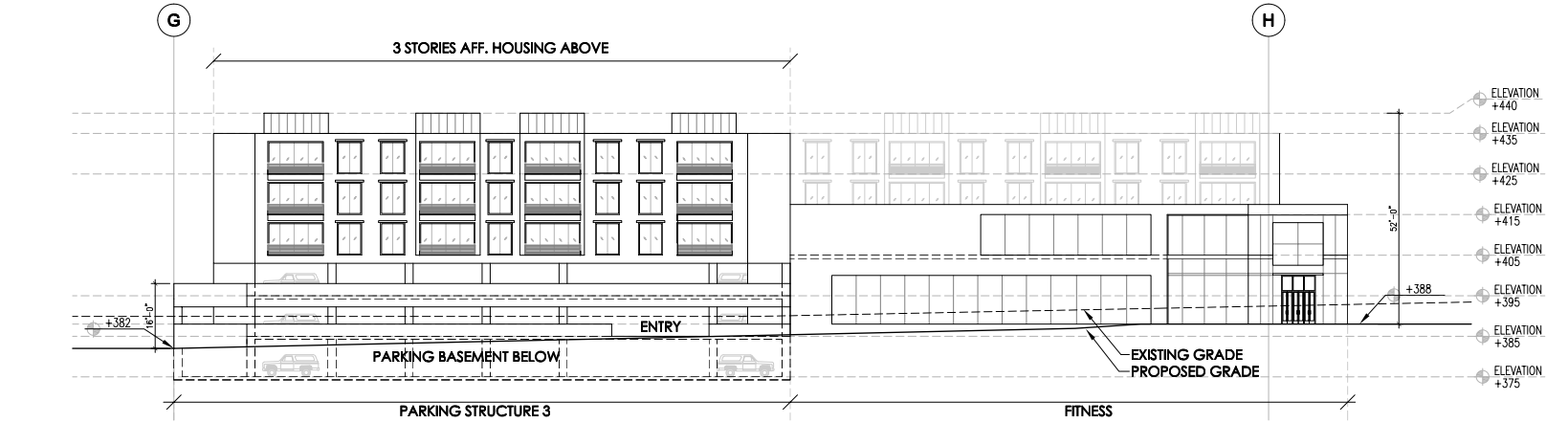
2 FITNESS, AFFORDABLE HOUSING SOUTH ELEVATION

1/16" = 1'-0"



3 FITNESS, PARKING STRUCTURE 3, AFFORDABLE HOUSING EAST ELEVATION

1/16" = 1'-0"



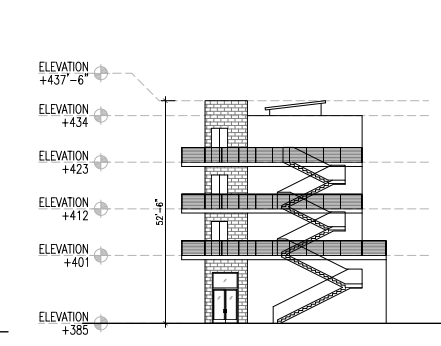
4 FITNESS, PARKING STRUCTURE 3, AFFORDABLE HOUSING WEST ELEVATION

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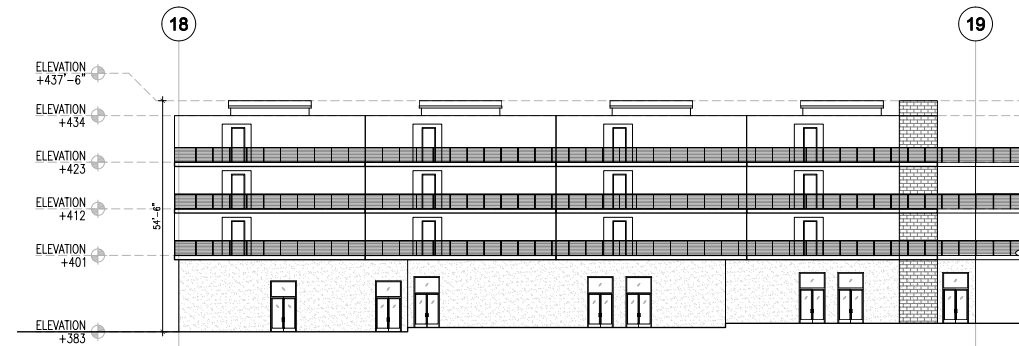
5 RETAIL 3 NORTH ELEVATION

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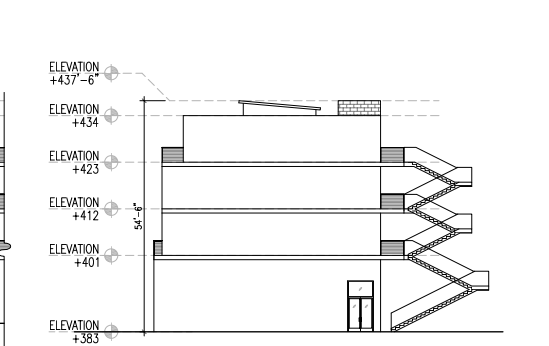
6 RETAIL 3 EAST ELEVATION

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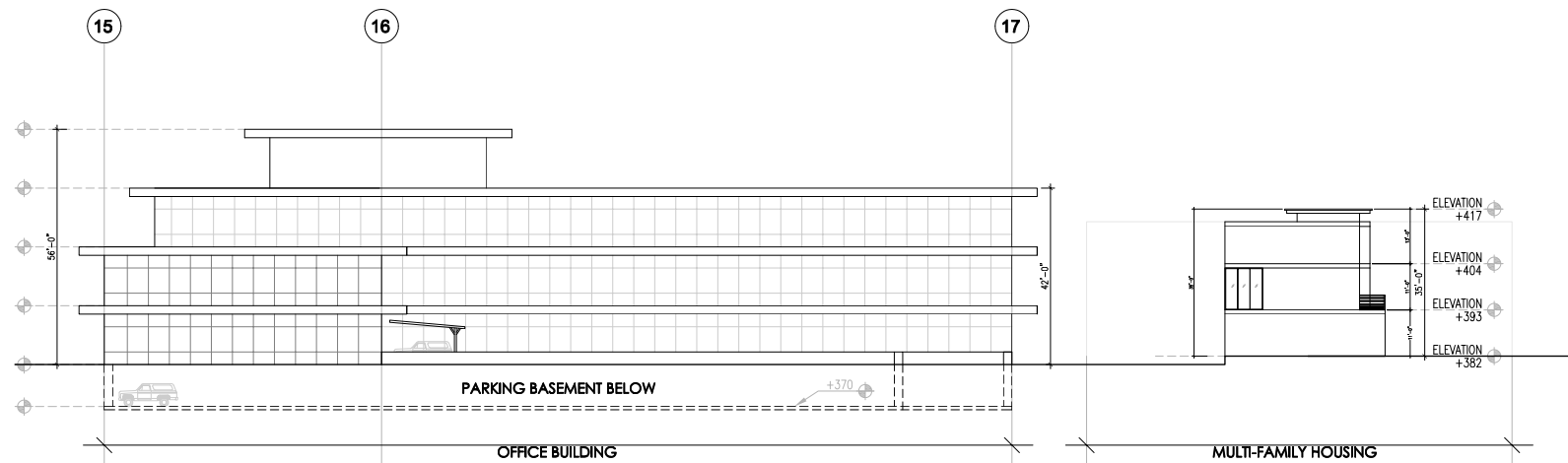
7 RETAIL 3 SOUTH ELEVATION

1/16" = 1'-0"

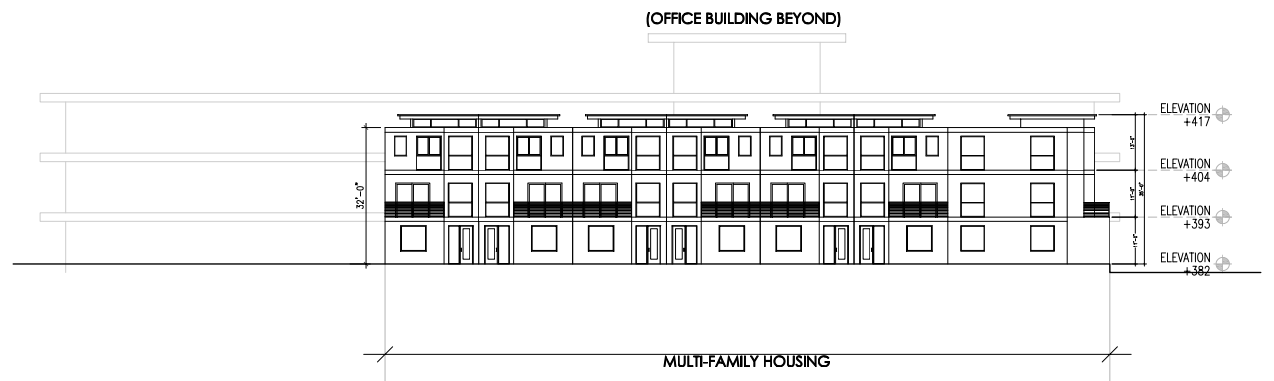


8 RETAIL 3 WEST ELEVATION

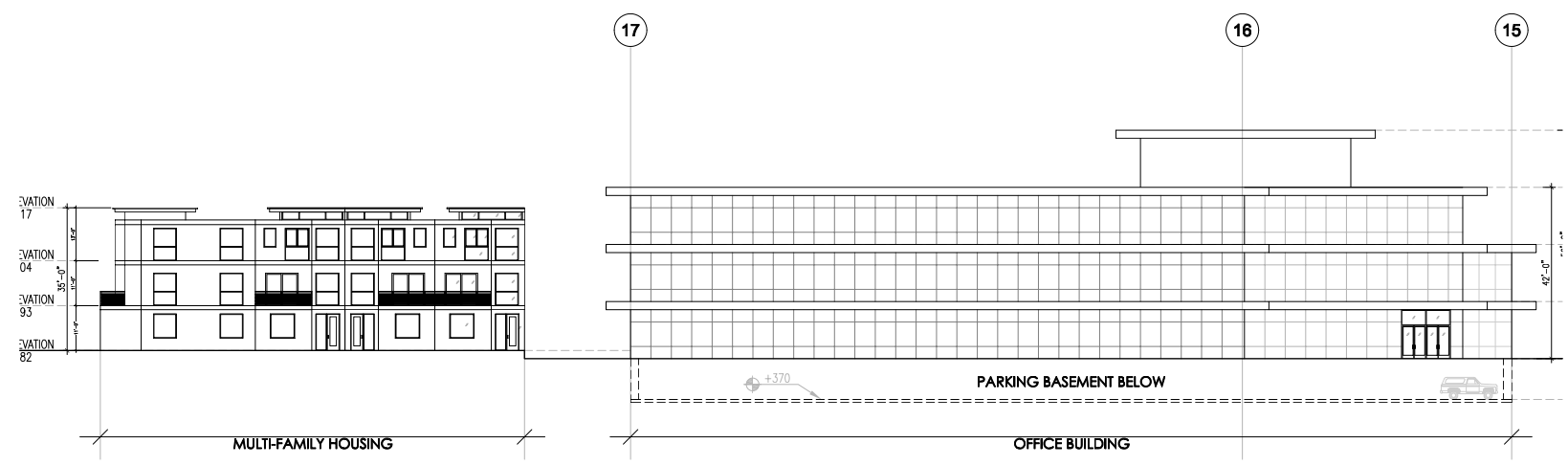
1/16" = 1'-0"



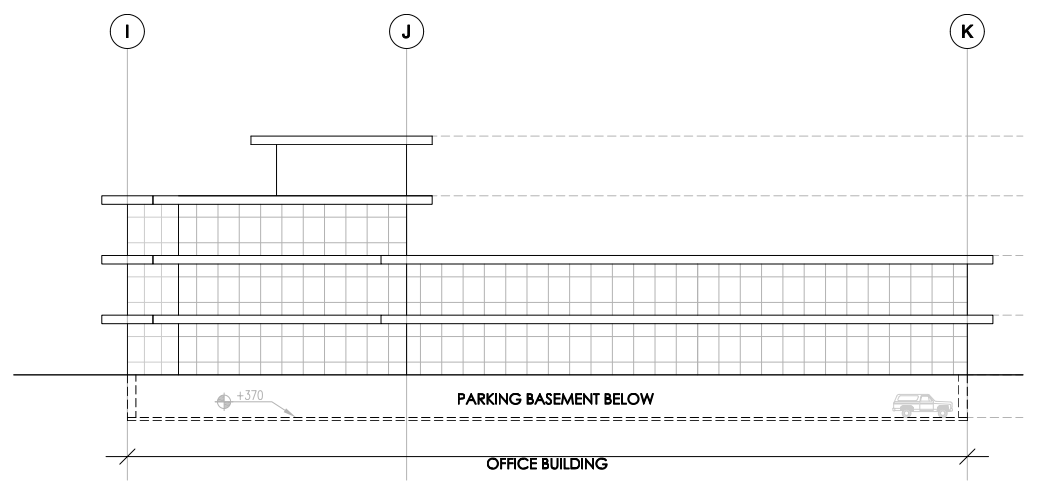
1 OFFICE 4A, 4B, TYPICAL MULTIFAMILY SOUTH ELEVATION
1/16" = 1'-0"



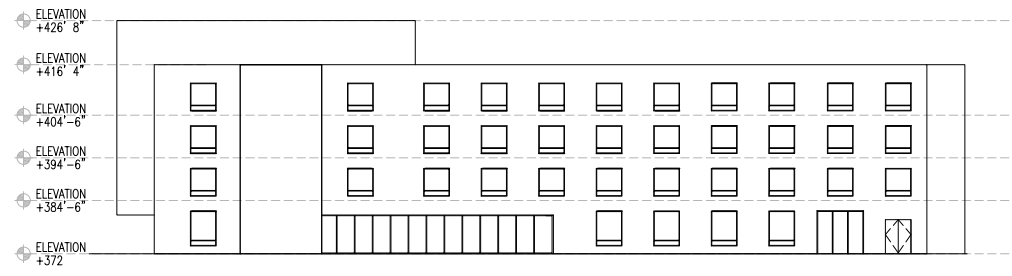
2 TYPICAL MULTIFAMILY EAST ELEVATION
1/16" = 1'-0"



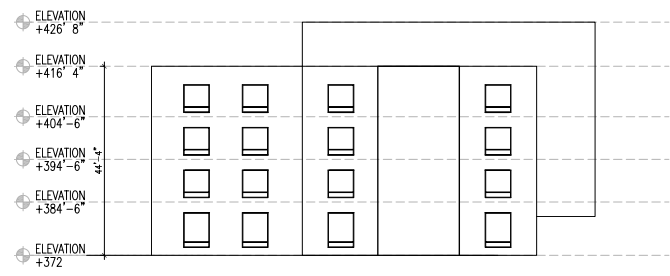
3 OFFICE 4A, 4B, TYPICAL MULTIFAMILY NORTH ELEVATION
1/16" = 1'-0"



4 OFFICE 4A, 4B WEST ELEVATION
1/16" = 1'-0"



7 HOTEL SOUTH ELEVATION
1/16" = 1'-0"



6 HOTEL EAST ELEVATION
1/16" = 1'-0"

Source: Safdie Rabines Architects 2015

Figure 3-5d

Building Elevations - Mixed-Use Development



Source: Safdie Rabines Architects 2015

Figure 3-6a

Sketch View of Project from SR-56 Travel Lanes

MERGE 56 DEVELOPMENT PROJECT



Source: Safdie Rabines Architects 2015

Figure 3-6b

Sketch View of Cinema

MERGE 56 DEVELOPMENT PROJECT



KEY PLAN

Source: Safdie Rabines Architects 2015

Figure 3-6c

Sketch View of Grocery Store

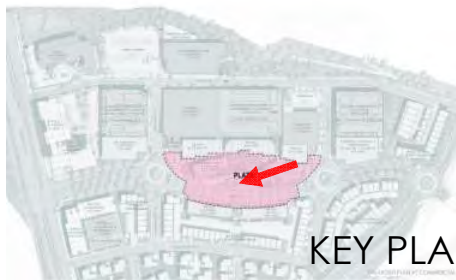
MERGE 56 DEVELOPMENT PROJECT



Source: Safdie Rabines Architects 2015

Figure 3-6d
Sketch View of Junior Anchor

MERGE 56 DEVELOPMENT PROJECT



KEY PLAN

Source: Safdie Rabines Architects 2015

Figure 3-6e

Sketch View of Central Plaza

MERGE 56 DEVELOPMENT PROJECT



KEY PLAN

MERGE 56 - UNIT 5



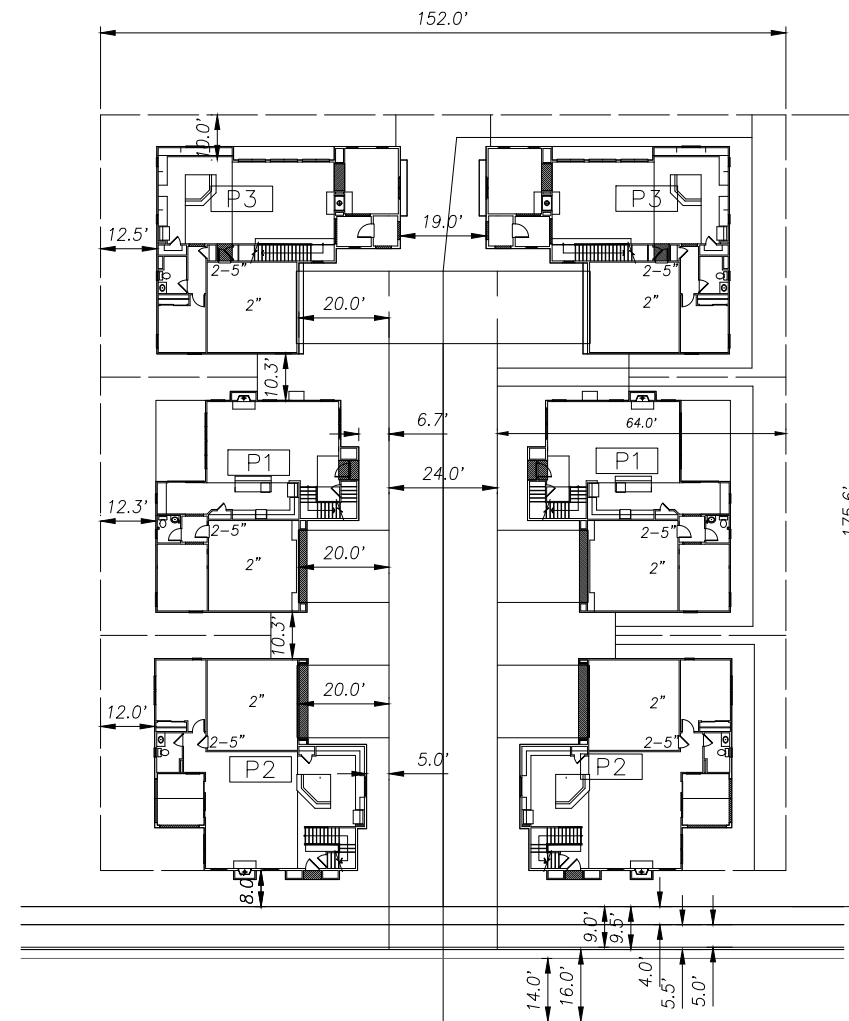
Plan 3 'C' - Formal Spanish



Plan 2 'B' - Spanish Colonial



Plan 1 'A' - Santa Barbara



Typical Cluster Detail



KEY PLAN



Source: Safdie Rabines Architects 2014

Figure 3-8b

Sketch View of Paseos

MERGE 56 DEVELOPMENT PROJECT

HARDSCAPE LEGEND:

- ENHANCED PAVING**
Such as:
Uncoated concrete paving with enhanced finish
Integrally colored concrete with enhanced finish
Concrete pavers
Stamped concrete
Treated asphalt paving
- ENHANCED VEHICULAR PAVING**
Such as:
Uncoated concrete paving with enhanced finish
Integrally colored concrete with enhanced finish
Poros pavers

PLANTING LEGEND:

- OCCURS ON PRIVATELY MAINTAINED LAND**
PLANT MATERIAL LEGEND: QTY / % / SIZE
- PALM TREES**
Medium scale palm tree - such as:
Washingtonia filifera
Syngonium romanzoffianum
Archontophoenix cunninghamiana
Rhapidois exoniata
Chamaecyparis humilis
- 100% / 8" BTH**
"California Fan Palm"
"Queen Palm"
"King Palm"
"Lacy Palm"
"Mediterranean Fan Palm"

- OCCURS ON PRIVATELY MAINTAINED LAND**
PLANT MATERIAL LEGEND: QTY / % / SIZE
- BROAD-HEADED SHADE TREES**
Large scale evergreen/deciduous tree - 50' tall x 40' wide, such as:
Quercus agrifolia
Umbellularia californica
Plus tinctoria
- 100% / 15 GAL**
"Cascadian Willow"
"Little Gem Magnolia"
"New Zealand Christmas Tree"
"Stawberry Tree"

- OCCURS ON PRIVATELY MAINTAINED LAND**
PLANT MATERIAL LEGEND: QTY / % / SIZE
- BROAD-HEADED NATIVE SHADE TREES**
Large scale evergreen/deciduous tree - 30' tall x 40' wide, such as:
Panicum racemosum
Quercus agrifolia
Umbellularia californica
Plus tinctoria
- 70% / 24" BOX**
30% / 28" BOX
"California Sycamore"
"Crest Live Oak"
"California Bay Laurel"
"Torrey Pine"

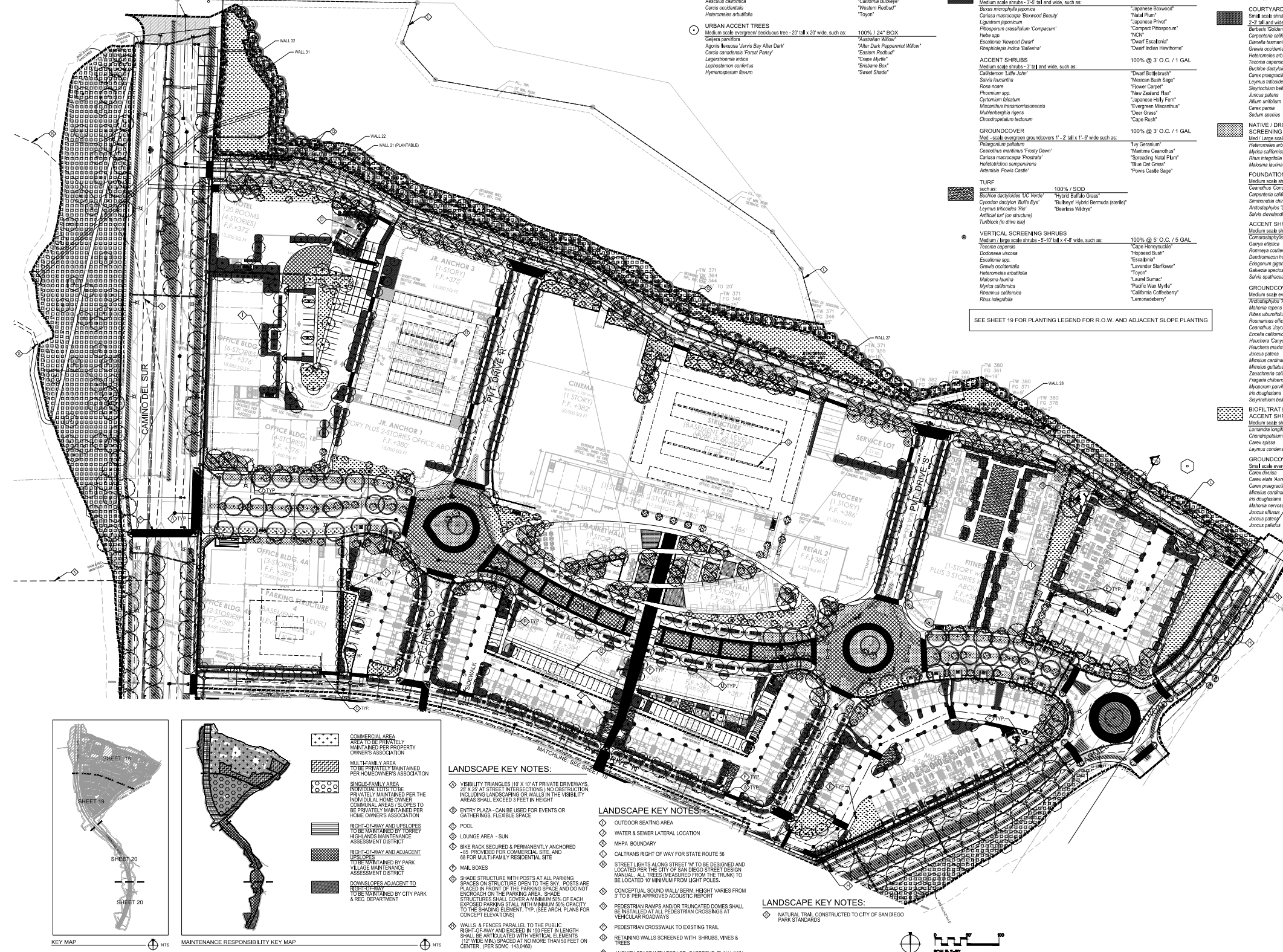
- OCCURS ON PRIVATELY MAINTAINED LAND**
PLANT MATERIAL LEGEND: QTY / % / SIZE
- NATIVE ACCENT TREES**
Medium scale evergreen/deciduous tree - 20' tall x 20' wide, such as:
Aspidocalyx californica
Cercos occidentalis
Heteromeles arbutifolia
- 100% R.O.W. TREE / 24" BOX**
100% REMAINING / 15 GAL
"California Sycamore"
"Western Redbud"
"Toyon"

- OCCURS ON PRIVATELY MAINTAINED LAND**
PLANT MATERIAL LEGEND: QTY / % / SIZE
- URBAN ACCENT TREES**
Medium scale evergreen/deciduous tree - 20' tall x 20' wide, such as:
Cercos occidentalis
Apocynon androsaemifolium
Cercos canadensis
Lepostemon confertus
Hymenocallis flavum
- 100% / 24" BOX**
"Austrian Willow"
"After Dark Paperbark Willow"
"Eastern Redbud"
"Cape Myrtle"
"Bottlebrush"
"Sweet Shale"

- OCCURS ON PRIVATELY MAINTAINED LAND**
PLANT MATERIAL LEGEND: QTY / % / SIZE
- URBAN INTERIOR STREET TREES**
Medium scale evergreen/deciduous tree - 30' tall x 20' wide, such as:
Washingtonia filifera
Magnolia grandiflora
Microseris exoniata
Rhapidois exoniata
Koeberlinia bipinnata
Lagerstroemia indica
Cassia leptophylla
Jacaranda mimosifolia
Podocarpus gracilis
Acacia stricta
- PER PLAN / 30" BOX REMAINING / 24" BOX**
"Redwood Tree"
"Life Gem Magnolia"
"New Zealand Christmas Tree"
"Stawberry Tree"
"Chinese Flame Tree"
"Cape Myrtle"
"Cape Medallion Tree"
"Jacaranda"
"Weeping Acacia"
"Showering Acacia"

- OCCURS ON PRIVATELY MAINTAINED LAND**
PLANT MATERIAL LEGEND: QTY / % / SIZE
- FOUNDATION SHRUBS**
Medium scale shrubs - 3'-2' tall and wide, such as:
Sarcocaulis macrocarpa
Carissa macrocarpa
Lepidium japonicum
Pithecolobium cuneatum
Hibis spp.
Eucalyptus "Narrow Leaf"
Rhipidophora indica
Callistemon Little John
Salvia leucostachya
Rosmarinus officinalis
Phytolacca americana
Mulleberry
Chondropetalum leucostachya
- 100% @ 3" O.C. / 1 GAL**
"Japanese Bowwood"
"Natal Plum"
"Bottlebrush"
"Copper Poppoosum"
"Carpetanema californica"
"Dwarf Escallonia"
"Dwarf Indian Hawthorn"
"Dwarf Bottlebrush"
"Mexican Bush Sage"
"Flower Carpet"
"New Zealand Flax"
"Japanese Holly Fern"
"Dwarf Grass"
"Cape Rush"

- OCCURS ON PRIVATELY MAINTAINED LAND**
PLANT MATERIAL LEGEND: QTY / % / SIZE
- COURTYARD AREA (ON STRUCTURE) SHRUBS AND GROUNDCOVERS**
Small scale shrubs/groundcovers - 2'-3' tall and wide, such as:
Bottlebrush
Carpenteria californica
Diorella lasiocarpa
Grewia occidentalis
Heteromeles arbutifolia
Teucrium asperum
Baccharis dracunculifolia
Carex praegracilis
Leymus trichoides
Silybium bellum
Juncea patens
Alphitonia patens
Carex pansa
Sedum species
- 100% @ 3" O.C. / 1 GAL**
"Japanese Bowwood"
"Natal Plum"
"Bottlebrush"
"Copper Poppoosum"
"Carpetanema californica"
"Dwarf Escallonia"
"Dwarf Indian Hawthorn"
"Dwarf Bottlebrush"
"Mexican Bush Sage"
"Flower Carpet"
"New Zealand Flax"
"Japanese Holly Fern"
"Dwarf Grass"
"Cape Rush"



LANDSCAPE KEY NOTES:

- VISIBILITY TRIANGLES 10' X 10' AT PRIVATE DRIVEWAYS, 25' X 25' AT STREET INTERSECTIONS. NO OBSTRUCTION INCLUDING LANDSCAPING OR WALLS IN THE VISIBILITY AREAS SHALL EXCEED 3 FEET IN HEIGHT.
- ENTRY PLAZA - CAN BE USED FOR EVENTS OR GATHERINGS, FLEXIBLE SPACE.
- POOL.
- LOUNGE AREA - SUN.
- BIKE RACK SECURED & PERMANENTLY ANCHORED - 25 PROVIDED FOR COMMERCIAL SITE AND 66 FOR MULTIFAMILY RESIDENTIAL SITE.
- MAIL BOXES.
- SHADE STRUCTURE WITH POSTS AT ALL PARKING SPACES ON STRUCTURE OPEN TO THE SKY. POSTS ARE PLACED IN FRONT OF THE PARKING SPACE AND DO NOT ENCRUSH ON THE PARKING SPACE. SHADE STRUCTURES SHALL COVER A MINIMUM 50% OF EACH EXPOSED PARKING STALL WITH MINIMUM 50% OPACITY TO THE SHADING ELEMENT. TYP. USE ARCH. PLANS FOR CONCEPT ELEVATIONS.
- WALLS & FENCES PARALLEL TO THE PUBLIC RIGHT-OF-WAY AND EXCEED BY 50 FEET IN LENGTH SHALL BE ARTICULATED WITH VERTICAL ELEMENTS (12" WIDE MIN. SPACES AT NO MORE THAN 50 FEET ON CENTER, PER SDMC 143.0400).

LANDSCAPE KEY NOTES:

- OUTDOOR SEATING AREA.
- WATER & SEWER LATERAL LOCATION.
- MHPA BOUNDARY.
- CALTRANS RIGHT OF WAY FOR STATE ROUTE 56.
- STREET LIGHTS ALONG STREET "M" TO BE DESIGNED AND LOCATED PER THE CITY OF SAN DIEGO STREET DESIGN MANUAL. ALL TREES MEASURED FROM THE TRUNK TO BE LOCATED 7' MINIMUM FROM LIGHT POLES.
- CONCEPTUAL SOUND WALL BERM. HEIGHT VARIES FROM 3' TO 8' PER APPROVED ACOUSTIC REPORT.
- PEDESTRIAN RAMPS AND/OR TRUNCATED DOMES SHALL BE INSTALLED AT ALL PEDESTRIAN CROSSINGS AT VEHICULAR ROADWAYS.
- PEDESTRIAN CROSSWALK TO EXISTING TRAIL.
- RETAINING WALLS SCREENED WITH SHRUBS, VINES & TREES.
- AMENITY SPACE WITH TOT LOT, BARBECUE, PLAY LAWN & PICNIC TABLES.

LANDSCAPE KEY NOTES:

- NATURAL TRAIL CONSTRUCTED TO CITY OF SAN DIEGO PARK STANDARDS.

LANDSCAPE KEY NOTES:

- SEE SHEET 19 FOR PLANTING LEGEND FOR R.O.W. AND ADJACENT SLOPE PLANTING.

LANDSCAPE KEY NOTES:

- MINIMUM STREET TREE SEPARATION DISTANCE:

MINIMUM STREET TREE SEPARATION DISTANCE:

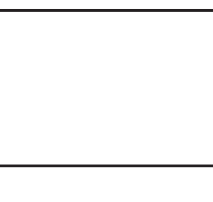
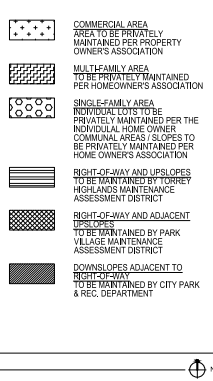
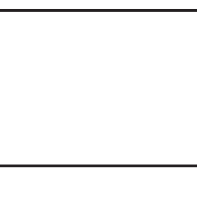
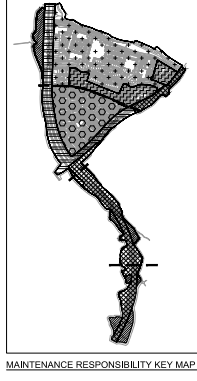
IMPROVEMENT	MIN. DISTANCE TO STREET TREE
TRAFFIC SIGNALS	20 FEET
UNDERGROUND UTILITY LINES	5 FEET
ABOVE GROUND UTILITY STRUCTURES	10 FEET
DRIVEWAY (ENTRIES)	10 FEET
INTERSECTIONS	25 FEET
SEWER LINES	10 FEET

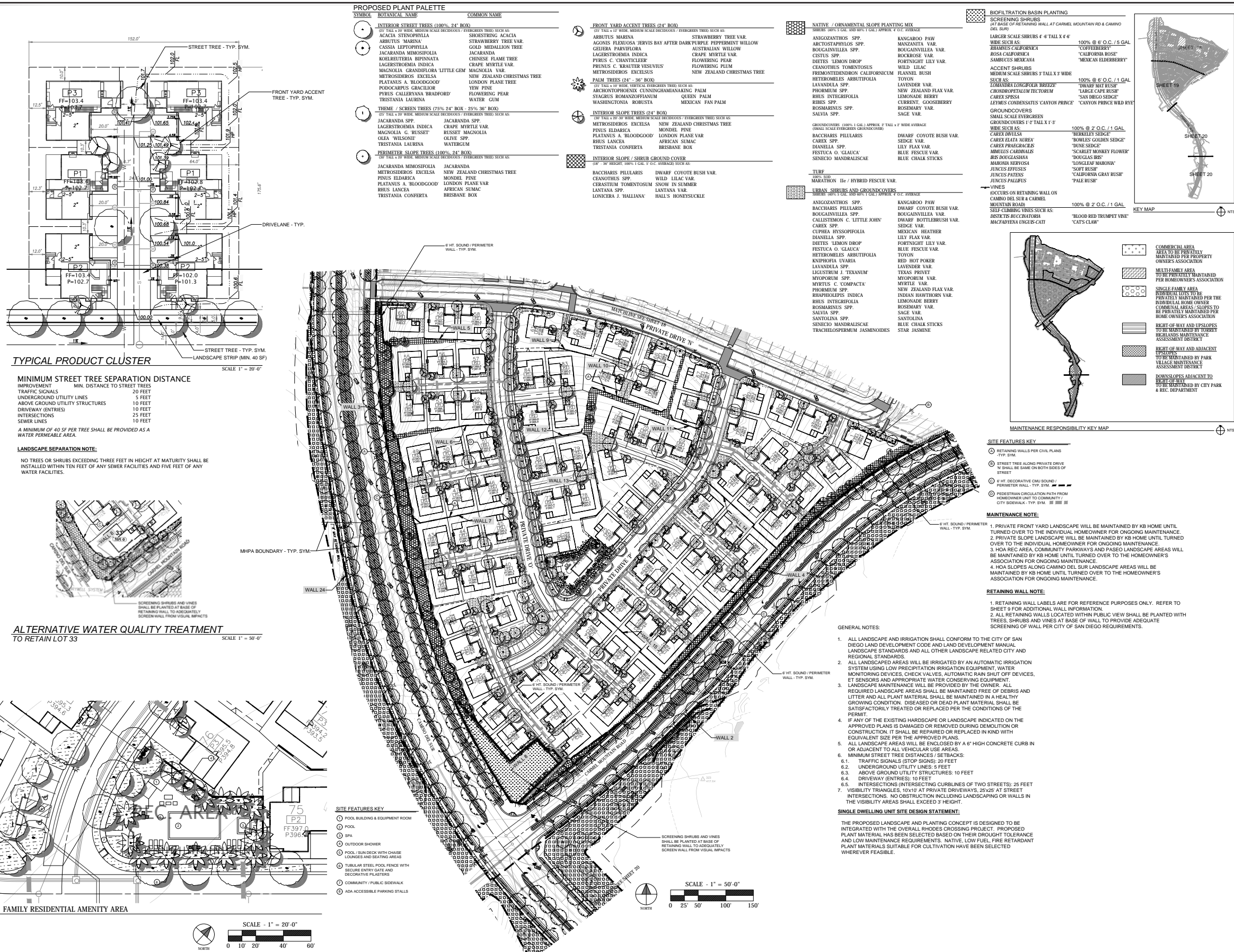
LANDSCAPE KEY NOTES:

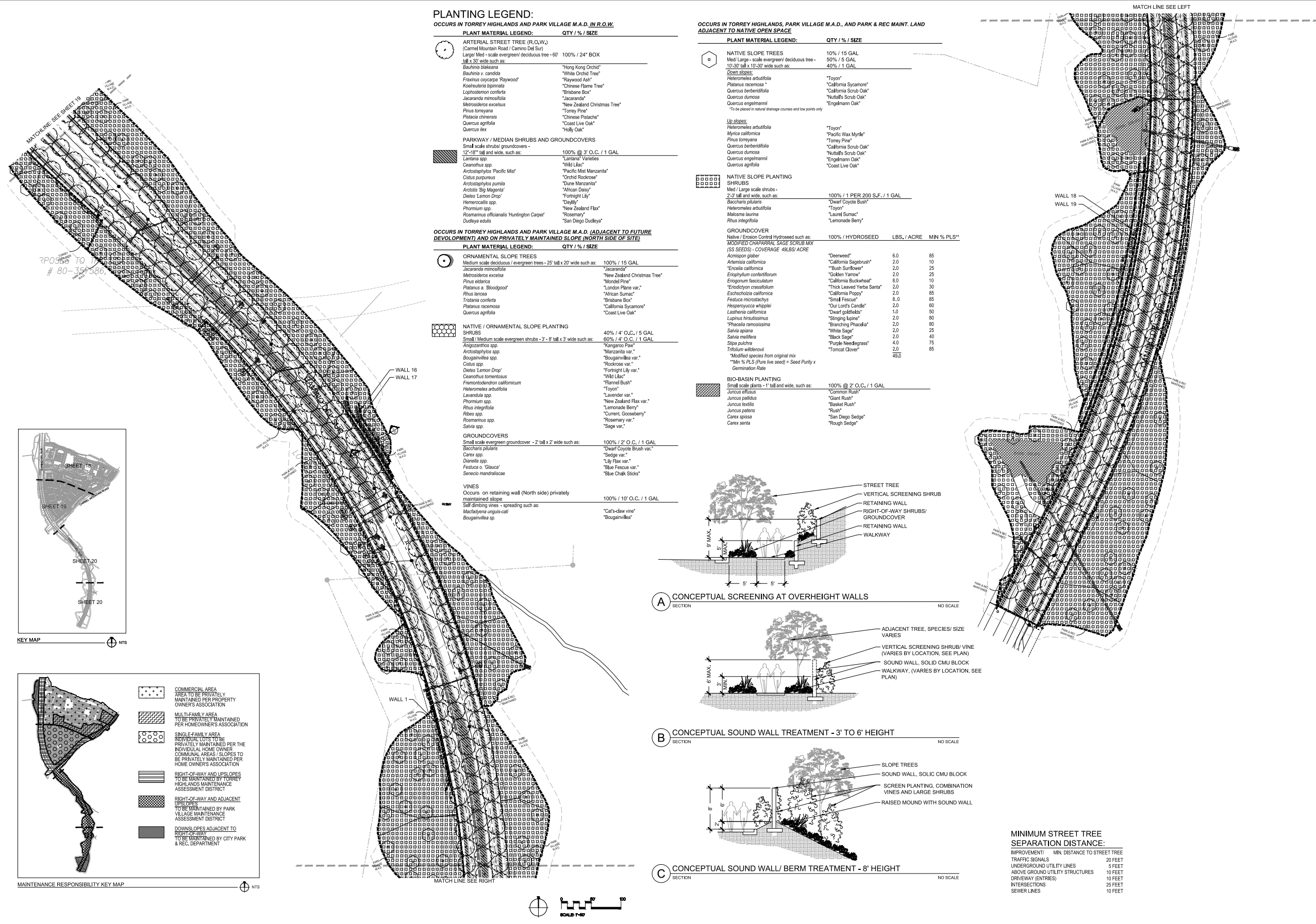
- SEE SHEET 19 FOR PLANTING LEGEND FOR R.O.W. AND ADJACENT SLOPE PLANTING.

LANDSCAPE KEY NOTES:

- SEE SHEET 19 FOR PLANTING LEGEND FOR R.O.W. AND ADJACENT SLOPE PLANTING.







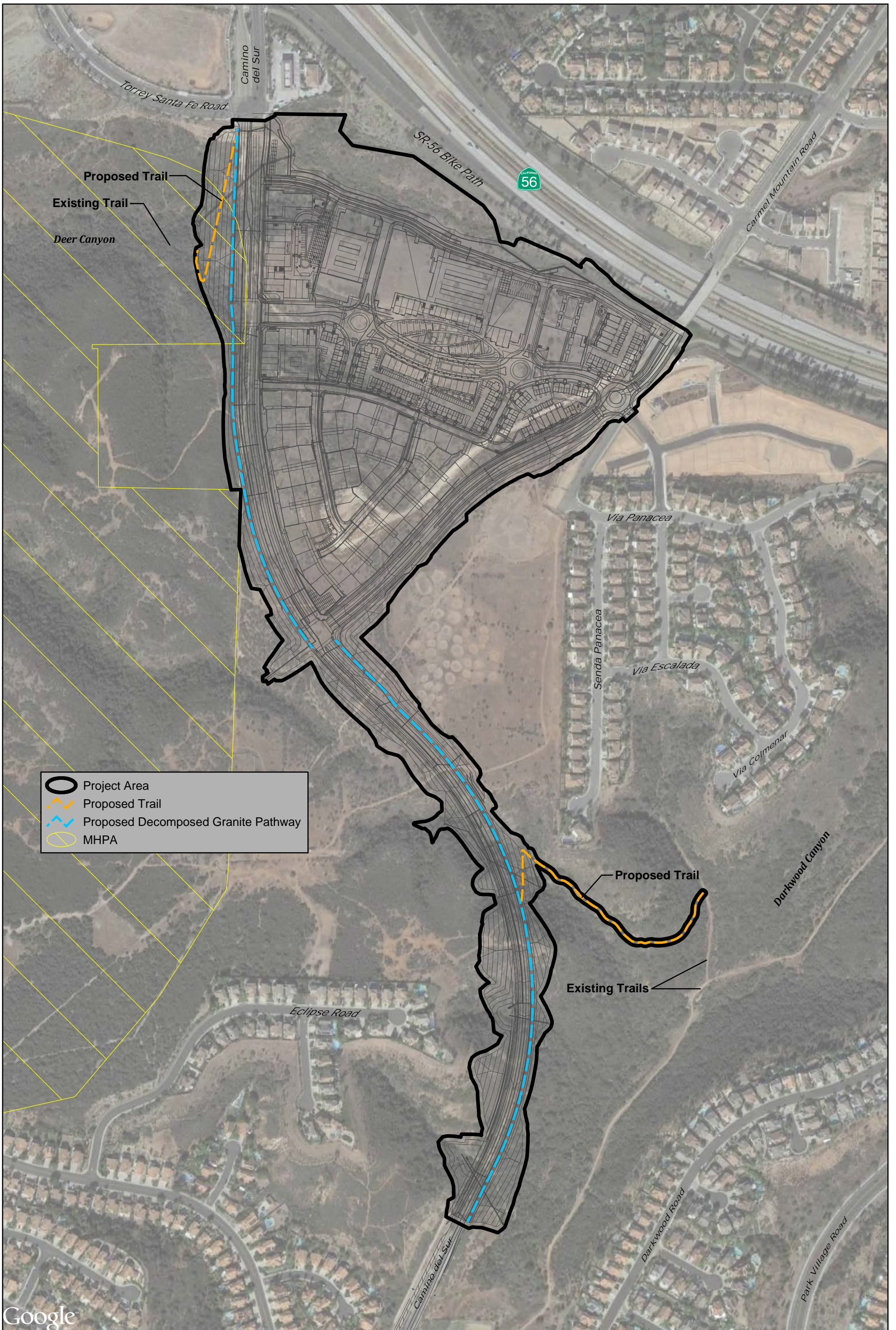


Source: Safdie Rabines Architects, Latitude 33, Neri Landscape Architecture 2015

Figure 3-10

On-site Circulation

MERGE 56 DEVELOPMENT PROJECT

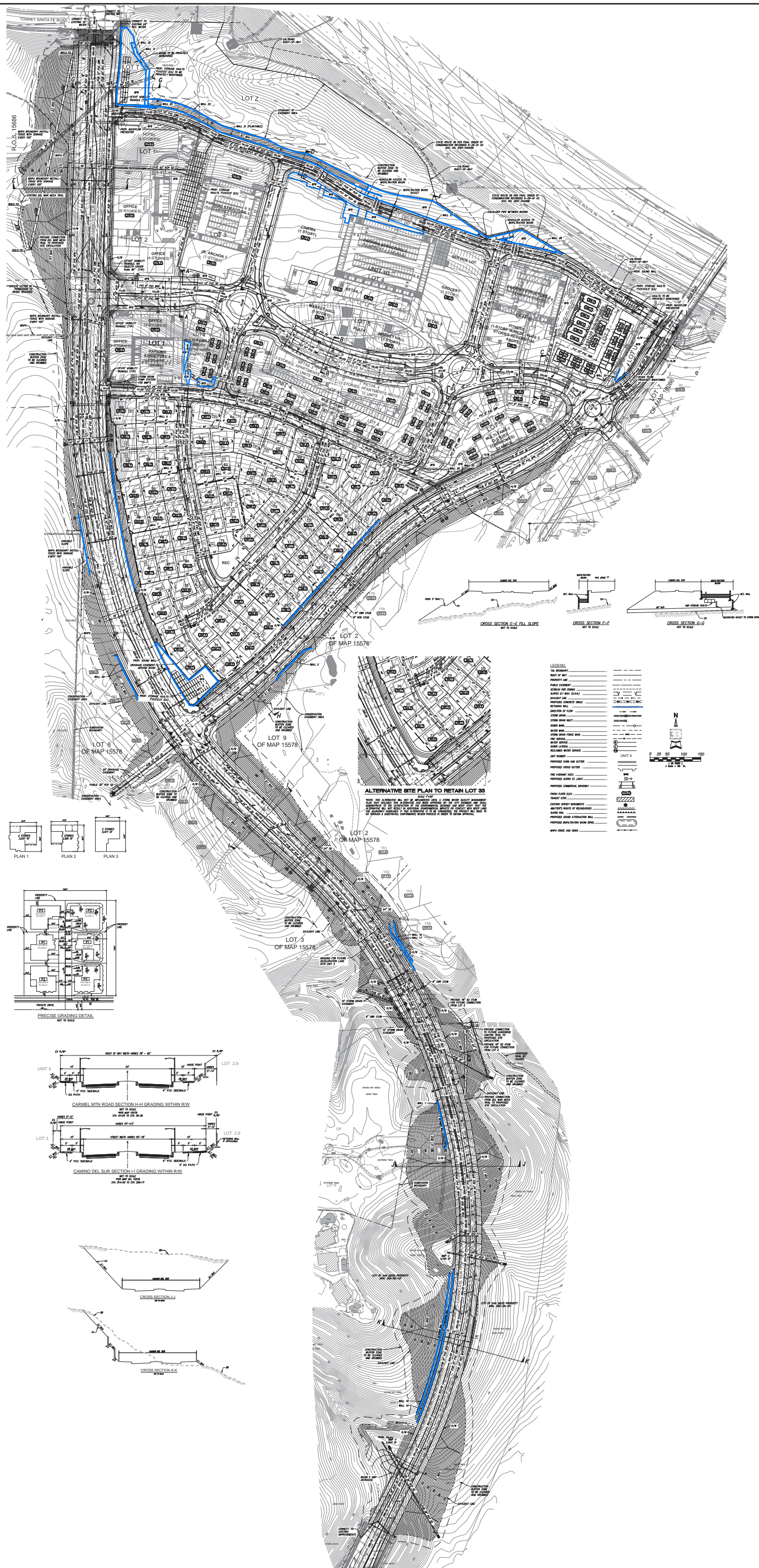


Source: Alden Environmental 2014; Google

Figure 3-11

Proposed Trail Connections

MERGE 56 DEVELOPMENT PROJECT



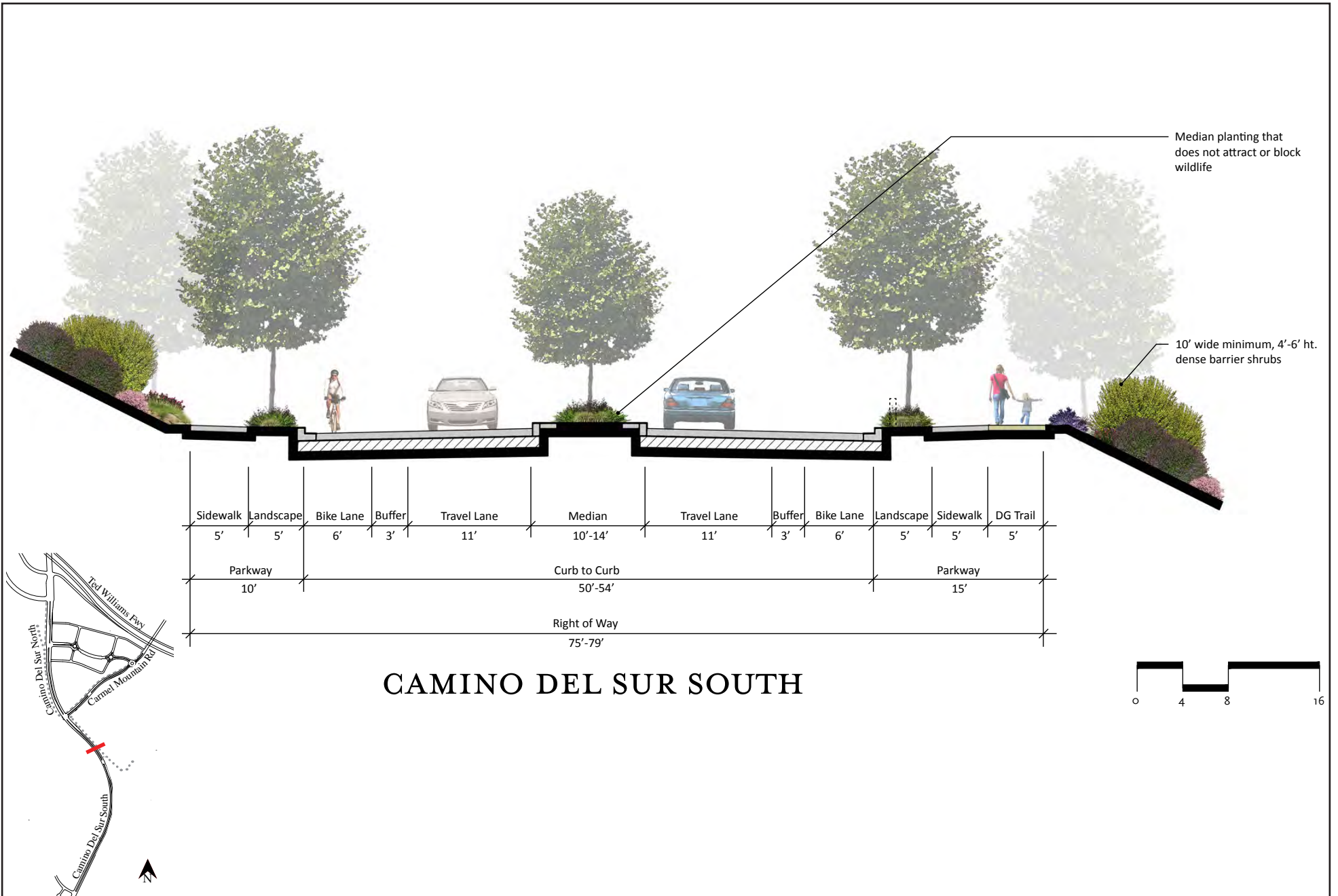
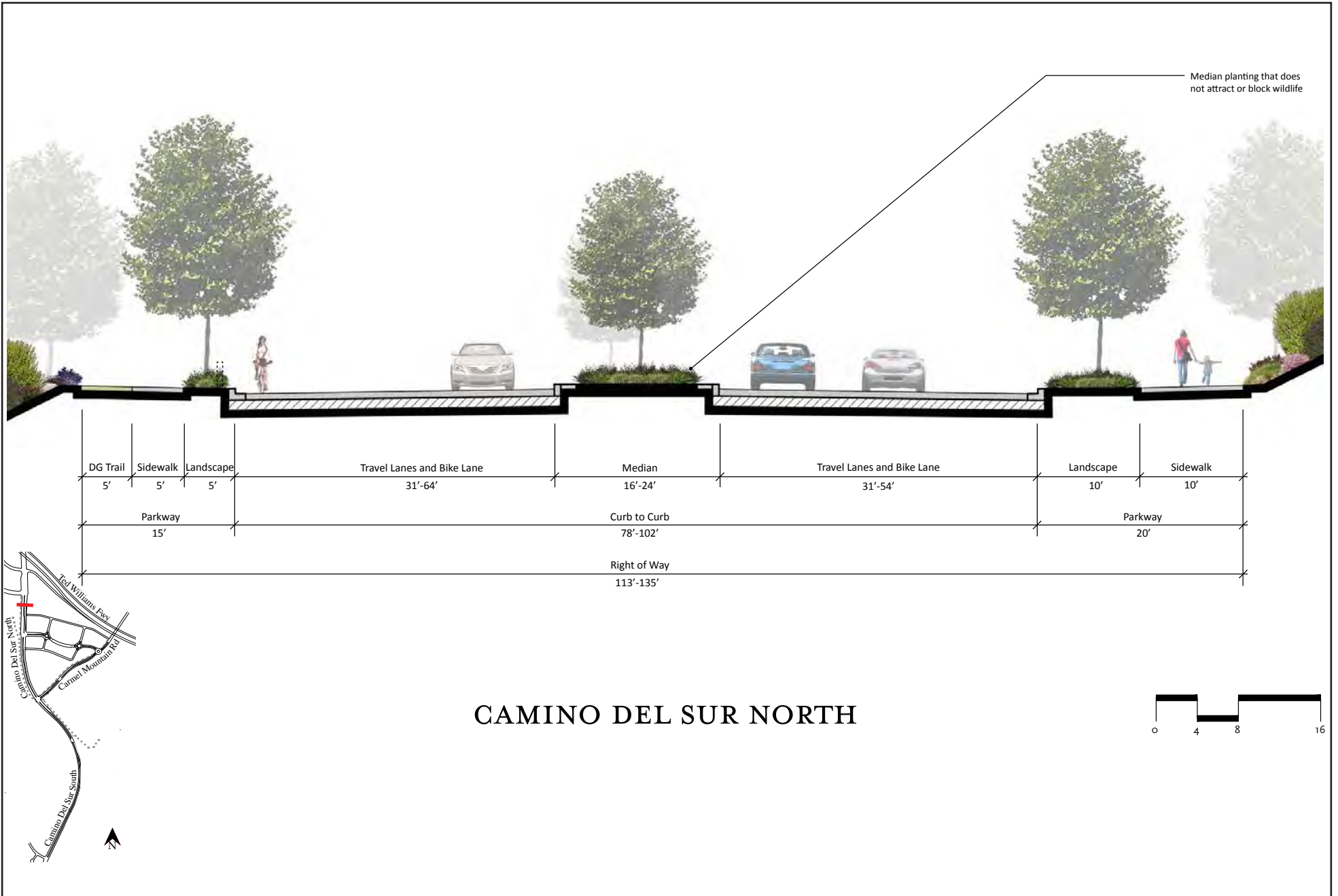


Figure 3-13a

Public Road Section - Camino Del Sur South

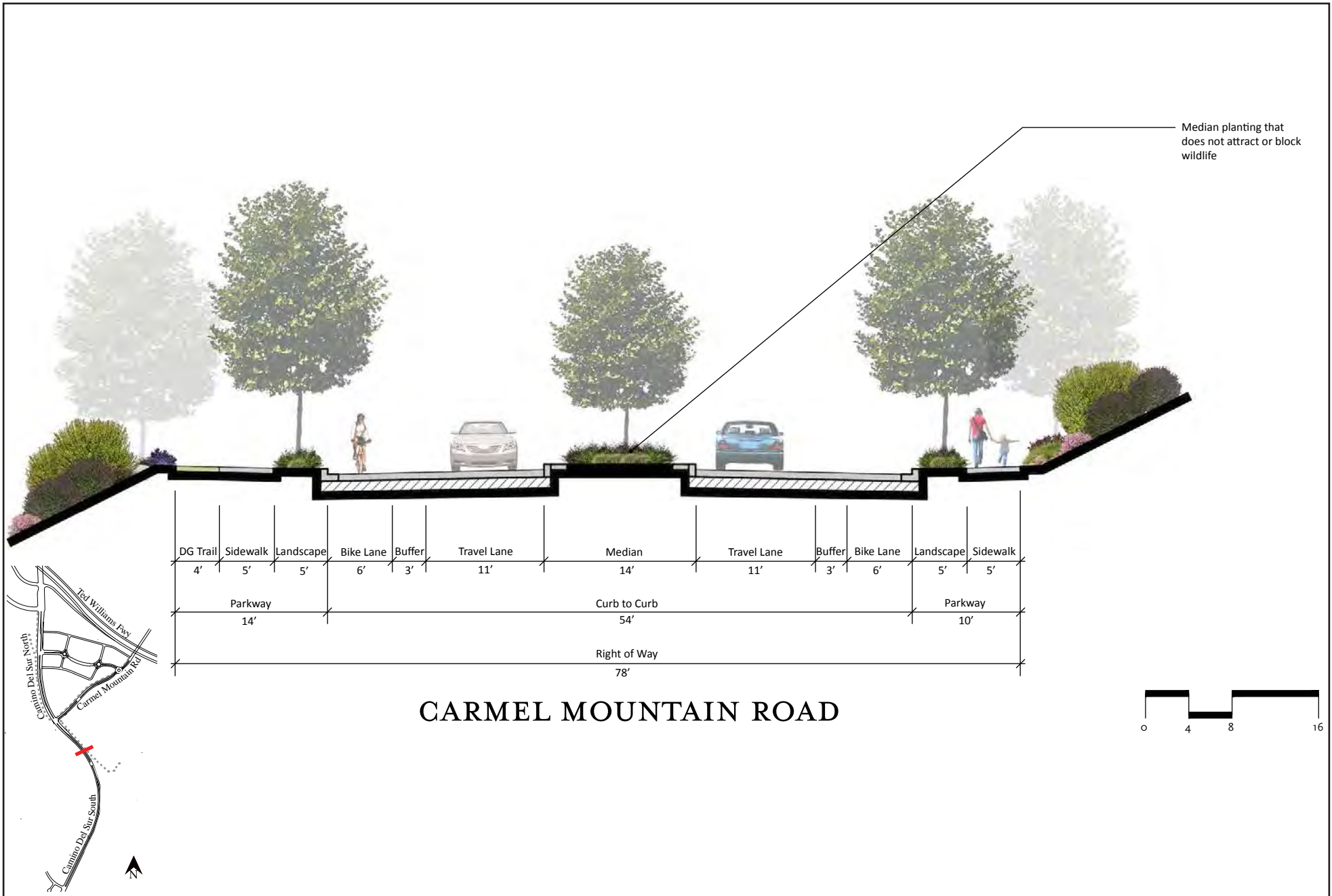


Source: Latitude 33 2017

Figure 3-13b

Public Road Section - Camino Del Sur North

MERGE 56 DEVELOPMENT PROJECT



CARMEL MOUNTAIN ROAD

Source: Latitude 33 2017

Figure 3-13c

Public Road Section - Carmel Mountain Road

MERGE 56 DEVELOPMENT PROJECT

4.0 HISTORY OF PROJECT CHANGES

The proposed project has been revised by the Applicant from the original application submitted in July 2014 in response to input and comments received from members of the City of San Diego (City) Development Services Department and other City staff. A brief description of the changes incorporated into the project as a result of input and comments received from City staff and the community is provided below.

At the request of City planning staff, the Applicant was asked to demonstrate how the project design would implement the modified grid street and connection policies contained in the General Plan and Torrey Highlands Subarea Plan for mixed-use centers (see Section 5.1, *Land Use*, for a related discussion). The project design was modified to include two paseos and a central private drive, in addition to two private roads with sidewalks that would provide additional pedestrian connectivity through the townhome area for use by area residents to access the core commercial area on site. The paseo design is detailed in Section 3.0, *Project Description*. Subsequent design changes, outlined below, related to the use of roundabouts further enhance this grid-like pattern, consistent with these Community Plan policies.

Two roundabouts were integrated into the design for Private Drive M and were subsequently modified to use two lanes to improve circulation. The four-legged roundabouts provide vehicular and pedestrian access between all three development units enhancing the grid-like pattern of movement established by the paseos. The western ends of Private Drive N and T (on either side of Private Drive M) were opened up to right-in/right-out traffic in Camino Del Sur. The configuration of Private Drive N at Carmel Mountain Road has changed such that the previously proposed driveway and removable bollards were eliminated and the new southern leg of the easterly roundabout would connect directly into Private Drive N with no connection to Carmel Mountain Road. Although the paseos remained, the central private drive was removed to make room for the roundabouts. A third roundabout was incorporated at the intersection of Private Drive M and Carmel Mountain Road to further reduce travel speeds through the project area. Overall, these circulation changes were made to facilitate access to State Route 56 (SR-56) for future residents while discouraging cut-through traffic across the project site.

In March 2015, the Applicant revised the layout of the mixed-use development in response to input from community members and market conditions. Overall, the commercial uses were reconfigured, shifting the eastern office building to the southwestern corner of Camino Del Sur and Private Drive M and placing townhomes in the former office building location, rather than along the residentially-dominated Carmel Mountain Road corridor near SR-56. To further activate Private Drive M as encouraged by local policies, retail space was integrated into the relocated office building and at street-facing locations within the townhome area. In addition, the mix of multi-family residential types was changed so that the 111 multi-family units originally proposed by the Project Applicant was modified to propose a mix of 24 one-story market rate apartment flats and 87 townhomes (i.e., 75 three-story units and 12 two-story units). Although these changes increased the commercial space within the project, the office space was reduced, while the residential unit count remained the same. The total amount of commercial/office space has been reduced below levels approved in conjunction with the prior entitlements.

At the same time, the project design was further modified to downgrade the classification of the public roads, Camino Del Sur and Carmel Mountain Road, in response to traffic volume calculations provided by the Applicant's traffic engineer that indicate the roads were oversized. Instead of proposing four-lane major roads, both facilities would be constructed as modified two-lane collectors in response to lower traffic volumes than originally predicted in the Community Plans. The reduced road widths would minimize grading associated with the public roads, including impacts to biologically-sensitive resources and natural landforms. This narrowing of the planned roadway improvements reduced the project impact footprint by 7.5 acres. In addition, in response to the Community Plan Amendment (CPA) request, City staff determined that a corresponding General Plan Amendment (GPA) was necessary to maintain consistency between the land use map in the General Plan and the Torrey Highlands Subarea Plan.

In June 2015, the proposed design for the water quality treatment method for the public roads was revised in response to public agency and City staff concerns with having a detention basin in the north canyon east of Camino Del Sur. In response, the project design was revised to convey all stormwater from the public roads to a storage vault within the road right-of-way (ROW). The stormwater quality treatment design was subsequently revised in 2016 to reflect changes required by the current regulations. The revised design is reflected in the description contained in Section 3.0, *Project Description*, of this report.

As a result of the new stormwater regulations requirements, the project design incorporated two large retaining walls surrounding the basins and storage vaults. The City requested that the walls, which were all greater than 6 feet in height and 50 feet in length, be terraced and/or landscaped with vegetative screening consistent with fencing/wall policies in the Torrey Highlands Subarea Plan.

5.0 ENVIRONMENTAL ANALYSIS

5.1 LAND USE

The following section discusses land uses and policies that are applicable to the proposed project. It references planning and environmental information contained in other sections of this Environmental Impact Report (EIR), as applicable.

5.1.1 Existing Conditions

Existing On-site Uses

The 72-acre project site consists of approximately 41 acres within a portion of the entitled Rhodes Crossing project and approximately 31 acres of land within the proposed right-of-way (ROW) for Carmel Mountain Road and Camino Del Sur (refer to Figure 2-3). The project area is largely undeveloped, with several dirt roads and trails crossing and the existing pavement for Carmel Mountain Road. Some signs of former agricultural activities occur in the central portion of the project site. Although non-native grassland covers much of the site, sensitive biological habitats, including vernal pools, wetlands and coastal sage scrub, also occur. Some of the public ROWs exist (in the case of Carmel Mountain Road) and/or were dedicated to or acquired by the City as part of the previous entitlement process.

Existing Surrounding Uses

The project site is bounded on the west and east by undeveloped land; east of the northern portion of site is the existing two-lane extension of Carmel Mountain Road that crosses over State Route 56 (SR-56) and two-story, single-family residential development associated with the Rancho Peñasquitos community (i.e., along Via Panacea). To the northwest of the property, adjacent to the northern terminus of Camino Del Sur near Torrey Santa Fe Road, is a convenience store/gas station/car wash adjacent to the SR-56/Camino Del Sur interchange and office development. The Torrey Highlands Village Center occurs north of SR-56, along Camino Del Sur. In addition to the freeway, the SR-56 Class I bike path parallels the freeway travel lanes immediately north of the project site. Paved ramps connect the bike path with the east side of Carmel Mountain Road and both sides of Camino Del Sur.

The southerly segment of Camino Del Sur is adjacent to single-family residential development in the Park Village neighborhood, as well as a public elementary school (Park Village Elementary School). Also near the southern limits of Camino Del Sur is Peñasquitos Creek Neighborhood Park and Los Peñasquitos Canyon Preserve. Darkwood Canyon to the east of the project site contains a trail used as a maintenance access road within the undeveloped canyon. The Del Mar Mesa Preserve, a National Wildlife Refuge jointly managed by the federal, state and local agencies, is situated immediately west of the planned alignment for Camino Del Sur. With the exception of a planned church site, the area to the west of the site is within the City's MHPA and contains a portion of the USFWS National Wildlife Refuge on Del Mar Mesa. Figure 2-2 shows the project site in relation to these surrounding land uses.

Applicable Plans and Policies

Plans, policies and ordinances that pertain to land use and transportation planning for the project are contained in elements and policies of the General Plan, the North City Future Urbanizing Area(NCFUA)-Torrey Highlands Subarea Plan, Rancho Peñasquitos Community Plan, Del Mar Mesa Specific Plan, City Land Development Code (LDC) regulations, Multiple Species Conservation Program (MSCP) Subarea Plan, Carmel Mountain and Del Mar Mesa Natural Resources Management Plan, MCAS Miramar Airport Land Use Compatibility Plan, Regional Air Quality Strategy, and Water Quality Control Plan for the San Diego Basin. The applicable policies of these plans, ordinances, and regulations are described below.

City of San Diego General Plan

The City approved its General Plan on March 10, 2008. The General Plan is a comprehensive, long-term document that sets out a long-range vision and policy framework for how the City could grow and develop, provide public services, and maintain the qualities that define San Diego. Accordingly, the General Plan “provides policy guidance to balance the needs of a growing city while enhancing quality of life for current and future San Diegans” (City 2008a). The General Plan is comprised of a Strategic Framework section and ten elements including: Land Use and Community Planning; Mobility; Urban Design; Economic Prosperity; Public Facilities, Services and Safety; Recreation; Conservation; Historic Preservation; Noise; and Housing. An update to the General Plan Housing Element was adopted by the City Council in March 2013. The following discussion summarizes each element that is relevant to the project. In addition, applicable goals within each element pertaining to the proposed project are evaluated in detail as presented in Table 5.1-1, *City of San Diego Land Use Goals, Objectives, and Policies Consistency Evaluation*. The Historic Preservation Element is not relevant to the project and therefore is not summarized below or included in Table 5.1-1.

Land Use and Community Planning Element

The purpose of the Land Use and Community Planning Element (Land Use Element) is “to guide future growth and development into a sustainable citywide development pattern, while maintaining or enhancing quality of life in our communities” (City 2008a). The Land Use Element addresses land use issues that apply to the City as a whole and identifies the community planning program as the mechanism to designate land uses, identify site-specific recommendations, and refine citywide policies, as needed. The Land Use Element establishes a structure that respects the diversity of each community and includes policies that govern the preparation of community plans. The Land Use Element addresses zoning and policy consistency, the plan amendment process, airport-land use planning, annexation policies, balanced communities, equitable development, and environmental justice. The project site is designated as Commercial Employment, Retail and Services; Residential; and Parks, Open Space and Recreation on Figure LU-2, *General Plan Land Use and Street System*, in the General Plan.

Mobility Element

The purpose of the Mobility Element is “to improve mobility through development of a balanced, multi-modal transportation network” (City 2008a). The element identifies the proposed transportation network and strategies needed to support the anticipated General Plan land uses.

The Mobility Element's policies promote a balanced, multimodal transportation network that gets people where they want to go while minimizing environmental and neighborhood impacts. The Mobility Element contains policies that address walking, streets, transit, regional collaboration, bicycling, parking, the movement of goods, and other components of a transportation system. Together, these policies advance a strategy for relieving congestion and increasing transportation choices.

Urban Design Element

The purpose of the Urban Design Element is "to guide physical development toward a desired image that is consistent with the social, economic and aesthetic values of the City" (City 2008a). The Urban Design Element policies capitalize on San Diego's natural beauty and unique neighborhoods by calling for development that respects the natural setting, enhances the distinctiveness of its neighborhoods, strengthens the natural and built linkages, and creates mixed-use, walkable villages throughout the City. Urban Design Element policies help support and implement land use and transportation decisions, encourage economic revitalization, and improve the quality of life in San Diego. Ultimately, the Urban Design Element influences the implementation of all of the General Plan's elements and community plans. It sets goals and policies for the pattern and scale of development as well as the character of the built environment.

Economic Prosperity Element

The purpose of the Economic Prosperity Element is "to increase wealth and the standard of living of all San Diegans with policies that support a diverse, innovative, competitive, entrepreneurial, and sustainable local economy" (City 2008a). The element links economic prosperity goals with land use distribution and employment land use policies. The Economic Prosperity Element includes economic development policies that have an indirect effect on land use. These policies are intended to support existing and new businesses that reflect the changing nature of industry, create the types of jobs most beneficial to the local economy, and prepare the workforce to compete for these jobs in the global marketplace. Additional policies encourage community revitalization through improving access to regional and national sources of public and private investment, target infrastructure development to support economic prosperity, and encourage using the leverage offered by the redevelopment process in certain communities.

Public Facilities, Services, and Safety Element

The purpose of the Public Facilities, Services, and Safety Element (Public Facilities Element) is "to provide the public facilities and services needed to serve the existing population and new growth" (City 2008a). This element contains policies that address public financing strategies, public and developer financing responsibilities, prioritization, and the provision of specific facilities and services that must accompany growth. The policies within the Public Facilities Element also apply to transportation, as well as park and recreation facilities and services. The element also provides policies to guide the provision of a wide range of public facilities and services, including fire-rescue, police, wastewater, storm water infrastructure, water infrastructure, waste management, libraries, schools, information infrastructure, public utilities, regional facilities, healthcare services and facilities, disaster preparedness, and seismic safety.

Recreation Element

The Recreation Element contains polices which “preserve, protect, acquire, develop, operate, maintain, and enhance public recreation opportunities and facilities throughout the City for all users.” The Recreation Element provides policies to guide the City’s vision and goals for park and recreation facilities citywide and within individual communities. It provides guidelines for the provision of population-based, resource-based, and open space parks and calls for the preparation of a comprehensive Parks Master Plan. Recreation Element policies also support joint use and cooperative agreements, protection and enjoyment of the City’s canyonlands, creative methods of providing “equivalent” recreation facilities and infrastructure in constrained areas, and implementation of a financing strategy to better fund park facility development and maintenance.

Conservation Element

The purpose of the Conservation Element is “to become an international model of sustainable development and conservation and to provide for the long-term conservation and sustainable management of the rich and natural resources that help define the City’s identity, contribute to its economy, and improve its quality of life” (City 2008a). The Conservation Element contains policies to guide the conservation of resources that are fundamental components of San Diego’s environment, that help define the City’s identity, and that are relied upon for continued economic prosperity. San Diego’s resources include, but are not limited to: water, land, air, biodiversity, minerals, natural materials, recyclables, topography, viewsheds, and energy. The Conservation Element contains policies for sustainable development; preservation of open space and wildlife; management of resources; and other initiatives to protect the public health, safety, and welfare.

Noise Element

The purpose of the Noise Element is “to protect people living and working in the City from excessive noise” (City 2008a). The Noise Element provides goals and policies to guide compatible land uses and the incorporation of noise attenuation measures for new uses to protect people living and working in the City from an excessive noise environment. Refer to Section 5.6, *Noise*, for the specific goals and objectives of the Noise Element that apply to the project.

Housing Element

The purpose of the Housing Element of the General Plan is “to create a comprehensive plan with specific measurable goals, policies and programs to address the City’s critical housing needs and foster the development of sustainable communities in support of the State’s Greenhouse Gas Emission reduction targets, consistent with the region’s sustainable communities strategy” (City 2013). The Housing Element serves as a policy guide to address the comprehensive housing needs of the City. It is intended to be an integrated, internally consistent and compatible statement of policies for housing in the City. In accordance with California Senate Bill 375 (SB 375), which seeks to reduce greenhouse gas (GHG) emissions, the Housing Element is a key part of an integrated transportation and housing planning process coordinated through a Sustainable Communities Strategy (SCS) and Regional Transportation Plan (RTP). SB 375 recognizes the importance of planning for housing and land use in creating sustainable communities where residents of all income levels

have access to jobs, services, and housing using transit, or by walking and bicycling (City 2013). Additional discussion of the SCS is provided in Section 5.7, *Greenhouse Gas Emissions*.

Climate Action Plan

The City adopted its Climate Action Plan (CAP) in December 2015. The CAP serves as mitigation for the City's 2008 General Plan (City of San Diego 2015). The General Plan calls for the City to reduce its carbon foot-print through actions including adopting new or amended regulations, programs, and incentives. General Plan Policy CE-A.13 specifically identifies the need for an update of the City's 2005 Climate Protection Action Plan that identifies actions and programs to reduce the GHG emissions of the community-at-large, and City operations. Additionally, with future implementing actions, it is anticipated that the CAP will serve as a "Qualified GHG Reduction Plan" for purposes of tiering under California Environmental Quality Act (CEQA). The CAP quantifies baseline GHG emissions for 2010; provides emissions forecasts for 2020 and 2035; establishes reduction targets for 2020 and 2035; identifies strategies and measures to reduce GHG levels; and provides guidance for monitoring progress on an annual basis. Implementation of the CAP relies on compliance with various policies within the General Plan.

The City adopted its CAP Consistency Checklist in July 2016. The 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 emissions targets identified in the CAP are achieved. Implementation of the measures would ensure that new development is consistent with the CAP's assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets.

Torrey Highlands Subarea Plan

In addition to the provisions of the City's General Plan, development in the project area is governed by the goals, objectives and policies of the NCFUA-Torrey Highlands Subarea Plan (City 1996a). The NCFUA is a 12,000-acre area stretching easterly from Interstate 5 (I-5) and Carmel Valley to the Rancho Peñasquitos and Rancho Bernardo communities. The NCFUA Framework Plan was adopted in October 1992 and required the preparation of a plan for each subarea within the NCFUA to describe the open space, transportation, development and other definitive aspects of the subarea upon buildout, prior to shifting the lands from the "Future Urbanizing" to the "Planned Urbanizing" designation.

The Mixed-Use Development component is situated in the Subarea IV Area of the Torrey Highlands Subarea Plan. The San Diego City Council adopted the Torrey Highlands Subarea Plan, covering the 1,520-acre Subarea IV, on August 5, 1996 (Resolution No. R-287749). In November 1996, a phase shift was approved by ballot measure to place Subarea IV in the City's "Planned Urbanizing" tier, thereby effectuating the approved Subarea Plan. The Subarea Plan establishes goals for future development, identifies policies to guide development, and describes policy implementation throughout the plan area. The Subarea Plan addresses the following six planning topics: Open Space, Circulation, Land Use, Community Design Guidelines, Community Facilities, and Housing. Except for Community Facilities, all of the applicable policies from the other elements are discussed in Table 5.1-1.

In the Subarea Plan, the mixed-use component of the project is primarily planned for Commercial Regional (CR) with a smaller portion designated for Medium High Density Residential (MHD) (20 to 40 dwelling units per acre) use (refer to Figure 2-6). A portion of the public roads component of the project, Camino Del Sur and Carmel Mountain Road are both classified as a four-lane major road in the plan.

Rancho Peñasquitos Community Plan

A portion of the public roads component of the project, Camino Del Sur, is within the Rancho Peñasquitos community, which is located in the northeastern portion of the City of San Diego. Rancho Peñasquitos lies 17 miles north of downtown San Diego and eight miles south of the City of Escondido. It is bounded on the east by the communities of Carmel Mountain Ranch and Sabre Springs, on the south by the Los Peñasquitos Canyon Preserve and the Mira Mesa community, and on the west and north by lands designated as future urbanizing and the Rancho Bernardo community planning area. Interstate 15 (I-15) provides the eastern boundary of the planning area and SR-56 traverses east-west through the south-central portion of the community. Rancho Peñasquitos encompasses approximately 6,500 acres. At full buildout, Rancho Peñasquitos is expected to have a population of 46,000-50,000 people residing in approximately 15,800 dwelling units.

Adopted in 1993, the Rancho Peñasquitos Community Plan designates the majority (approximately 51 percent) of land within its planning area for residential uses (refer to Figure 2-6). Within those residentially-designated lands, 76 percent is planned for single-family and 24 percent is planned for multifamily. Two percent of the land area in Rancho Peñasquitos is designated for commercial uses. Parks and designated open space areas comprise 34 percent of the community. The City's Rancho Peñasquitos Community Plan (1993, as amended), which applies to the southern portion of the project site, contains the following elements: Residential, Commercial, Neighborhood Planning, Industrial, Community Appearance and Design, Transportation, Park and Recreation, Open Space and Resource Management, Education, Public Facilities and Services, and Social Needs. The southern portion of the Camino Del Sur ROW is contained within the Community Plan area; therefore, only the applicable policies from the Community Appearance and Design, Transportation, and Open Space and Resource Management Elements are discussed in Table 5.1-1. Camino Del Sur is classified as a four-lane major road in the Community Plan.

Del Mar Mesa Specific Plan

The Del Mar Mesa Specific Plan is the City-adopted statement of policy for growth and regulations for development of the Del Mar Mesa planning area, one of five subareas designated by the NCFUA Framework Plan. The plan contains land use designations, establishes development regulations to permit the allocation of density to more developable portions of the community and establishes open space boundaries consistent with the City's MSCP, and identifies necessary public services and facilities. The Specific Plan is comprised of six elements: Land Use, MSCP/Open Space, Community Facilities, Circulation, Community Design, and Coastal. The only portion of the project within the Del Mar Mesa Specific Plan area is a 950-linear foot section of Camino Del Sur south of its existing intersection with Torrey Santa Fe Road. This public road component of the project is designated for MSCP/Open Space in the Del Mar Mesa Specific Plan (Figure 2-6).

Land Development Code

Zoning regulations for the Mixed-Use Development component of the project are governed by the LDC contained in the San Diego Municipal Code (SDMC). The entitled zone for the site is Commercial (CR-2-1) and Residential (RM-3-9). The CR-2-1 zone is intended for regional-serving commercial uses, while RM-3-9 allows medium density residential with a density of 1 unit for every 600 feet of lot area.

Planned Development Permit Regulations

The purpose of a Planned Development Permit (PDP) is to allow an applicant to request greater flexibility from the strict application of base zoning regulations than would normally be allowed through a deviation process. As stated in Section 126.0601 of the LDC, “the intent is to encourage imaginative and innovative planning and to assure that the development achieves the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulations.” Development that does not comply with all base zone regulations or all development regulations or that proposes to exceed limited deviations allowed by the development regulations contained in Chapter 14 of the LDC may apply for a PDP. In the case of the Mixed-Use Development component, the PDP Regulations pertain to the proposed deviations from the development regulations of the underlying zone.

Conditional Use Permit Regulations

The intent of the Conditional Use Permit (CUP) regulations is to review certain uses on a case-by-case basis to determine whether and under what conditions the use may be approved at a given site. As stated in Section 126.0301 of the LDC, each use should be developed so as to fully protect the public health, safety, and welfare of the community. To provide this protection, conditions may be applied to address potential adverse effects associated with the proposed use. In the case of the Mixed-Use Development, the CUP Regulations pertain to the theater use proposed on site.

Environmentally Sensitive Lands Regulations

The City regulates development of environmentally sensitive lands through its Environmentally Sensitive Lands (ESL) Regulations (LDC Section 143.0101 et seq.). The purpose of the ordinance is to “protect, preserve and, where damaged, restore the environmentally sensitive lands of San Diego and the viability of the species supported by those lands.” Environmentally sensitive lands are defined to include sensitive biological resources, steep hillsides, coastal beaches, sensitive coastal bluffs, and 100-year floodplains. Applicable ESL requirements for the project are associated with sensitive biological resources, as detailed in Section 5.3, *Biological Resources*, and steep hillsides (with no coastal beaches, sensitive coastal bluffs, or 100-year floodplains to affect, or be affected by, the project).

Under the ESL Regulations, impacts to wetlands, including vernal pools in naturally occurring complexes, are to be avoided regardless if they are in or outside the MHPA. Also, a wetland buffer is required to be maintained around all City jurisdictional wetlands, when appropriate, to protect the functions and values of the wetland. Adequate buffers must be maintained adjacent to wetlands to protect hydrologic functions, biological values and wildlife movement, as indicated in the ESL Regulations and Biology Guidelines. Permitted uses in wetland buffer areas are limited to public

access paths, fences, restoration and enhancement activities, and other improvements necessary to protect wetlands. The ESL Regulations further require that the applicant confer with the appropriate federal and/or state agencies prior to any public hearing for the proposed development, and that all federal and state permits (if needed) be obtained prior to issuance of City grading or construction permits. Figure 5.1-1, *Environmentally Sensitive Lands*, illustrates their location within the project site.

In accordance with the ESL Regulations, an SDP is required due to project impacts to sensitive biological resources, unknown historical resources and steep slopes (all of which are considered ESL resources). The purpose of a SDP is to establish a review process for proposed development that may have significant impacts on resources or on the surrounding area. An SDP may be required even if the site is developed in conformance with all applicable regulations. As stated in Section 126.0501 of the SDMC, "The intent of these procedures is to apply site-specific conditions as necessary to assure that the development does not adversely affect the applicable land use plan and to help ensure that all regulations are met." An SDP may be approved only if specific findings can be made.

Multiple Species Conservation Program Subarea Plan

The NCCP initiated by the State of California in 1991 resulted in the promulgation of the special 4 (d) rule of the Federal ESA. This rule focuses on conserving coastal sage scrub habitat in order to avoid the need for future federal and state listing of each individual coastal sage scrub-dependent species. The City of San Diego, County of San Diego, USFWS, CDFW, and other local jurisdictions collaborated in the late 1990s to develop the MSCP. The MSCP is a comprehensive biological habitat conservation planning program developed by the City and other local jurisdictions in coordination with state and federal resource agencies. A goal of the MSCP is to preserve a network of habitat and open space, protecting biodiversity. Local jurisdictions, including the City, implement their portions of the MSCP through subarea plans. The City's MSCP Subarea Plan (City 1997b) guides the establishment of the City's preserve system, the MHPA. The Camino Del Sur component of the project is located within the MHPA of the MSCP; the balance of the project site is outside the MHPA. The project must comply with the provisions of the MSCP Subarea Plan as shown in Figure 5.1-2, *MHPA*, and discussed in detail in Section 5.3, *Biological Resources*. Approximately 2.2 acres of the northwestern edge of the Camino Del Sur right-of-way occur within the MHPA and support southern willow scrub, Diegan coastal sage scrub, Diegan coastal sage scrub-southern mixed chaparral ecotone, southern mixed chaparral, chamise chaparral, and disturbed habitat (Refer to Figure 5.3-1a). All development proposals within and adjacent to the MHPA, as well as grading during wildlife breeding seasons, are required to be consistent with the City's MSCP Subarea Plan, including the Land Use Adjacency Guidelines as well as the Compatible Land Uses and General Planning Policies and Design Guidelines. Development must avoid impacts to narrow endemic species in the MHPA, although none exist on the project site. Encroachment into sensitive biological resources outside of the MHPA is allowed provided impacts are analyzed and appropriate mitigation is implemented in accordance with the City's Biology Guidelines (City 2012).

Carmel Mountain and Del Mar Mesa Natural Resource Management Plan (NRMP)

The NRMP was prepared by the City to provide guidelines for the protection and maintenance of preserved natural open space on the Carmel Mountain Preserve and the Del Mar Mesa Preserve (Preserves) (Figure 2-2). The natural open space of the Preserves contains extremely sensitive

vegetation communities and species unique to the San Diego region. The primary resources to be protected on the Preserves are vernal pools, southern maritime chaparral, the continuity of habitat for wildlife movement and gene flow, and the federally and state listed flora and fauna (particularly the short-leaved dudleya [*Dudleya blochmaniae* ssp. *Brevifolia*]).

The Preserves also act to protect the quality of life for residents of San Diego County and the quality of the experience for visitors by adding to the feeling of openness and interaction with nature that San Diego fosters. The City of San Diego MSCP provides a framework for preserving and protecting natural resources in the San Diego region. The Carmel Mountain Preserve and Del Mar Mesa NRMP describes the tasks that will ensure management and maintenance of the Preserves in accordance with the MSCP and the Subarea Plan.

The 302.4-acre Carmel Mountain Preserve is approximately two miles southwest of the Del Mar Mesa Preserve and is owned by the City with the exception of two private inholdings. Ownership of Del Mar Mesa is split among private land holders and five public or non-profit land owners/managers: City, County of San Diego (County), CDFW, USFWS (i.e., National Wildlife Refuge), and a non-profit manager (formerly TET). Each of these entities has mandates that direct their management of open space preserves. Five parcels on Del Mar Mesa Preserve, totaling 159.0 acres, have been preserved for mitigation by: (1) the Metropolitan Wastewater Department; (2) public land managed by a nonprofit organization (formerly TET); (3) Mira Mesa Market Center; (4) Environmental Services; (5) the Deer Canyon Mitigation Bank; and (6) San Diego Association of Governments (SANDAG)/California Department of Transportation (Caltrans) Environmental Mitigation Program. The MSCP Subarea Plan states that, if possible, the Del Mar Mesa area should be managed as a single unit rather than split into separate entities according to ownership (i.e., County, various City departments, easements). The NRMP treats Del Mar Mesa as a single unit; however, each property owner is responsible for managing the property under their ownership until such time as an MOU for management is adopted. The eastern boundary of the Del Mar Mesa Preserve is situated within the alignment of Camino Del Sur (Figure 2-2).

The City recently approved amendments to the Torrey Highlands Subarea Plan, Rancho Peñasquitos Community Plan and Del Mar Mesa Subarea Plan to add multi-use trail alignments within the community that would connect to the Del Mar Mesa Preserve area. The amendments provide connectivity between Torrey Highlands/ Rancho Peñasquitos and the Del Mar Mesa Specific Plan area through two multi-use trail alignments adjacent to the residential and employment center areas. The NRMP consolidates trail alignments into existing built trails that connect Deer Canyon to the Del Mar Mesa Preserve.

City of San Diego Vernal Pool Habitat Conservation Plan

The Preliminary Draft Vernal Pool Habitat Conservation Plan (VPHCP) was released for a 30-day public review on March 10, 2015. The VPHCP is intended to provide an effective framework to protect, enhance, and restore vernal pool resources within the City of San Diego, while improving and streamlining the environmental permitting process for impacts to threatened and endangered species associated with vernal pools. The VPHCP covers vernal pools and seven threatened and endangered covered species that do not have federal coverage under the City's MSCP Subarea Plan. Part of the VPHCP conservation strategy is to expand the City's existing MHPA to conserve targeted vernal pool complexes in a configuration that maintains habitat function and viability of the seven

covered species, consistent with the Vernal Pool Recovery Plan (USFWS 1998); and to implement avoidance and minimization of impacts to vernal pools consistent with the VPHCP and the City's ESL Regulations. Portions of the project site interface with North Planning Units of the Draft VPHCP.

MCAS Miramar Airport Land Use Compatibility Plan

The Airport Land Use Commission (ALUC) is an agency that is required by state law to exist in counties in which there is a commercial and/or a general aviation airport. The purpose of the ALUC is to protect public health, safety, and welfare by ensuring the orderly development of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports, to the extent that these areas are not already devoted to incompatible uses. The SDCRAA serves as the ALUC for the MCAS Miramar Airport.

The MCAS Miramar Airport Land Use Compatibility Plan (ALUCP) established the Airport Influence Area (AIA) for this airport, which encompasses much of the Rancho Peñasquitos community, as well as the eastern portion of Torrey Highlands. Essentially, the ALUCP serves as a tool for use by the SDCRAA in fulfilling its duty to review land use development proposals within the AIA at MCAS Miramar. In addition, the ALUCP provides compatibility policies and criteria applicable to local agencies in their preparation or amendment of land use plans and ordinances and to landowners in their design of new development. The most recent version of the MCAS Miramar ALUCP was adopted in October 2008 and subsequently amended in December 2010 and November 2011 (SDCRAA 2011). The project site is located within the AIA for the airport, approximately 5.5 miles north of the MCAS Miramar property.

The project site is located within Review Area 2 of the AIA. Review Area 2 consists of locations beyond Review Area 1 but within the airspace protection and/or overflight notification areas. Limits on the heights of structures, particularly in areas of high terrain, are the only restrictions on land uses within Review Area 2. Review Area 2 also requires the recordation of overflight notification documents for residential development, which notifies the prospective purchaser of potential annoyances or inconveniences associated with airport operations prior to completing the purchase. The project site is also beneath the Outer Horizontal Surface of MCAS Miramar (Federal Aviation Regulation Part 77) and beneath and/or near establish fixed and rotary-wing flight corridors for aircraft transiting to and from MCAS Miramar (USMC 2014).

Regional Air Quality Strategy

The Air Pollution Control District (APCD) and the SANDAG are responsible for developing and implementing the clean air plan for attainment and maintenance of the ambient air quality standards in the San Diego Air Basin (SDAB). The San Diego County Regional Air Quality Strategy (RAQS) is generally updated on a triennial basis, most recently in 2009. The 2016 update of the RAQS is in process. The RAQS outlines APCD's plans and control measures designed to attain the state air quality standards for O₃. The APCD has also developed the air basin's input to the State Implementation Plan (SIP), which is required under the Federal Clean Air Act for areas that are out of attainment of air quality standards. The SIP, approved by the EPA in 1996, includes the APCD's plans and control measures for attaining the O₃ national standard. The SIP is also updated on a triennial basis.

The RAQS relies on information from CARB and SANDAG, including mobile and area source emissions, as well as information regarding projected growth in the County, to project future emissions and then determine from that the strategies necessary for the reduction of emissions through regulatory controls. The SIP relies on the same information from SANDAG to develop emission inventories and emission reduction strategies that are included in the attainment demonstration for the air basin. The SIP also includes rules and regulations that have been adopted by the APCD to control emissions from stationary sources. These SIP-approved rules may be used as a guideline to determine whether a project's emissions would have the potential to conflict with the SIP and thereby hinder attainment of the national air quality standard for O₃.

Water Quality Control Plan for the San Diego Basin

The Regional Water Quality Control Board (RWQCB) adopted a Water Quality Control Plan for the San Diego Basin (Basin Plan) that recognizes and reflects regional differences in existing water quality, the beneficial uses of the region's ground and surface waters, and local water quality conditions and problems (RWQCB 1994). The Basin Plan is designed to preserve and enhance water quality and protect the beneficial uses of all regional waters.

5.1.2 Impact

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

Impact Thresholds

According to the City's Significance Determination Thresholds (2011), land use policy impacts may be significant if the project would be:

- Inconsistent or conflict with the environmental goals and/or objectives of a community or general plan;
- Inconsistent or conflict with an adopted land use designation or intensity and result in indirect or secondary environmental impacts;
- Substantially incompatible with an adopted plan; and/or
- Cause the development or conversion of general plan or community plan designated open space or prime farmland to a more intensive use.

Impact Analysis

Mixed-Use Development and Public Roads

Consistency with General Plan and Community Plans

The project site is designated as Commercial Employment, Retail and Services; Residential; and Parks, Open Space and Recreation in the Land Use Map of the General Plan (i.e., Figure LU-2). A GPA is proposed to modify the land use category for the site to Multiple Use to be consistent with the Local Mixed Use Center (LMXU) designation proposed in the CPA, as described below. The intent of

the Multiple Use land use category is to capture land where housing is proposed in a mixed-use setting with convenience shopping and services within a three-mile radius (City 2008a).

In the Torrey Highlands Subarea Plan, the development component of the project is primarily planned for Commercial Regional (CR) with a smaller portion designated for Medium High Density Residential (MH) (20-40 dwelling units per acre) use (refer to Figure 2-6). Within the portion of the Torrey Highlands Subarea Plan in the project area, Camino Del Sur is classified as a four-lane major road; Carmel Mountain Road is also classified as a four-lane major road in the plan.

The proposed CPA would allow the change in land use designation of the Mixed-Use Development site to LMXU South (to differentiate it from the existing LMXU to the north of SR-56). The amendment to redesignate the site as LMXU South 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 integration of commercial and residential uses on the project site could allow for reduced vehicle demand on the roadway network and greenhouse gas emissions due to the ability of residents to walk to commercial uses, rather than drive. 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.

Although the project proposes a combination of land uses not specifically envisioned in the CR and MH designations of the Subarea Plan and General Plan, the Merge 56 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. As noted above, the CPA would also require an amendment to the Land Use Map in the General Plan to redesignate the project site as Multiple Use, consistent with the community plan land use changes.

The project 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. The proposal 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. By placing the more intensive uses close to the freeway and transitioning the residential density with distance from the freeway, the project would take advantage of the freeway frontage and interchange and buffer existing residential and open space uses to the south from the more active northern portion of the site. The proposed LMXU South land use would also be consistent with the surrounding existing and planned land uses, which consist of residential to the east and south and freeway commercial (convenience/gas station) and office uses to the northwest. With regard to the General Plan policies cited in the CAP, the project would be consistent with applicable policies in the Conservation Element, Mobility Element and Urban Design Element. The project is also consistent with the greenhouse gas emissions (GHG) assumptions in the CAP, as demonstrated by its consistency with the CAP Consistency Checklist (refer to Section 5.7, *Greenhouse Gas Emissions*).

Furthermore, the CPA would amend and implement the adopted Circulation Elements of the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan by constructing Camino Del Sur as a four-lane major road transitioning to a modified two-lane collector (south of Carmel Mountain Road) from the four-lane major road classification and Carmel Mountain Road as a modified two-lane collector from a four-lane major road classification, and associated multi-use trail connections in the configurations envisioned in those plans. As shown in the TIA (Appendix B to this EIR), the down-graded roads would still be capable of carrying the buildout traffic volumes predicted in Year 2050 (LLG 2015).

Specifically, the proposed extension of Camino Del Sur south of Carmel Mountain Road is projected to carry approximately 8,500 average daily trips (ADT) in Year 2035 and at community buildout (i.e., Year 2050), which is less than the 18,000 ADT originally anticipated in the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan (LLG 2015). Carmel Mountain Road would carry approximately 6,700 ADT in Year 2035 and at community buildout. The modified two-lane collector roadways would be capable of carrying up to 10,000 ADT and would be consistent with City policies pertaining to sensitive design in the Mobility, Urban Design and Conservation Elements of the General Plan, Torrey Highlands Subarea Plan (Community Design Guidelines), Rancho Peñasquitos Community Plan (Community Appearance and Design and Open Space and Resource Management Elements) and Del Mar Mesa Specific Plan (Open Space and Resource Management Element).

Implementation of Camino Del Sur would remove a portion of the Parks, Open Space and Recreation area situated adjacent to the road alignment identified in the General Plan and Del Mar Mesa Specific Plan and 2.2 acres of MHPA protected by the MSCP Subarea Plan; however, major or Circulation Element roads are a compatible use within planned open space pursuant to Sections 1.4.1 and 1.4.2 of the MSCP Subarea Plan as they are “essential public facilities.” Compensation for removing MHPA would occur in conjunction with the mitigation requirements for the rest of the project, as discussed in Section 5.2, *Biological Resources*. Refer to the analysis under Issue 3 for a discussion of the project’s consistency with the MSCP Subarea Plan.

Project consistency with applicable General Plan, Subarea Plan, Community Plan and Specific Plan goals, objectives, and policies is evaluated in Table 5.1-1. Due to the number of applicable goals, objectives, and policies, Table 5.1-1 occurs at the end of this section. As noted in the policy analysis, 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 proposed CPA and GPA would not produce indirect or secondary impacts that were not anticipated in those plans.

Consistency with Regional Air Quality Strategy

The proposed Mixed-Use Development component would require a modification of planned land uses on site but would not increase operational emissions from mobile sources since the volume of traffic that would be produced by the project would be similar to the land use and regional air emissions assumptions in the Regional Air Quality Strategy. Although the SDAB is in non-attainment

with the federal standard for O₃ and the state standard for O₃ and PM-10, emissions associated with both project construction and project operation would be below the APCD significance criteria, as demonstrated in calculations completed for the project contained in Appendix K, are contemplated in the long-term plans for the region, and would not be considered cumulatively considerable, nor would the project affect the SDAB's ability to attain and maintain ambient air quality standards. Refer to the *Air Quality* discussion in Section 7.0 of this EIR.

Consistency with Water Quality Control Plan for the San Diego Basin

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 (LID), source control, priority project, and treatment control best management practices (BMPs) for proposed development. Specifically, treatment control BMPs would consist of a biofiltration basins/storage vaults that would be installed within the lower end of the mixed-use component's storm drain system at two locations and used to treat a portion of the runoff generated from the northern portion of Camino Del Sur and Carmel Mountain Road near the intersection of these two streets. Bio-filtration basins located north of the commercial area and west of the Camino Del Sur road would treat runoff from the southern portion of Camino Del Sur. Refer to the *Hydrology/Water Quality* discussion in Section 7.0 of this EIR.

Land Use Compatibility

The proposed project would be compatible with surrounding land uses and planned land uses in the project area. Land uses in the project vicinity consist of a combination of residential, commercial or office uses and open space (i.e., MHPA). The project would provide land use entitlements for a mixed-use center with a variety of housing types and the adjacent public roads. Land use intensity would transition downward toward the south of the development property where existing single-family residential development occurs. Specifically, multi-story commercial uses, office buildings, parking structures and high-density residential development would occur near the SR-56 interchange and corridor, the centrally-situated townhomes south of Private Drive M would be two- and three-story, clustered buildings and interwoven by pedestrian walkways, and the single-family residences would be two-story structures near the southern end of the site (refer to the project site plan contained in Figure 3-3). The public road improvements would provide separation between the proposed uses and adjacent open spaces along Camino Del Sur and Carmel Mountain Road. The project would be required to comply with the Land Use Adjacency Guidelines in the MSCP Subarea Plan where it interfaces with the MHPA open space but is a compatible use within the MHPA as an essential public facility designed in accordance with the roads and utilities guidelines in the Subarea Plan (as described below under Issue 3). The project would be situated outside of the Federal Aviation Administration (FAA) Height Notification Area. For these reasons, no inconsistencies or conflicts with existing or proposed land uses would be associated with the project.

Significance of Impact

The project would be consistent with the land use designations, zoning and associated density in the General Plan, Torrey Highlands Subarea Plan and LDC regulations. The 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 project area. Both components of the

project would be consistent with applicable policies 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. In addition, the project would be compatible with surrounding land uses and would not result in significant secondary land use impacts. Therefore, land use policy impacts would be less than significant.

Mitigation, Monitoring, and Reporting

No significant land use policy impacts are identified nor would the project result in secondary impacts; therefore, no mitigation measures would be required.

5.1.3 Impact

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

Impact Thresholds

According to the City's Significance Determination Thresholds (2011), land use policy impacts related to deviations may be significant if the project would be:

- Inconsistent or conflict with an adopted land use designation or intensity and result in indirect or secondary environmental impacts.

Impact Analysis

Consistency with the Land Development Code

The project proposes a rezone of the Mixed-Use Development site (refer to Figure 3-2) from the entitled zoning of CR-2-1 and RM-3-9 zones to Commercial (CC-3-5) and Residential (RX-1-2). 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 CR-3-5 zone is "to accommodate development of a high intensity, pedestrian orientation." Permitted uses include all of the uses proposed on site north of Private Drive M, including multi-family residential, various retail sales operations, various commercial services, parking facilities, and offices. A CUP would be required to allow for a cinema greater than 5,000 sf in size. SDMC Section 131.0404 states that the purpose of the proposed RX-1-2 zone is to "provide for both attached and detached single dwelling units on smaller lots than required in the RS zone;" in the case of the proposed zone, minimum lot size would be 3,000 sf. As such, the RX zone allows for a wide variety of residential development patterns. The project would comply with the majority of the CC and RX development regulations, such as lot dimensions, building heights, and floor-area ratios. Deviations requested through the PDP include 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 are prohibited on the ground floor in the front 30 feet of the lot. In addition, a street frontage deviation is proposed for certain residential lots that would not have direct frontage to the private drive. The setbacks for the homes requiring the deviation would be less than the 35-foot allowed in the RX-1-2

zone but consistent with those homes that would have adjacency to the street. A deviation for over-height retaining walls is also proposed and is addressed in Section 5.8, *Visual Effects/Neighborhood Character*. The analysis concludes that a negative visual appearance would not be created by the three over-height walls proposed on the Merge 56 site. These zoning deviations would not result in secondary environmental impacts as they would not be substantial, and would occur internal to the project, and not affect off-site areas and would be permitted upon approval of a PDP.

Deviations from the ESL Regulations would also be required due to unavoidable impacts to wetlands, as discussed in Section 5.3, *Biological Resources*. The project would qualify for deviations under the Biologically Superior Option (BSO) for the Mixed-Use Development component and under the Essential Public Project (EPP) Option for the public roads component of the project. These wetland deviations would result in secondary environmental impacts related to the direct removal of wetlands on the project site, which are discussed in detail under *Biological Resources*. The Mixed-Use Development component of the project would qualify for ESL deviations under the BSO because it would result in a biologically superior resource once mitigation is complete. The public roads component would qualify for deviations under the EPP Option because all direct and indirect impacts would be minimized, to the extent feasible, through project design features, compliance with City regulations and/or mitigated through measures. Mitigation for impacts to wetlands is provided in Section 5.3, *Biological Resources*.

The project would be generally consistent with the CC-3-5 and RX-1-4-2 zones with allowed deviations. With the City's review and approval of the proposed PDP and wetland deviations, the project would be consistent with the requirements of the LDC. No land use policy impacts related to rezoning the project site or ESL deviations are identified.

Significance of Impact

Proposed deviations from the base zone development regulations would not cause secondary physical impacts as they would be internal to the project and not affect off-site areas. The project would qualify for deviations for impacts to wetlands under the BSO and EPP options in the ESL Regulations. Therefore, land use policy impacts would be less than significant.

Mitigation, Monitoring, and Reporting

No significant land use policy impacts are identified; therefore, no mitigation measures would be required.

5.1.4 Impact

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

Impact Thresholds

According to the City's Significance Determination Thresholds, land use policy impacts may be significant if the project would be:

- Inconsistent or conflict with adopted environmental plans for an area. For example, a use incompatible with MSCP for development within the MHPA would fall into this category.

Impact Analysis

Mixed-Use Development and Public Roads

MSCP Subarea Plan

The project is located in the Northern Area of the City's MSCP Subarea. Goals and objectives of the MHPA for the Northern Area (i.e., Section 1.5.8 of the City's MSCP Subarea Plan) consist of providing regional wildlife corridors that link Del Mar Mesa, Los Peñasquitos Canyon Preserve, Los Peñasquitos Lagoon, Torrey Pines State Park, San Dieguito River Valley Regional Park, and the Black Mountain Area. The MHPA occurs within a portion of the Camino Del Sur ROW on-site and to the west of the road (Figure 5.1-2) and includes the eastern edge of the Del Mar Mesa Preserve, including the National Wildlife Refuge.

Approximately 2.2 acres of the western edge of the Camino Del Sur ROW occur within the MHPA and support southern willow scrub, Diegan coastal sage scrub, Diegan coastal sage scrub-southern mixed chaparral ecotone, southern mixed chaparral, chamise chaparral, and disturbed habitat (see Figure 5.3-1a in Section 5.3, *Biological Resources*). In addition, there is the potential for the coastal California gnatcatcher to use the MHPA in the project area. The project would impact all of the MHPA within the road ROW, and impacts to the biological resources within the MHPA would require approval of a SDP, in accordance with the ESL Regulations. Mitigation would comply with the ratios specified in the City's Biology Guidelines for impacts to sensitive biological resources in the MHPA.

Compatible Land Uses and General Planning Policies and Design Guidelines. Section 1.4.1 of the City's Subarea Plan states that the following land uses are conditionally compatible with the biological objectives of the MSCP and would be allowed within the MHPA:

- Passive recreation
- Utility lines and roads in compliance with policies in Section 1.4.2 (below)
- Limited water facilities and other essential public facilities
- Limited low density residential uses
- Brush Management (Zone 2)
- Limited agriculture

The northern portion of Camino Del Sur is the only project component in the MHPA, and it is an essential public facility that is a previously approved City Circulation Element road.

Section 1.4.2 of the City's Subarea Plan includes general planning policies and design guidelines that have been applied in the review and approval of development projects within or adjacent to the MHPA. In this case, Camino Del Sur is the only project component within or adjacent to the MHPA and is considered a compatible use within the MHPA.

Roads and Utilities – Construction and Maintenance Policies. This section of the Subarea Plan includes eight guidelines/policies. Each is summarized below along with an explanation describing how the Camino Del Sur (north) component of the project complies with the guidelines/policies where it occurs within or adjacent to the MHPA.

1. All proposed utility lines should be designed to avoid or minimize intrusion into the MHPA.

No utility lines would intrude upon the MHPA, and all lines would be within the proposed roadway improvements.

2. All new development for utilities and facilities within or crossing the MHPA shall be planned, designed, located, and constructed to minimize environmental impacts. If avoidance is infeasible, mitigation would be required.

Approximately 2.22 acres of the MHPA would be impacted by the Camino Del Sur-North impact footprint. This impact is unavoidable as Camino Del Sur is a Circulation Element road planned by the City. There is no feasible alternative that would avoid impacts to the MHPA because of the fixed end points of the Camino Del Sur and engineering safety standards. Direct habitat impacts to the MHPA would be mitigated in accordance with the methods and ratios provided in the Biology Guidelines (and/or per permit requirements for jurisdictional areas [i.e., for impacts to southern willow scrub in the MHPA]).

3. Temporary construction areas and roads, staging areas, or permanent access roads must not disturb existing habitat unless determined to be unavoidable.

All construction areas would occur within the confines of the limits of grading, including the construction buffer, analyzed in the project's Biological Technical Report (Alden 2017) Mitigation for the project requires that no parking or other construction/development-related material/activities shall be allowed outside any approved construction limits. Impacts would be avoidable.

4. Construction and maintenance activities in wildlife corridors must avoid significant disruption of corridor usage.

The identified wildlife corridor in the project study area occurs where Camino Del Sur would be extended north from its current terminus. While this southern part of Camino Del Sur is not located in the MHPA, it does cross a wildlife corridor that extends between Del Mar Mesa Preserve in the MHPA to the west and Los Peñasquitos Canyon in the MHPA to the south. However, the existing corridor is already highly constrained in this area. Camino Del Sur would not, therefore, interfere substantially with the movement of wildlife between the MHPA lands.

5. Roads in the MHPA will be limited to those identified in Community Plan Circulation Elements, essential collector streets, and necessary maintenance/emergency access roads.

Camino Del Sur is a Circulation Element road planned by the City and identified in the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan. The portion that enters the MHPA would be considered a compatible use.

6. Development of roads in canyon bottoms should be avoided whenever feasible. If an alternative location outside the MHPA is not feasible, then the road must be designed to cross the shortest length possible, and if a road crosses the MHPA, it should provide for fully-functional wildlife movement capability.

Camino Del Sur has a defined alignment for which no feasible alternative exists to avoid the MHPA because of the fixed end points of the roadway and engineering safety standards. However, this project component avoids canyon bottoms in the MHPA and does not substantially interfere with wildlife movement.

7. Where possible, roads within the MHPA should be narrowed from existing design standards to minimize habitat fragmentation and disruption of wildlife movement and breeding areas. Roads must be located in lower quality habitat or disturbed areas to the extent possible.

Camino Del Sur, a City-planned Circulation Element roadway, has a defined alignment for which no feasible alternative exists because of the fixed end points of the roadway and engineering safety standards. However, the northern portion of Camino Del Sur extends along the edge of the MHPA. The placement and design of the road along the eastern edge of the MHPA would not result in habitat fragmentation or disruption of wildlife movement in this portion of the MHPA.

8. Existing roads and utility lines are usually considered a compatible use in the MHPA.

There are no existing roads or utility lines in the MHPA that are associated with the Project. An approximately 150-foot wide SDG&E utility easement crosses through the central portion of the Project study area and into the MHPA. However, no utility facilities are located within the easement.

Fencing, Lighting, and Signage. This section of the Subarea Plan includes three guidelines/policies. Each is summarized below along with an explanation as to how the Project complies where it occurs within or adjacent to the MHPA.

1. Fencing or other barriers would be used where it is determined to be the best method to achieve conservation goals and adjacent to land uses incompatible with the MHPA.

There are no incompatible land uses adjacent to the MHPA associated with the Project. Sometimes, unauthorized public access can result in impacts such as trails being created and trash being dumped in the MHPA. A multi-use trail connection to Del Mar Mesa is proposed as part of the Project from Camino Del Sur-North to a proposed future hike/bike trail west of the road (City 2014; Figure 3). Existing illegal trails within the Project impact footprints and in the vicinity of the vernal pool preserves would be removed and/or restricted by fencing as part of the Project. Therefore, no new trails or public access impacts to the MHPA would be attributable to the Project.

2. Lighting shall be designed to avoid intrusion in the MHPA.

Project mitigation requires that lighting within or adjacent to the MHPA be directed away/shielded from the MHPA and be subject to City Outdoor Lighting Regulations per LDC Section 142.0740.

3. Signage will be limited to access, litter control, and educational purposes.

Signage is proposed to be installed every 100 feet along the western boundary of the project along the MHPA as depicted on Vested Tentative Map and Grading Plan Sheet 10 of 37.

Materials Storage. Storage of materials (e.g., hazardous or toxic chemicals, equipment, etc.) would not be located within the MHPA, and proper storage of such materials is required per applicable regulations in any areas that may impact the MHPA, especially due to potential leakage.

The MHPA Land Use Adjacency Guidelines require that storage of materials not be located within or adjacent to the MHPA and that no equipment maintenance be conducted within or adjacent to the MHPA. Furthermore, no trash, oil, parking, or other construction/development-related material/activities be allowed outside any approved construction limits. The project would comply with this portion of the Land Use Adjacency Guidelines.

General Management Directives. The following summarized, general management directives for all areas of the City's MSCP Subarea Plan are applicable to the project. Those directives not applicable to the Project include Adjacency Management Issues (except public access), Invasives Exotics Control and Removal (except Invasive Plant Species), and Flood Control (since there are no flood control channels associated with the project).

1. Mitigation shall be performed in accordance with ESL Regulations and the City's Biology Guidelines.

The mitigation measures have been formulated to satisfy the requirements of the City's MSCP Subarea Plan, Biology Guidelines, and ESL Regulations.

2. Restoration or revegetation undertaken in the MHPA shall be performed in a manner acceptable to the City.

Mitigation for impacts to the two vernal pools on the mixed-use site is proposed to occur at an off-site location and consist of vernal pool creation at a 3:1 ratio. The vernal pool creation required as part of project mitigation would be subject to a mitigation plan approved by the City and the regulatory agencies.

3. Public Access, Trails, and Recreation. This directive includes requirements for trail signage, type, location, design, and use.

The Del Mar Mesa Trail and Darkwood Canyon Trail connections would be constructed consistent with City Trail Policies and Standards (City 2010). The Del Mar Mesa Trail Connection would also be developed consistent with the Carmel Mountain/Del Mar Mesa Trails Community Plan Amendments and Natural Resources Management Plan Adoption (City 2015). The Darkwood Canyon Trail design and location was coordinated with the City Park and Recreation Department and would occur outside of the MHPA.

4. Litter/Trash and Materials Storage. This directive includes requirements for trash removal and permanent materials storage in the MHPA.

Litter, trash, and materials storage associated with project construction would be addressed through adherence to the Land Use Adjacency Guidelines. There would be no permanent storage of any kind in the MHPA associated with the project. Litter and trash associated with use of the trails would be the responsibility of the City.

Land Use Adjacency Guidelines. With regard to the Land Use Adjacency Guidelines in the MSCP Subarea Plan, potential indirect impacts to the MHPA generally refer to effects of a project or direct effects that occur outside the proposed area of disturbance. Those impacts may include adverse effects from drainage and toxics, lighting, public access, invasive plant species, brush management, noise, and grading/land development (as addressed by the policies contained within the City's Land Use Adjacency Guidelines in the MSCP Subarea Plan). They may also include impacts to raptor nesting in the MHPA. The MSCP Land Use Adjacency Guidelines are applicable to the northern portion of Camino Del Sur that would be directly within and adjacent to the MHPA (refer to Figure 5.3-1a). As a Circulation Element Road, Camino Del Sur is a compatible use in the MHPA (City 1997).

The following is a description of the project's compliance with the policy language in the Land Use Adjacency Guidelines (refer to Appendix B to this EIR for additional details) due to its proximity to the MHPA. Compliance with the guidelines means that the project would have less-than-significant impacts to the MHPA, if potential indirect impacts are expected, mitigation would be required to comply with the Land Use Adjacency Guidelines.

Grading/Land Development. The Land Use Adjacency Guidelines require that impacts associated with manufactured slopes created with development be included within the impacts identified for the development footprint when they occur within or adjacent to the MHPA.

The project was designed to include all slopes within the impact footprints in compliance with this guideline; however, errant construction activities outside the defined limits of construction could impact adjacent MHPA or vernal pool preserves and result in significant impacts. Errant construction activities could include, for example, construction equipment becoming disabled (stuck on a slope) and needing assistance to get out resulting in ground disturbance outside the impact footprint.

Drainage and Toxics. The Land Use Adjacency Guidelines require that all new parking lots, roads, and developed areas in and adjacent to the MHPA not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, and other elements that might degrade or harm the surface water in the natural environment or ecosystems processes.

To comply with these guidelines, all potential drainage and toxics impacts to the MHPA from the built project would be minimized through project design features (e.g., biofiltration basins, storage vaults), and no stormwater would be discharged directly into the MHPA or any other drainage feature minimizing this potential edge effect.

During construction, the project would be subject to the requirements of a Storm Water Pollution Prevention Plan (SWPPP) that would address pollutants and their sources associated with construction including, but not limited to, construction site erosion—all of which would be controlled through implementation of Best Management Practices; however, the potential exists for equipment to release toxic contaminants into the MHPA during maintenance and staging, resulting in potentially significant impacts.

Lighting. Night lighting exposes wildlife to an unnatural light regime that may adversely affect foraging patterns, increase predation risk, cause biological clock disruptions, and result in a loss of species diversity. The Land Use Adjacency Guidelines require that all developed areas adjacent to the MHPA direct lighting away from the MHPA.

Overhead and architectural lighting is proposed on site (for security, safety, and way-finding), and overhead lighting is proposed at regular intervals along the length of the public roads (as required by the City Street Design Manual). The project would be required to comply with the City's Outdoor Lighting Regulations (SDMC §142.0740); however, unless specific measures to control light overspill are taken to prevent dispersion of light into the adjacent MHPA, lighting effects from the built project (and construction if lighting is used) could result in an adverse edge effect.

Public Access/Barriers. The Land Use Adjacency Guidelines state that new development adjacent to the MHPA may be required to provide barriers along the MHPA boundaries to direct public access to appropriate locations and to reduce domestic animal predation. Public access can result in impacts such as unauthorized trails being created, trash being dumped, and domestic animals roaming loose in the vicinity of the projects and perhaps into the MHPA, which would degrade the quality of the adjacent habitat over time.

An unpaved, multi-use trail connection from the northern segment of Camino Del Sur would be constructed as part of the roadway's western fill slope across a finger of Deer Canyon (in the MHPA). The trail would connect with an existing hike/bike trail identified in the Carmel Mountain/Del Mar Mesa Trails Community Plan and Natural Resources Management Plan (City 2015). The trail connection would be constructed entirely within the impact footprint for Camino Del Sur and coordinated through the Park and Recreation Department. Fencing is proposed to be installed at the western boundary of the project along the MHPA boundary, including the USFWS National Wildlife Refuge, as depicted on Vested Tentative Map and Grading Plan Sheet 10 of 37. Public access to the off-site vernal pool preserves outside of the MHPA (but adjacent to the public roads) would be precluded as the project would install permanent fencing to protect them. The proposed southerly trail connection from Camino Del Sur into Darkwood Canyon would not affect MHPA since the canyon is outside of the preserve system (see Figure 5.3-1 in the biological resources discussion of this EIR).

Due to the proposal to develop residences, the occupied project has the potential for domestic animals to impact native wildlife. In particular, free-roaming cats are known to harm native rodent and bird populations in locations where they have access to natural areas. Domestic animals significantly impact native wildlife within the MHPA. However, the location of Camino Del Sur between the MHPA and the Mixed-Use Development would help preclude domestic animals from entering these areas, as would the permanent fence around the off-site vernal pool preserves outside the MHPA. Each of these project design features would minimize the effects of predation on native wildlife by domestic animals to the extent possible. Furthermore, coyotes are known to control domestic animals, particularly cats (American Bird Conservancy 2013, Grubbs and Krausman 2009) that may wander from the developed areas. Less than significant public access impacts are, therefore, expected.

Invasive Plant Species. The Land Use Adjacency Guidelines require that no invasive, non-native plant species be introduced into areas adjacent to the MHPA. Use of natives should be featured along with non-invasive, drought tolerant species that do not require intensive irrigation, fertilizers, or pesticides. Invasive, non-native plants could colonize areas disturbed by construction and could potentially spread into the adjacent MHPA and vernal pool preserves. Such invasions could displace native plant species, reducing diversity; increase flammability and fire frequency; change ground and surface water levels; and adversely affect the native wildlife that are dependent on native vegetation.

To prevent these potentially significant impacts, the project would adhere to SDMC Landscape Standards (Section 1.3) and not use invasive species in landscaping to prevent their spread into the MHPA or areas outside the MHPA (e.g., Darkwood Canyon where such species could spread downstream and into the MHPA [e.g., into Los Peñasquitos Canyon]). In addition, landscaping would not use plants that require intensive irrigation, fertilizers, or pesticides in these locations.

Brush Management. The Land Use Adjacency Guidelines require that new development located adjacent to and topographically above the MHPA (e.g., along canyon edges) be set back from slope edges to incorporate Zone 1 brush management areas on the development pad and outside the MHPA. Zone 2 may be located in the MHPA under certain conditions, being considered “impact neutral.”

All habitable structures for the project would be located 100 feet or more from native/naturalized vegetation, and no formal brush management would be required. In addition, the western portions of the Mixed-Use Development site would be separated from the MHPA by the Camino Del Sur ROW. Therefore, brush management would not directly or indirectly impact the MHPA.

Noise. The Land Use Adjacency Guidelines require that uses in or adjacent to the MHPA be designed to minimize noise impacts. Construction-related noise from such sources as clearing, grading, and construction vehicular traffic would be a temporary impact to wildlife, but that could be an adverse edge effect for sensitive species in the MHPA (i.e., the coastal California gnatcatcher should it be present).

Built roadways (and associated traffic noise) that are in compliance with Section 1.4.2 of the City's Subarea Plan (General Planning Policies and Design Guidelines) are considered compatible with the biological objectives of the MSCP and thus allowed in the MHPA. As described in Section 6.3.1, *General Planning Policies and Design Guidelines, Roads and Utilities – Construction and Maintenance Policies* in Appendix C1, Camino Del Sur complies with the guidelines/policies where it occurs within or adjacent to the MHPA. However, gnatcatchers may use the on-site MHPA. Therefore, the project would need to comply with the Land Use Adjacency Guideline that requires a presence/absence survey prior to construction and required measures to protect the gnatcatcher from noise between March 1 and August 15 should it be present in the MHPA.

Based on the above analysis, the potential exists for conflicts with the Land Use Adjacency Guidelines for the MSCP Subarea Plan could occur.

Carmel Mountain and Del Mar Mesa Natural Resource Management Plan (NRMP)

The project would construct several trail connections that are recognized in the NRMP as a means to connect Deer Canyon to the Del Mar Mesa Preserve. Specifically, a five-foot wide decomposed gravel (DG) pathway is also proposed along Camino Del Sur; the pathway would be constructed west of the roadway north of the Camino Del Sur/Carmel Mountain Road intersection and transition at the traffic signal to the east side of Camino Del Sur. The pathway would connect the public trail connection to the Del Mar Mesa Preserve and the future public trail connection to the east into Darkwood Canyon, proposed by the City Park and Recreation Department (see Figure 3-11 in the *Project Description* section of this SEIR). The trails would be constructed in less sensitive locations, such as along proposed fill slopes, and would connect with existing trails in the project area, consistent with the NRMP.

Significance of Impact

Direct project impacts to 2.2 acres of the MHPA caused by construction of Camino Del Sur would be mitigated in accordance with the MSCP Subarea Plan, City Biology Guidelines and ESL Regulations.

Indirect impacts of the project have the potential to adversely affect the MHPA through edge effects. The project design would comply with the City's Land Use Adjacency Guidelines related to public access, invasive plant species, and brush management, and no mitigation would be required. Mitigation measures are required, however, to address potentially significant indirect impacts related to grading/land development, drainage and toxics, lighting, and noise.

The project would also comply with the goals and objectives of the Carmel Mountain and Del Mar Mesa NRMP, and less than significant policy impacts would occur.

Mitigation, Monitoring, and Reporting

Mitigation for indirect impacts to biological resources within the MHPA, and therefore land use policy, shall be implemented by the Applicant and is required consistent with the City's MSCP Subarea Plan and Biology Guidelines. Implementation of Mitigation Measure Bio-1 *Biological Resource Protection During Construction* and Mitigation Measure Bio-3 *Upland Vegetation Communities*

would mitigate most potential indirect impacts associated with grading/land development. The following mitigation is also required to mitigate land use adjacency impacts to the MHPA to below a level of significance.

Lu-1 Land Use Adjacency Guidelines

Prior to issuance of any construction permit or notice to proceed, Development Services Department/Land Development Review, and/or MSCP staff shall verify the Project Applicant has accurately represented the project's design in or on the Construction Documents (CDs; CDs consist of Construction Plan Sets for Private Projects and Contract Specifications for Public Projects) are in conformance with the associated discretionary permit conditions and Exhibit "A," and also the City's MSCP MHPA Land Use Adjacency Guidelines. The Project Applicant shall provide an implementing plan and include references on/in CDs of the following:

A. Grading/Land Development/MHPA Boundaries: MHPA boundaries on-site and adjacent properties, including the San Diego National Wildlife Refuge, shall be delineated on the CDs. Development Services Department Planning and/or MSCP staff shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA.

B. Drainage: The use of structural and non-structural Best Management Practices, Best Available Technology, and use of sediment catchment devices downstream of paving activities shall be used to reduce potential impacts associated with construction. The Project design shall comply with the Standard Urban Stormwater Management Plan and Municipal Stormwater Permit criteria of the State Water Resources Control Board and City.

Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the MHPA or vernal pool preserves.

C. Toxics/Project Staging Areas/Equipment Storage: No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Provide a note in/on the CDs that states: *"All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."*

No staging/storage areas for equipment and materials shall be located within or adjacent to the MHPA or vernal pool preserves; no equipment maintenance shall be conducted within or near the MHPA or vernal pool preserves.

No trash, oil, parking, or other construction related activities shall be allowed outside the established limits of grading. All construction related debris shall be removed off site to an approved disposal facility.

D. Lighting: Lighting within or adjacent to the MHPA and off-site vernal pool preserve areas shall be directed away/shielded from the MHPA and be subject to City Outdoor Lighting Regulations per LDC

Section 142.0740.

E. **Noise:** Due to the site's location adjacent to or within the MHPA where the Qualified Biologist has identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for the following: coastal California gnatcatcher (March 1 through August 15). If construction is proposed during the breeding season for the species, a USFWS protocol survey shall be required in order to determine species presence/absence. If a protocol survey is not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring.

Coastal California Gnatcatcher (Federally Threatened)

Prior to the issuance of any grading permit the City Manager (or appointed designee) shall verify that the MHPA boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur within 500 feet of the MHPA between March 1 and August 15 (gnatcatcher breeding season) until the following requirements have been met to the satisfaction of the City Manager:

- A. A Qualified Biologist (possessing a valid federal Endangered Species Act Section 10(a)(1)(A) Recovery Permit) shall survey appropriate habitat (coastal sage scrub) areas within the MHPA that lie within 500 feet of the project footprint and would be subject to construction noise levels exceeding 60 dB hourly average for the presence of the gnatcatcher. If no appropriate habitat is present, then the surveys will not be required. If appropriate habitat is present, gnatcatcher surveys shall be conducted pursuant to USFWS protocol survey guidelines within the breeding season prior to commencement of any construction. If gnatcatchers are present within the MHPA, the following conditions must be met:
 - I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted within the MHPA. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and
 - II. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB hourly average at the edge of occupied gnatcatcher habitat within the MHPA. An analysis showing that noise generated by construction activities would not exceed 60 dB hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under supervision of a Qualified Biologist; or

- III. At least two weeks prior to commencement of construction activities and under direction of a Qualified Acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB hourly average at the edge of habitat (within the MHPA) occupied by the gnatcatcher. Concurrent with commencement of construction activities and construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of occupied habitat area within the MHPA to ensure that noise levels do not exceed 60 dB hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Qualified Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

*Construction noise shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity to verify that noise levels at the edge of occupied habitat within the MHPA are maintained below 60 dB hourly average or to the ambient noise level if it already exceeds 60 dB hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels within occupied MHPA habitat to below 60 dB hourly average or to the ambient noise level if it already exceeds 60 dB hourly average. Such measures may include but are not limited to limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If gnatcatchers are not detected within the MHPA during the protocol survey, the Qualified Biologist shall submit substantial evidence to the City Manager and applicable wildlife agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
 - I. If evidence indicates high potential for gnatcatcher presence based on historical records or site conditions, Condition A.III shall be adhered to as specified above.

If evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

5.1.5 Impact

Issue 4: Would the proposal result in the exposure of people to noise levels which exceed standards established in the Noise Compatibility Guidelines (Table NE-3) in the Noise Element of the General Plan or an adopted Airport Land Use Compatibility Plan (ALUCP)?

Issue 5: Would the project result in land uses which are not compatible with an adopted ALUCP?

According to the City's Significance Determination Thresholds (2011), land use policy impacts may be significant if the project would result in:

- Incompatible uses as defined in Table NE-3 in the Noise Element of the General Plan; or.
- Incompatible uses as defined in an airport land use plan or inconsistency with an ALUCP as adopted by the ALUC.

Impact Analysis

Mixed-Use Development

Proposed noise-sensitive land uses may be incompatible with noise exposure levels caused by traffic along a local freeway and road segments in the project vicinity and aircraft operations at MCAS Miramar. As such, a land use-noise compatibility analysis was conducted by Ldn Consulting (2015) to address the project's consistency with the noise sources in the project area, as stated in the noise limits expressed in Table NE-1 in the Noise Element of the General Plan. Noise sources taken into consideration in the Noise Study included transportation noise from SR-56, as well as Camino Del Sur and Carmel Mountain Road.

To determine the future transportation noise environment which would affect the proposed noise-sensitive land uses, the Caltrans Sound32 noise model was utilized. The critical model input parameters to determine the projected traffic noise levels included vehicle travel speeds, the percentages of automobiles, medium trucks and heavy trucks in the roadway volume, the site conditions (hard or soft) and the peak hour traffic volume.

In addition, the project site plans were used to identify pad elevations, roadway elevations, and the relationship between the noise source(s) and the outdoor receptor areas to evaluate the future potential noise impacts on the proposed development. Outdoor receivers were located in the private areas and placed five feet above the finished pad elevation to simulate the average height of a human ear. In addition, the top of slopes were modeled to adjust for grade separation and any natural shielding from the roadways. Three-foot high walls along Carmel Mountain Road and Camino Del Sur and a combination of four- to eight-foot high walls at the northeastern corner of the site adjacent to SR-56 and Carmel Mountain Road were modeled as a design feature of the project. The proposed walls were incorporated into the project's acoustical analysis. The modeling results are quantitatively shown in Table 5.1-2, *Future Residential Exterior Noise Levels*, below. The noise modeling also used average daily traffic volumes, vehicle speeds and the hourly traffic flow distribution (vehicle mix) for Year 2035 provided by the project Traffic Study (Linscott, Law & Greenspan [LLG] 2016).

Table 5.1-2 FUTURE RESIDENTIAL EXTERIOR NOISE LEVELS			
Receptor Number	Receptor Location	Noise Levels with Proposed Walls (dBA CNEL)*	Upper Floor Noise Level (dBA CNEL)*
1	Lot 60	65	68
2	Lot 55	64	67
3	Lot 49	63	68
4	Lot 42	64	68
5	Lot 36	64	68
6	Lot 33	65	68
7	Lot 27	64	67
8	Lot 20	65	65
9	Lot 9	65	66
10	Lot 1	65	65
11	Townhomes	61	61
12	Townhomes	60	60
13	Townhomes	58	59
14	Townhomes	59	60
15	Townhomes	58	59
16	Townhomes	62	62
17	Townhomes	63	67
18	Townhomes	64	67
19	Townhomes	64	67
20	Townhomes	61	62
21	Townhomes	65	66
22	Townhomes	65	68
23	Townhomes	65	68
24	Townhomes	65	70
25	Townhomes	65	69
26**	Office	72	72
27**	Office	72	71
28**	Office	72	72
29**	Office	54	54
30**	Office	66	66

Source: Ldn Consulting 2015

*Interior Noise Assessment would be performed as part of building permits if residential façade noise level would be above 60 dBA CNEL.

**Commercial interior noise levels are anticipated to meet the 50 dBA CNEL standard.

Thirty on-site receptor locations were analyzed for transportation noise impacts from SR-56, Camino Del Sur and Carmel Mountain Road on the project (Figure 5.1-3, *Noise Receptor Locations*). As can be seen in the table, all the proposed residential units would comply with the City's compatibility threshold of 65 dBA with the proposed walls at the top of slope along Carmel Mountain Road, Camino Del Sur and SR-56. The commercial uses were found to be below the City compatibility threshold of 75 dBA CNEL at the proposed outdoor use areas.

The City of San Diego's Land Use - Noise Compatibility Guidelines require interior noise levels in residential structures to be reduced to 45 dBA CNEL and office buildings be reduced to 50 dBA CNEL. Basic calculations show that a windows open condition using standard construction materials would only reduce the interior noise levels 12 to 15 dBA CNEL and not provide adequate interior noise mitigation if exterior noise levels exceed 60 dBA CNEL. A windows closed condition would typically reduce the interior noise levels 20 to 25 dBA CNEL, if the windows are dual pane and have a minimum sound transmission class (STC) rating of 26. Therefore, because residential exterior noise levels would have the potential to be greater than 60 dBA CNEL (refer to Table 5.1-2), interior noise levels could exceed the 45 dBA CNEL standard and additional attenuation features would be required during building permit review to comply with the City's standard. As far as the 50 dBA CNEL interior noise standard for the commercial uses, the Noise Study assumed that the project design would feature a minimum of 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.

With regard to the effects of airport noise produced by MCAS Miramar on the project, the site and its future residents would not be exposed to noise levels in excess of 65 dBA CNEL; the 60 dBA CNEL noise contour associated with aircraft operations is situated 5 miles south of the proposed residences (SDCRAA 2011). With regard to the consistency of the project with the MCAS Miramar ALUCP, the project is within the adopted AIA Review Area 2 but outside any Accident Potential Zones (APZ). A review by MCAS Miramar staff determined that the project is consistent with Air Installation Compatibility Use Zones (AICUZ) safety compatibility guidelines and would not penetrate the FAA Part 77 Outer Horizontal Surface and/or any Terminal Instrument Procedures (TERPS) surfaces. No land use conflicts with MCAS Miramar operations with regard to noise or safety are, therefore, identified.

Significance of Impact

As shown above and in the Noise Study contained in Appendix E, all the proposed residential units would comply with the City's 65 dBA compatibility thresholds with the proposed walls at the top of slope along Carmel Mountain Road, Camino Del Sur and SR-56. The commercial uses were also found to 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 project would not be impacted by aircraft noise or safety caused by operations at MCAS Miramar. No significant land use compatibility impacts would occur as a result of project implementation.

Mitigation, Monitoring, and Reporting

No significant impacts are identified; no mitigation measures would be required.

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Land Use and Community Planning Element		
<p>General Plan Land Use Categories Goal: Land use categories and designations that remain consistent with the General Plan Land Use categories as community plans are updated and/or amended.</p> <p><i>Policy LU-B.3:</i> Plan for and develop mixed-use projects where a site or sites are developed in an integrated, compatible, and comprehensively planned manner involving two or more land uses.</p>	<p>The proposed project would involve the development of both commercial and residential construction, including a variety of permitted uses from the CC-3-5 and RX-1-2 zones, consistent with the Multiple Use and LMXU land use designations being requested on site under the GPA and CPA.</p>	Yes
<p>Plan Amendment Process Goals: Approve plan amendments that better implement the General Plan and community plan goals and policies; and allow for changes that will assist in enhancing and implementing the community's vision.</p> <p><u><i>Land Use Plan Amendment Policies</i></u></p> <p><i>Policy LU-D.1.</i> Require a General Plan and community plan amendment for proposals that involve: a change in community plan adopted land use or density/intensity; or a change in plan policies, maps, and diagrams. (Note: state law mandates that General Plan and community plan amendments are not to be required for projects utilizing state-mandated housing bonuses.)</p> <p><i>Policy LU-D.2.</i> Require an amendment to the public facilities financing plan concurrently with an amendment to the General Plan and community plan when a proposal results in a demand for public facilities that is different from the adopted community plan and public facilities financing plan.</p> <p><i>Policy LU-D.3.</i> Evaluate all plan amendment requests through the plan amendment initiation process and present the proposal to the Planning Commission or City Council for consideration.</p>	<p>A CPA was proposed by the Applicant in August 2013 as a proposed changed to the adopted land use in the Torrey Highlands Subarea Plan, as required by Policy LU-D.1; should the amendment require changes to the Public Facilities Financing Plan, those changes would be brought forth to the decision makers consistent with Policy LU-D.2. Consistent with Policy LU-D.3, the proposed CPA was heard by the Planning Commission in September 2013 at which time the Planning Commission directed staff to move forward with the land use plan analysis (Report No. PC-13-106). The land use change associated with the CPA would trigger the need for a GPA to Multiple Use to maintain land use designation consistency between the two planning documents. The resolution initiating the amendment to the Torrey Highlands Subarea Plan does not commit any decision maker or recommending body to adopt or deny the CPA, in accordance with Policy LU-D.11. The applicable Public Facilities Financing Plans would be amended to reflect changes or additions to the public facilities included in those plans resulting from the CPA approval.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Land Use and Community Planning Element (cont.)		
<p><i>Policy LU-D.8.</i> Require that General Plan and community plan amendment initiations (except those determined to be technical as specified in LU-D.6) be decided by the Planning Commission with the ability for the applicant to submit a request to the City Clerk for the City Council to consider the initiation if it is denied.</p> <p><i>Policy LU-D.11.</i> Acknowledge that initiation of a plan amendment in no way confers adoption of a plan amendment, that neither the staff nor the Planning Commission is committed to recommend in favor or denial of the proposed amendment, and that the City Council is not committed to adopt or deny the proposed amendment.</p>		
<p>Consistency Goals: Adopt Zoning concurrently with community plan updates and amendments to ensure consistency with community plan land use designations.</p>	<p>The proposed Rezone would modify the underlying zoning from Agriculture (AR-1-1) CR-2-1 and RM-3-9 to Community Commercial (CC-3-5) and Residential Small Lot (RX 1-2) (Figure 3-2) consistent with the proposed land use designation of LMUX and Multiple Use.</p>	Yes
<p>Airport Land Use Compatibility Goals: Protect the health, safety, and welfare of persons within an airport influence area by minimizing the public's exposure to high levels of noise and risk of aircraft accidents; and protection of public use airports and military air installations from the encroachment of incompatible land uses within an airport influence area that could unduly constrain airport operations.</p> <p><i>Policy LU-G1.</i> Work with the ALUC to develop policies that are consistent with the state and federal regulations and guidelines, that balance airport land use compatibility goals with other citywide and regional goals, and that emphasize the major airport land use compatibility factors.</p>	<p>The project site is located within Review Area 2 for MCAS Miramar Airport, (SDCRAA 2011). Correspondence from MCAS Miramar indicates that the project would be compatible with the ALUCP. Consistent with Policies LU-G.1 and LU-G.4, the City would coordinate with the ALUC, as required.</p> <p>Implementation of the project would not result in structures that pose an airspace obstruction, land uses that create wildlife hazards, particularly related to birds, or land use characteristics that create visual or electronic interference with air navigation. Although MCAS Miramar has indicated there would not be any incompatibilities, the ALUC and FAA would have opportunity to comment in this regard through the coordination discussed above for Policies LU-G.1, LU-G.3, and LU-G.4.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Land Use and Community Planning Element (cont.)		
<p><i>Policy LU-G.3.</i> Submit all amendments and updates to the General Plan, community plans, specific plans, airport plans, development regulations and zoning ordinances affected by an airport influence area to the ALUC to ensure that they are consistent with the Airport Land Use Compatibility Plan or have the City Council take steps to overrule the ALUC.</p> <p><i>Policy LU-G.4.</i> Submit development projects affected by an airport influence area to the ALUC after the adoption or amendment to an Airport Land Use Compatibility Plan to ensure that they are consistent up until the time that the ALUC has determined the General Plan, community plans, and specific plans consistent with the Airport Land Use Compatibility Plan or have the City Council take steps to overrule the ALUC.</p>		
<p>Balanced Community and Equitable Development Goal: Community and neighborhood-specific strategies and implementation measures to achieve equitable development.</p> <p><i>Policy LU-H.1.</i> Promote development of balanced communities that take into account community-wide involvement, participation, and needs.</p> <p style="padding-left: 20px;">a. Plan village development with the involvement of a broad range of neighborhood, business, and recognized community planning groups and consideration of the needs of individual neighborhoods, available resources, and willing partners.</p> <p><i>Policy LU-H.2.</i> Provide affordable housing throughout the City so that no single area experiences a disproportionate concentration.</p> <p><i>Policy LU-H.3.</i> Provide a variety of housing types and sizes within varying levels of affordability in residential and village developments.</p>	<p>Consistent with Policy LU-H.1, the Project Applicant has presented the proposed project to the Rancho Peñasquitos Community Planning Group on several occasions and received unanimous approval from the organization when initiating the CPA. Input from the community planning group would continue to be sought by the Project Applicant as the project proceeds through the discretionary approval process.</p> <p>The approximately 47 multi-family residential units proposed in the northern portion of the site would be affordable, consistent with Policy LU-H.2. In addition to the affordable units, flats, townhomes and single-family residences are proposed to provide a variety of housing types, as encouraged in Policy LU-H.3.</p> <p>A range of commercial uses are proposed that would provide a mix of retail, office, community-serving commercial uses configured in a village setting, as envisioned in Policies LU-H.4, LU-H.6 and LU-H.7. Walkability and linkages would be built into the design of the project, as shown in Figure 3-10, to provide access between commercial and residential uses on site, as well as linkages that the existing community to take advantage of. Transit stops are planned along Camino Del Sur and Carmel Mountain Road.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Land Use and Community Planning Element (cont.)		
<p><i>Policy LU-H.4.</i> Strive for balanced commercial development (see also Economic Prosperity Element, Section B).</p> <p><i>Policy LU-H.6.</i> Provide linkages among employment sites, housing and villages via an integrated transit system and a well-defined pedestrian and bicycle network.</p> <p><i>Policy LU-H.7.</i> Provide a variety of different types of land uses within a community in order to offer opportunities for a diverse mix of uses and to help create a balance of land uses within a community (see also LU-A.7).</p>	<p>The mix of uses and proximity to existing and planned development would facilitate City policies directed toward balanced communities and accessibility of services and resources.</p>	
Mobility Element		
<p>Goals: A safe and comfortable pedestrian environment; a complete, functional, and interconnected pedestrian network, that is accessible to pedestrians of all abilities; and an interconnected street system that provides multiple linkages within and between communities and vehicle congestion relief.</p> <p><u><i>Safety and Accessibility Policies</i></u></p> <p><i>Policy ME-A.1.</i> Design and operate sidewalks, streets, and intersections to emphasize pedestrian safety and comfort through a variety of street design and traffic management solutions, including but not limited to those described in the Pedestrian Improvements Toolbox, Table ME-1.</p> <p><i>Policy ME-A.2.</i> Design and implement safe pedestrian routes.</p> <p><i>Policy ME-A.4.</i> Make sidewalks and street crossings accessible to pedestrians of all abilities.</p> <p><i>Policy ME-A.5.</i> Provide adequate sidewalk widths and clear path of travel as determined by street classification, adjoining land uses, and expected pedestrian usage.</p>	<p>As mentioned above, the project design would include internal walkways, sidewalks and street crossings. The project would provide raised cross-walks across Private Drive M and non-contiguous sidewalks along private drives and public roads (refer to Figures 3-10). Paseos are proposed within the townhome community to facilitate through pedestrian movement. Pedestrian traffic would be separated from vehicular traffic where possible, to provide pedestrians with a safe route. Walkways would be lighted to create safe and accessible pedestrian spaces. A traffic signal would be installed at Private Drive M and the intersection of Camino Del Sur to provide controlled pedestrian crossings. Provision of these safety and accessibility features would be consistent with Policies ME-A.1, ME-A.2, ME-A.4 and ME-A.5.</p>	<p>Yes</p>

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Mobility Element (cont.)		
<i>Transportation System Planning Policies</i>		
<p><i>Policy ME-C.1.</i> Identify the general location and extent of streets, sidewalks, trails, and other transportation facilities and services needed to enhance mobility in community plans.</p> <p><i>Policy ME-C.2.</i> Provide adequate capacity and reduce congestion for all modes of transportation on the street and freeway system.</p> <p><i>Policy ME-C.3.</i> Design an interconnected street network within and between communities, which includes pedestrian and bicycle access, while minimizing landform and community character impacts.</p> <p><i>Policy ME-C.4.</i> Improve operations and maintenance on city streets.</p> <ol style="list-style-type: none"> a. Regularly optimize traffic signal timing and coordination to reduce travel time and delay and implement new signal and intersection technologies that improve pedestrian safety and traffic flow. b. Adequately maintain the transportation system. c. When new streets are built and as existing streets are modified over time, design, construct, and operate city streets to accommodate and balance service to all users/modes (including walking, bicycling, transit, High Occupancy Vehicles, autos, trucks, automated waste and recycling collection vehicles, or emergency vehicles). 	<p>The project would design and implement public road improvements identified in the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan to improve circulation within the community, avoid unnecessary impacts to biological resources and achieve the safety standards contained in the City's Street Design Manual, consistent with Policies ME-C.1, ME-C.2 and ME-C.6. The internal street network within mixed-use development component combined with the proposed trail connections along Camino Del Sur would accommodate pedestrian and bicycle access, in accordance with Policy ME-C.3. Traffic calming measures such as roundabouts and raised crosswalks, would be installed along Private Drive M to discourage cut-through traffic and slow vehicle speeds through the proposed commercial area. The traffic calming features would improve walkability and enhance safety to pedestrians and bicyclists accessing the project site, consistent with Policy ME-C.5.</p> <p>The downgraded road classifications for Camino Del Sur and Carmel Mountain Road would minimize the grading impacts of the road improvements and increase their sensitivity to biological resources, steep slopes and landforms, in accordance with Policy ME-C.6.</p>	<p>Yes</p>

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Mobility Element (cont.)		
<p><i>Policy ME-C.5.</i> Install traffic calming measures as appropriate in accordance with site-specific recommendations which may include, but are not limited to, those identified on Table ME-2, to increase the safety and enhance the livability of communities.</p> <p><i>Policy ME-C.6.</i> Locate and design new streets and freeways and, to the extent practicable, improve existing facilities to: respect the natural environment, scenic character, and community character of the area traversed, and to meet safety standards.</p>	<p>A Traffic Impact Analysis (TIA) was prepared to evaluate the project's impacts on transportation systems in the project area and community at large. Consistent with Policy ME-C.8, the TIA was prepared in accordance with the City guidelines. The project design accommodates pedestrians as well as bicycles to give residents alternative transportation options for accessing the project site. Planned road improvements combined with mitigation measures would meet the transportation needs of the community consistent with Policies ME-C.9 and ME-C.10.</p>	Yes
<u><i>Project Review Considerations Policies</i></u>		
<p><i>Policy ME-C.8.</i> Implement Traffic Impact Study Guidelines that address site and community specific issues.</p> <p><i>Policy ME-C.9.</i> Implement best practices for multi-modal quality/level of service analysis guidelines to evaluate potential transportation improvements from a multi-modal perspective in order to determine optimal improvements that balance the needs of all users of the right of way.</p> <p><i>Policy ME-C.10.</i> Provide transportation facilities to serve new growth in accordance with Policies ME- K.4-K.6, and Public Facilities Element, Sections A-C.</p>		
<p>Transportation Demand Management Goal:</p> <p>Expanded travel options and improved personal mobility.</p> <p><i>Policy ME-E.3.</i> Emphasize the movement of people rather than vehicles.</p> <p><i>Policy ME-E.4.</i> Promote the most efficient use of the City's existing transportation network.</p>	<p>The project would connect the northern and southern portions of the Rancho Peñasquitos community via existing roadway segments of Camino Del Sur and Carmel Mountain Road via adopted alignments for the planned Subarea Plan/Community Plan Circulation Element roadways. In addition to the road connections, sidewalks and trails would allow for the movement of people, as well as vehicles, consistent with Policies ME-E.3 and ME-E.4.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Mobility Element (cont.)		
<p><i>Policy ME-E.6.</i> Require new development to have site designs and on-site amenities that support alternative modes of transportation. Emphasize pedestrian and bicycle-friendly design, accessibility to transit, and provision of amenities that are supportive and conducive to implementing TDM strategies such as car sharing vehicles and parking spaces, bike lockers, preferred rideshare parking, showers and lockers, on-site food service, and child care, where appropriate.</p> <p><i>Policy ME-E.7.</i> Consider TDM programs with achievable trip reduction goals as partial mitigation for development project traffic and air quality impacts.</p>	<p>Consistent with Policies ME-E.6 and ME-E.7, the project contains design features and a mix of uses that would make it a walkable community wherein users would be able to park once and shop, eat, work and live. The mix of uses would place residences in close proximity to commercial, office and retail establishments. Walkways, sidewalks and internal roads would promote non-motorized travel within the project. The co-location of commercial, office and residential uses would lead to a reduction in the amount of traffic produced by the project, as shown in the trip generation analysis contained in Section 5.2, <i>Transportation/Circulation</i> (refer to Table 5.2-7). In addition, transit stops are planned along Camino Del Sur and Carmel Mountain Road to provide an alternative method of travel to the site.</p>	Yes
<p>Bicycling Goals:</p> <p>A city where bicycling is a viable travel choice, particularly for trips of less than five miles; a safe and comprehensive local and regional bikeway network; and environmental quality, public health, recreation and mobility benefits through increased bicycling.</p> <p><i>Policy ME-F.3.</i> Maintain and improve the quality, operation, and integrity of the bikeway network and roadways regularly used by bicyclists.</p> <p><i>Policy ME-F.4.</i> Provide safe, convenient, and adequate short- and long-term bicycle parking facilities and other bicycle amenities for employment, retail, multifamily housing, schools and colleges, and transit facility uses.</p>	<p>Existing connections to the SR-56 bike path would be retained, a new connection would be provided, and bike lanes would be installed along the two public roads and Private Drive M to encourage the use of bicycles as a means of transportation, consistent with Policies ME-F.3 and ME-F.4. Racks would be provided on site to allow users to secure their bicycles while visiting the center and living on site. Secure garages would also be an alternative parking location for residents' bicycles.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Mobility Element (cont.)		
<p>Parking Management Goals: Parking that is reasonably available when and where it is needed through management of the supply; solutions to community-specific parking issues through implementation of a broad range of parking management tools and strategies; new development with adequate parking through the application of innovative citywide parking regulations; and increased land use efficiencies in the provision of parking.</p> <p><i>Policy ME-G.1.</i> Provide and manage parking so that it is reasonably available when and where it is needed.</p> <p><i>Policy ME-G.5.</i> Implement parking strategies that are designed to help reduce the number and length of automobile trips. Reduced automobile trips would lessen traffic and air quality impacts, including greenhouse gas emissions (see also Conservation Element, Section A). Potential strategies include, but are not limited to those described on Table ME-3.</p>	<p>Consistent with Policy ME-G.1, parking would be integrated behind the commercial structures and beneath the office structure and multi-family residential building. Limited surface parking would also be provided behind the commercial structures. Assigned and guest parking would be provided near the townhomes and single-family residential area. Trip reductions would be realized through the co-location of commercial, office and residential uses and the implementation of shared parking agreements, as suggested by Policy ME-G.5.</p>	<p>Yes</p>
Urban Design Element		
<p>General Urban Design Goals: A built environment that respects San Diego’s natural environment and climate; an improved quality of life through safe and secure neighborhoods and public places; a pattern and scale of development that provides visual diversity, choice of lifestyle, opportunities for social interaction, and that respects desirable community character and context; and a City with distinctive districts, communities, neighborhoods, and village centers where people gather and interact.</p> <p><u><i>Natural Features Policy</i></u></p> <p><i>Policy UD-A.1.</i> Preserve and protect natural landforms and features.</p> <p><u><i>Open Space Linkages Policy</i></u></p> <p><i>Policy UD-A.2.</i> Use open space and landscape to define and link communities.</p>	<p>The project would be a “lifestyle center” wherein residents can live, work, shop and play at the variety of and mix of options offered by the development. A central plaza would provide opportunities to gather for social interaction and take advantage of the moderate climate available in San Diego. Minimal impact to steep slopes and planned open space (i.e., MHPA) is proposed; thus, preserving natural landforms and open spaces that define the character of the community, as suggested in urban design Policies UD-A.1 and UD-A.2. In accordance with PolicyUD-A.3b, Camino Del Sur and Carmel Mountain Road would be downgraded in classification to modified two-lane collectors; their construction footprint would be narrower than planned in the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan to minimize grading and disturbance on existing undeveloped lands and adjacent to dedicated open space and MHPA.</p>	<p>Yes</p>

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<p><u>Development Adjacent to Natural Features and Park Lands Policy</u> Policy UD-A.3. Design development adjacent to natural features in a sensitive manner to highlight and complement the natural environment in areas designated for development.</p> <ul style="list-style-type: none"> b. Minimize grading to maintain the natural topography, while contouring any landform alterations to blend into the natural terrain. g. Screen development adjacent to natural features as appropriate so that development does not appear visually intrusive, or interfere with the experience within the open space system. The provision of enhanced landscaping adjacent to natural features could be used to soften the appearance of or buffer development from the natural features. h. Use building and landscape materials that blend with and do not create visual or other conflicts with the natural environment in instances where new buildings abut natural areas. This guideline must be balanced with a need to clear natural vegetation for fire protection to ensure public safety in some areas. i. Ensure that the visibility of new development from natural features and open space areas is minimized to preserve the landforms and ridgelines that provide a natural backdrop to the open space systems. For example, development should not be visible from canyon trails at the point the trail is located nearest to proposed development. Lines-of-sight from trails or the open space system could be used to determine compliance with this policy. 	<p>None of the proposed structures would be within 100 feet of natural or open space areas; no brush management would be required in nearby open spaces. Manufactured slopes associated with the public roads would extend into open space areas but be contoured to blend grading with natural open spaces, consistent with Policy UD-A.3. A retaining wall would be placed along the eastern side of Carmel Mountain Road to minimize grading effects adjacent to the off-site vernal pool preserve.</p> <p>Development would be visible from existing trails on the mesa within open space areas to the west, such as the Del Mar Mesa Preserve. The Camino Del Sur extension would set the development back from the edge of the open space, while trail connections leading from the road would provide hikers and bikers an opportunity to access existing trails from the public right-of-way (ROW) consistent with Policy UD-A.3. All structures would be required to comply with the City's fire code.</p>	

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<ul style="list-style-type: none"> j. Design and site buildings to permit visual and physical access to the natural features from the public right-of-way. k. Encourage location of entrances and windows in development adjacent to open space to overlook the natural features. l. Protect views from public roadways and parklands to natural canyons, resource areas, and scenic vistas. n. Provide public pedestrian, bicycle, and equestrian access paths to scenic view points, parklands, and where consistent with resource protection, in natural resource open space areas. o. Provide special consideration to the sensitive environmental design of roadways that traverse natural open space systems to ensure an integrated aesthetic design that respects open space resources. This could include the use of alternative materials such as “quiet pavement” in noise sensitive locations, and bridge or roadway designs that respect the natural environment. p. Design structures to be ignition and fire-resistant in fire prone areas or at-risk areas as appropriate. Incorporate fire-resistant exterior building materials and architectural design features to minimize the risk of structure damage or loss due to wildfires. 		

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<u>Sustainable Development Policies</u>		
<p><i>Policy UD-A.4.</i> Use sustainable building methods in accordance with the sustainable development policies in the Conservation Element.</p>	<p>Consistent with Policy UD-A.4, sustainability features and practices of the project would include: solar canopies would be installed on all parking decks; centralized parking structures and walkable streets and plazas would encourage a “park once” strategy; neighborhood-serving retail would be placed in close proximity to residences; mixed-use live/work/ play concept incorporated into site planning; pedestrian-oriented development with multiple walkways linking commercial and residential areas; bike racks would be provided in commercial and residential areas; sustainable building design, including use of local building materials, low-flow fixtures (toilets and showers), and porous surfaces; recycling receptacles would be placed throughout the site; low-water use, native landscaping materials would be installed to minimize turf and irrigation demands; and state-of-the-art, low precipitation sprinkler equipment would be used.</p>	Yes
<u>Architecture Policies</u>		
<p><i>Policy UD-A.5.</i> Design buildings that contribute to a positive neighborhood character and relate to neighborhood and community context.</p> <ul style="list-style-type: none"> a. Relate architecture to San Diego's unique climate and topography. b. Encourage designs that are sensitive to the scale, form, rhythm, proportions, and materials in proximity to commercial areas and residential neighborhoods that have a well-established, distinctive character. c. Provide architectural features that establish and define a building's appeal and enhance the neighborhood character. d. Encourage the use of materials and finishes that reinforce a sense of quality and permanence. 	<p>As indicated in Policies UD-A.5 and UD-A.6, the commercial portion of the project is designed to provide the ambience of urban oriented central plaza containing communal seating, outdoor dining opportunities and specialized retail shopping. Street-level commercial structures would be pedestrian in scale; second- and third-floor office spaces above the retail would be set back, opening up to outdoor terraces that overlook the plaza. Large anchors would be located at the ends of the building. A variety of architectural detail and massing would create visual interest and break up the scale of the façade.</p> <p>As described in Section 3.0, <i>Project Description</i>, the center would exhibit a contemporary appearance, with large glass openings, deep overhanging roof eaves and open trellises. The project would highlight natural materials and colors, usable outdoor spaces, and lush drought-tolerant landscaping. The proposed attached townhome units would feature a contemporary architectural style, with more residentially-scaled doors and windows, building heights, and the use of warm natural materials to create a pedestrian-friendly façade. Refer to Figures 3-6b through 3-6f for conceptual sketches of the project.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<p>e. Provide architectural interest to discourage the appearance of blank walls for development. This would include not only building walls, but fencing bordering the pedestrian network, where some form of architectural variation should be provided to add interest to the streetscape and enhance the pedestrian experience. For example, walls could protrude, recess, or change in color, height or texture to provide visual interest.</p> <p>f. Design building wall planes to have shadow relief, where pop-outs, offsetting planes, overhangs and recessed doorways are used to provide visual interest at the pedestrian level.</p> <p>g. Design rear elevations of buildings to be as well-detailed and visually interesting as the front elevation, if they will be visible from a public right-of-way or accessible public place or street.</p> <p>h. Acknowledge the positive aspects of nearby existing buildings by incorporating compatible features in new developments.</p> <p>i. Maximize natural ventilation, sunlight, and views.</p> <p>j. Provide convenient, safe, well-marked, and attractive pedestrian connections from the public street to building entrances.</p> <p>k. Design roofs to be visually appealing when visible from public vantage points and public rights-of-way.</p>	<p>The project's landscape design would establish a theme for the property which would complement the project architecture by providing a variety of trees, shrubs, and ground cover to accent building architecture and to screen large retaining walls, where needed.</p> <p>The rear elevations of commercial buildings visible to SR-56 would be articulated to provide visual interest, as depicted in Figure 3-6a. Parking structures would be tucked behind and beneath the commercial buildings and detailed with open decks, solar canopies, and landscaping in the foreground.</p> <p>Parapet walls would be situated around all roof-mounted mechanical equipment to conceal them from view. Rear signage would be architecturally designed to contribute to a sense of place, enhance overall project identity and provide an aspect of architectural harmony with the project buildings.</p>	

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<p><i>Policy UD-A.6.</i> Create street frontages with architectural and landscape interest to provide visual appeal to the streetscape and enhance the pedestrian experience.</p> <ul style="list-style-type: none"> a. Locate buildings on the site so that they reinforce street frontages. b. Relate buildings to existing and planned adjacent uses. c. Ensure that building entries are prominent, visible, and well-located. d. Maintain existing setback patterns, except where community plans call for a change to the existing pattern. e. Minimize the visual impact of garages, parking and parking portals to the pedestrian and street façades. 		
<p><u><i>Landscape Policies</i></u></p> <p><i>Policy UD-A.8:</i> Landscape materials and design should enhance structures, create and define public and private spaces, and provide shade, aesthetic appeal, and environmental benefits.</p> <ul style="list-style-type: none"> a. Maximize the planting of new trees, street trees and other plants for their shading, air quality, and livability benefits (see also Conservation Element, Policies CE-A.11, CE-A.12, and Section J). b. Use water conservation through the use of drought-tolerant landscape, porous materials, and reclaimed water where available. c. Use landscape to support storm water management goals for filtration, percolation and erosion control. 	<p>Consistent with UD-A.8, project landscaping would establish a theme for the property which would complement the project architecture by providing a variety of trees, shrubs, and ground cover to accent building architecture and to screen large retaining walls, where needed. Both drought tolerant and traditional landscape materials would be used throughout the site and within the parkways fronting the roads. The variety of trees proposed for landscaping provides shade and aesthetic appeal throughout the site. Landscape materials would also be placed in the bio-retention basins to treat stormwater. The project would be developed according to the Landscape Regulations and Landscape Standards of the LDC which incorporate requirements for water conservation.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<ul style="list-style-type: none"> d. Use landscape to provide unique identities within neighborhoods, villages and other developed areas. e. Landscape materials and design should complement and build upon the existing character of the neighborhood. f. Design landscape bordering the pedestrian network with new elements, such as a new plant form or material, at a scale and intervals appropriate to the site. This is not intended to discourage a uniform street tree or landscape theme, but to add interest to the streetscape and enhance the pedestrian experience. g. Establish or maintain tree-lined residential and commercial streets. Neighborhoods and commercial corridors in the City that contain tree-lined streets present a streetscape that creates a distinctive character. <ul style="list-style-type: none"> 1. Identify and plant trees that complement and expand on the surrounding street tree fabric. 2. Unify communities by using street trees to link residential areas. 3. Locate street trees in a manner that does not obstruct ground illumination from streetlights. h. Shade paved areas, especially parking lots. i. Demarcate public, semi-public/private, and private spaces clearly through the use of landscape, walls, fences, gates, pavement treatment, signs, and other methods to denote boundaries and/or buffers. 		

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<ul style="list-style-type: none"> j. Use landscaped walkways to direct people to proper entrances and away from private areas. k. Reduce barriers to views or light by selecting appropriate tree types, pruning thick hedges, and large overhanging tree canopies. l. Utilize landscape adjacent to natural features to soften the visual appearance of a development and provide a natural buffer between the development and open space areas. 		
<p><u>Street Design Policies</u></p> <p><i>Policy UD-A.10:</i> Design or retrofit streets to improve walkability, bicycling, and transit integration; to strengthen connectivity; and to enhance community identity. Streets are an important aspect of Urban Design as referenced in the Mobility Element (see also Mobility Element, Sections A, B, C, and F).</p>	Both internal private drives and public roads would be designed to provide opportunities for walking and bicycling. Sidewalks would be integrated along the streetscape. Paseos would be provided between the townhomes to encourage walking by residents. As shown in Figure 3-10, multiple routes would be available to site users, consistent with Policy UD-A.10. In addition, transit stops are proposed by the Project Applicant along Camino Del Sur and Carmel Mountain Road. The locations of the stops would be coordinated with MTS.	Yes
<p><u>Structured Parking Policies</u></p> <p><i>Policy UD-A.11.</i> Encourage the use of underground or above-ground parking structures, rather than surface parking lots, to reduce land area devoted to parking (see also Mobility Element, Section G).</p> <ul style="list-style-type: none"> a. Design safe, functional, and aesthetically pleasing parking structures. b. Design structures to be of a height and mass that are compatible with the surrounding area. c. Use building materials, detailing, and landscape that complement the surrounding neighborhood. 	Parking structures would be built instead of large surface parking lots such that the mixed-use development component could devote more land to commercial building area, common areas, and streetscapes. The parking structures would be integrated behind or beneath components of the commercial center and feature similar architectural detailing as the buildings themselves (refer to the building elevations contained in Figures 3-5a and 3-5b). Taller buildings, such as the office structure, hotel and commercial center would partially conceal the visibility of the structures from the streetscape. Vehicular entries to the parking structures would be available from access roads extending from the traffic circles on Private Drive M. Pedestrian entries would be integrated within the commercial center and available from the sidewalks adjacent to	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<ul style="list-style-type: none"> d. Provide well-defined, dedicated pedestrian entrances. e. Use appropriate screening mechanisms to screen views of parked vehicles from pedestrian areas, and headlights from adjacent buildings. f. Pursue development of parking structures that are wrapped on their exterior with other uses to conceal the parking structure and create an active streetscape. Where ground floor commercial is proposed, provide a tall, largely transparent ground floor along pedestrian active streets. g. Encourage the use of attendants, gates, natural lighting, or surveillance equipment in parking structures to promote safety and security. 	<p>buildings. The parking decks would be open-air to allow for natural lighting and ventilation. Landscaping would be used to break up the mass of the parking structures and soften its visible facades. As such, the parking structure design would embrace the design concepts outlined in Policy UD-A.11.</p>	
<p><u>Surface Parking Policies</u></p> <p><i>Policy UD-A.12.</i> Reduce the amount and visual impact of surface parking lots (see also Mobility Element, Section G).</p> <ul style="list-style-type: none"> a. Encourage placement of parking along the rear and sides of street-oriented buildings. b. Avoid blank walls facing onto parking lots by promoting treatments that use colors, materials, landscape, selective openings or other means of creating interest. For example, the building should protrude, recess, or change in color, height or texture to reduce blank facades. c. Design clear and attractive pedestrian paseos/pathways and signs that link parking and destinations. d. Locate pedestrian pathways in areas where vehicular access is limited. 	<p>Consistent with Policy UD-A.12, surface parking areas would be minimized, and the bulk of the on-site parking would be provided in parking structures or covered (i.e., carports or garages). As shown in Figure 3-3, street-side parking would be provided along the frontage of the commercial area between the traffic circles and in small lots near the office building, hotel and commercial pads to the north. Isolated street parking and guest parking spaces would be integrated among the townhome complex. Parking for the single-family residential would primarily occur within garages, driveways and/or streets. Large areas of uninterrupted parking fields are avoided by the project design. Landscaping would be used to provide shade and interest in and adjacent to parking lots. Runoff from the parking lots would be directed into landscape areas prior to flowing into the private stormdrain system proposed on site.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<ul style="list-style-type: none"> e. Avoid large areas of uninterrupted parking especially adjacent to community public view sheds. f. Build multiple small parking lots in lieu of one large lot. g. Retrofit existing expansive parking lots with street trees, landscape, pedestrian paths, and new building placement. h. Promote the use of pervious surface materials to reduce runoff and infiltrate storm water. i. Use trees and other landscape to provide shade, screening, and filtering of storm water runoff in parking lots (see also Conservation Element, Policy CE-A.12). 		
<p><u>Lighting Policies</u></p> <p><i>Policy UD-A.13.</i> Provide lighting from a variety of sources at appropriate intensities and qualities for safety.</p> <ul style="list-style-type: none"> a. Provide pedestrian-scaled lighting for pedestrian circulation and visibility. b. Use effective lighting for vehicular traffic while not overwhelming the quality of pedestrian lighting. c. Use lighting to convey a sense of safety while minimizing glare and contrast d. Use vandal-resistant light fixtures that complement the neighborhood and character. e. Focus lighting to eliminate spill-over so that lighting is directed, and only the intended use is illuminated. 	<p>Lighting would be provided in various settings for safety and aesthetic purposes. Lighting would be provided along internal roadways for vehicular circulation, as well as along pedestrian walkways for transportation-related safety. Lighting would also be provided in the hotel and commercial areas and public spaces at night-time to contribute to the general ambiance of those spaces. Additionally, lighting would be provided as a Crime Prevention Through Environmental Design (CPTED) measure to reduce cover for potential criminal activity. Lighting for all of these purposes would be intentionally directed such that the intended area is illuminated but spillover lighting into sensitive areas (e.g., residences) is reduced. These lighting practices would be in conformance with Policy UD-A.13.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<p><u>Signs Policies</u></p> <p><i>Policy UD-A.14:</i> Design project signage to effectively utilize sign area and complement the character of the structure and setting.</p> <ul style="list-style-type: none"> a. Architecturally integrate signage into project design. b. Include pedestrian-oriented signs to acquaint users to various aspects of a development. Place signs to direct vehicular and pedestrian circulation. c. Post signs to provide directions and rules of conduct where appropriate behavior control. d. Design signs to minimize negative visual impacts. e. Address community-specific signage issues in community plans, where needed. 	<p>Consistent with Policy UD-A.14, signs would be architecturally designed to contribute to a sense of place, enhance overall project identity and provide an aspect of architectural harmony with the project buildings. Monument signs would be used at primary project entrances to provide site identification. These monument signs would include the same key architectural elements as the center's structures, and would incorporate landscaping, yet be oriented to allow for optimum tenant identification without causing any traffic hazards.</p> <p>Buildings oriented towards Carmel Mountain Road and Camino Del Sur would have tenant identification signage, as well as lower monument signage along the interior streets. Interior directional signage would be used for the efficient movement of vehicles and pedestrians towards their destinations. Directional signage would be both pole-mounted as well as ground-mounted, and be placed to enhance pedestrian and vehicle safety. All signage would be subject to the City's Sign Ordinance allowances (pursuant to SDMC Chapter 14, Article 2, Division 12).</p>	Yes
<p><u>Utilities Policies</u></p> <p><i>Policy UD-A.16.</i> Minimize the visual and functional impact of utility systems and equipment on streets, sidewalks, and the public realm.</p> <ul style="list-style-type: none"> a. Convert overhead utility wires and poles, and overhead structures such as those associated with supplying electric, communication, community antenna television, or similar service to underground. b. Design and locate public and private utility infrastructure, such as phone, cable and communications boxes, transformers, meters, fuel ports, back-flow preventers, ventilation grilles, grease 	<p>All utilities would be installed during construction and undergrounded. Therefore, the project would result in minimal visual intrusion related to utility systems, consistent with Policy UD-A.16. Visual clutter related to utility systems and traffic control would be avoided through proper siting, screening and integration into structures, to the extent practical. The project would minimize the visibility of utility systems consistent with Policy US-A.16.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<p>interceptors, irrigation valves, and any similar elements, to be integrated into adjacent development and as inconspicuous as possible.</p> <p>To minimize obstructions, elements in the sidewalk and public right of way should be located in below grade vaults or building recesses that do not encroach on the right of way (to the maximum extent permitted by codes). If located in a landscaped setback, they should be as far from the sidewalk as possible, clustered and integrated into the landscape design, and screened from public view with plant and/or fence-like elements.</p> <p>c. Traffic operational features such as streetlights, traffic signals, control boxes, street signs and similar facilities should be located and consolidated on poles, to minimize clutter, improve safety, and maximize public pedestrian access, especially at intersections and sidewalk ramps. Other street utilities such as storm drains and vaults should be carefully located to afford proper placement of the vertical elements.</p>		Yes
<p><u>Safety and Security Policies</u></p> <p><i>UD-A.17 Policies:</i> Incorporate Crime Prevention Through Environmental Design measures, as necessary, to reduce incidences of fear and crime, and design safer environments.</p> <p>a. Design projects to encourage visible space and “eyes on the street” security that will serve as a means to discourage and deter crime through the location of physical features, activities and people to maximize visibility.</p> <p>b. Define clear boundaries between public, semi-public/private, and private spaces.</p>	<p>The project design includes a variety of uses which would encourage activity in various locations throughout the development and throughout the day. These include: public plaza, activated streetscape, seating areas, garage pedestrian access, and pedestrian access to the street. Design features including paving materials, fencing, pedestrian scale lighting, bollards, raised planters and other landscape structures would be utilized to define and differentiate spaces and to maximize visibility for security. The presence of users during various times of the day would contribute “eyes on the street” to discourage crime. These measures would conform to Policy UD-A.17.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<ul style="list-style-type: none"> c. Promote regulations, programs, and practices that result in the proper maintenance of the measures employed for CPTED surveillance, access control, and territoriality. d. Consider pedestrian scale lighting and indirect techniques to provide adequate security but not glare and flood-light conditions. 		
<p>Distinctive Neighborhoods and Residential Design Goals:</p> <p>A city of distinctive neighborhoods; development that protects and improves upon the desirable features of San Diego's neighborhoods; architectural design that contributes to the creation and preservation of neighborhood character and vitality; innovative design for a variety of housing types to meet the needs of the population; infill housing, roadways and new construction that are sensitive to the character and quality of existing neighborhoods; and pedestrian connections linking residential areas, commercial areas, parks and open spaces.</p>		
<p><u>Residential Design Policies</u></p> <p><i>Policy UD-B.1.</i> Recognize that the quality of a neighborhood is linked to the overall quality of the built environment. Projects should not be viewed singularly, but viewed as part of the larger neighborhood or community plan area in which they are located for design continuity and compatibility.</p> <ul style="list-style-type: none"> a. Integrate new construction with the existing fabric and scale of development in surrounding neighborhoods. Taller or denser development is not necessarily inconsistent with older, lower-density neighborhoods but must be designed with sensitivity to existing development. <p>For example, new development should not cast shadows or create wind tunnels that will significantly</p>	<p>Consistent with Policies UD-B.1 and UD-B.2, residential housing types would vary on site and decrease in density and scale with distance from the freeway. The northerly multi-family affordable and flat housing would be situated within the northeastern corner of the property. The central housing closest to existing single-family homes east of Carmel Mountain Road would be clustered townhomes, while single-family residential would be situated in the southern portion of the project site. The proposed housing would be buffered from existing homes by Carmel Mountain Road and a future vernal pool preserve.</p> <p>Although the three-story townhomes would be taller in stature than the existing two-story residences along Via Panacea and Senda Panacea, grades on the project site would be lower than the existing grades in the nearby neighborhood resulting in lower-level rooflines that would not cast shadows or appear out of character for the area.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<p>impact existing development and should not restrict vehicular or pedestrian movements from existing development.</p> <p>b. Design new construction to respect the pedestrian orientation of neighborhoods.</p> <p>c. Provide innovative designs for a variety of housing types to meet the needs of the population.</p>		
<p><i>Policy UD-B.2.</i> Achieve a mix of housing types within single developments (see also Land Use and Community Planning Element, Section H, and Housing Element).</p> <p>a. Incorporate a variety of unit types in multifamily projects.</p> <p>b. Incorporate a variety of single-family housing types in single-family projects/ subdivisions.</p> <p>c. Provide transitions of scale between higher-density development and lower- density neighborhoods.</p> <p>d. Identify sites for revitalization and additional housing opportunities in neighborhoods.</p>		
<p><u>Subdivisions Policies</u></p> <p><i>Policy UD-B.3.</i> Design subdivisions to respect the existing lot pattern established within neighborhoods to maintain community character.</p> <p>a. Create lot divisions that respect the existing pattern of development for neighborhood continuity and compatibility.</p> <p>b. Design lot divisions to have a portion of each created lot in areas of less than 25 percent gradient.</p>	<p>The proposed TM would create 100 lots, including those dedicated to affordable units, townhomes and single-family housing. Residential densities and scales would transition with distance from the freeway. Less than one percent of the Merge 56 Development Project site contains slopes greater than 25 percent gradient; none of the residential subdivision would contain steep slopes consistent with Policy UD-B.3.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<p><u>Residential Street Frontages Policy</u></p> <p><i>Policy UD-B.4.</i> Create street frontages with architectural and landscape interest for both pedestrians and neighboring residents.</p> <ul style="list-style-type: none"> a. Locate buildings on the site so that they reinforce street frontages. b. Relate buildings to existing and planned adjacent uses. c. Provide ground level entries and ensure that building entries are prominent and visible. d. Maintain existing setback patterns, except where community plans call for redevelopment to change the existing pattern. e. Locate transparent features such as porches, stoops, balconies, and windows facing the street to promote a sense of community. f. Encourage side- and rear-loaded garages. Where not possible, reduce the prominence of the garage through architectural features and varying planes. g. Minimize the number of curb-cuts along residential streets. 	<p>Consistent with Policy UD-B.4, the proposed townhome units would feature a contemporary architectural style, with residentially-scaled doors and windows, building heights, and the use of warm natural materials to create a pedestrian-friendly façade. Unit entrances would front the main streets with stoops, front porches, and landscaped buffers while the garages would be located off private drives to the rear of the building. Upper floor terraces and balconies would promote additional human activity and vibrancy along the street. Within the single-family residential area, garages would primarily front private alleys, rather than the street.</p> <p>A PDP is proposed to allow deviations from the front and side yard setbacks in the CC zone and a deviation from ground floor restrictions where residential uses and residential parking are prohibited on the ground floor in the front 30 feet of the lot. <u>The street frontage deviation would be necessary as certain residential lots would not have direct frontage to the private drive; however, the setbacks of the units would be consistent with those homes that would have adjacency to the street.</u> The setbacks in the CC zone would be greater than the allowable maximum. The deviations would allow for the development of a mixed-use center consistent with the proposed land use designation <u>with PDP approval.</u></p>	Yes
<p><u>Neighborhood Streets Policies</u></p> <p><i>Policy UD-B.5.</i> Design or retrofit streets to improve walkability, strengthen connectivity, and enhance community identity.</p> <ul style="list-style-type: none"> a. Design or retrofit street systems to achieve high levels of connectivity within the neighborhood street network that link individual subdivisions/projects to each other and the community. 	<p>Both internal private drives and public roads would be designed to provide opportunities for walking and bicycling. Sidewalks would be integrated along the streetscape. Paseos would be provided between the townhomes to encourage walking by residents. As shown in Figure 3-10, multiple routes would be available to site users, consistent with Policy UD-B.5.</p> <p>As exhibited by the project site plan (Figure 3-3) and consistent with Policy UD-B.5, through roads, rather than cul-de-sacs are proposed. Private alleys would provide for garage access.</p>	

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<ul style="list-style-type: none"> b. Avoid closed loop subdivisions and extensive cul-de-sac systems, except where the street layout is dictated by the topography or the need to avoid sensitive environmental resources. c. Design open ended cul-de-sacs to accommodate visibility and pedestrian connectivity, when development of cul-de-sacs is necessary. d. Emphasize the provision of high quality pedestrian and bikeway connections to transit stops/stations, village centers, and local schools. e. Design new streets and consider traffic calming where necessary, to reduce neighborhood speeding (see also Mobility Element, Policy ME-C.5). f. Enhance community gateways to demonstrate neighborhood pride and delineate boundaries. g. Clarify neighborhood roadway intersections through the use of special paving and landscape. h. Develop a hierarchy of walkways that delineate village pathways and link to regional trails. i. Discourage use of walls, gates and other barriers that separate residential neighborhoods from the surrounding community and commercial areas. 	<p>Traffic calming measures such as roundabouts and raised crosswalks would be installed along Private Drive M to discourage cut-through traffic and slow vehicle speeds through the proposed commercial area. The traffic calming features combined with raised crosswalks delineated using special pavement would improve walkability and enhance safety to pedestrians and bicyclists accessing the project site, consistent with Policy UD-B.5. Additionally, no walls or gates would separate the residential portion of the project from the commercial area to its north. Transit stops are planned along Camino Del Sur and Carmel Mountain Road.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<p><u>Open Space and Recreation Policy</u></p> <p><i>Policy UD-B.8.</i> Provide useable open space for play, recreation, and social or cultural activities in multifamily as well as single-family projects.</p> <ul style="list-style-type: none"> a. Design attractive recreational facilities, common facilities, and open space that can be easily accessed by everyone in the development it serves. b. Design outdoor space as “outdoor rooms” and avoid undifferentiated, empty spaces. 	<p>Recreational amenities are proposed as part of the residential housing on site consistent with Policy UD-B.8. The affordable housing and market rate units would feature an outdoor use area. The townhomes would feature a private recreation area with outdoor pool, spa and clubhouse to serve the residents. The single-family units would include a private recreation area with pool, spa and clubhouse to serve residents of the single-family units.</p>	Yes
<p>Mixed Use Commercial Areas Goals:</p> <p>Mixed-use villages that achieve an integration of uses and serve as focal points for public gathering as a result of their outstanding public spaces; vibrant, mixed-use main streets that serve as neighborhood destinations, community resources, and conduits to the regional transit system; neighborhood commercial shopping areas that serve as walkable centers of activity; and attractive and functional commercial corridors which link communities and provide goods and services.</p>		
<p><u>Mixed-Use Villages Policies</u></p> <p><i>Policy UD-C.1.</i> In villages and transit corridors identified in community plans, provide a mix of uses that create vibrant, active places in villages.</p> <ul style="list-style-type: none"> a. Encourage both vertical (stacked) and horizontal (side-by-side) mixed-use development. b. Achieve a mix of housing types, by pursuing innovative designs to meet the needs of a broad range of households. 	<p>The mixed-use development component is proposed as a second local mixed-use center (LMXU) in the Torrey Highlands and Rancho Peñasquitos communities, rather than a traditional shopping center as envisioned in the Torrey Highland Subarea Plan. Located along a regional freeway corridor, the project would not feature freeway-serving commercial uses but rather offer a range of commercial and residential uses that would encourage community interaction, contain pedestrian oriented-structures, offer a range of shopping/dining experiences, and provide employment uses along an activated, walkable streetscape. Public gathering spaces, including a central plaza with market hall spaces and outdoor dining, would be created for the community. A diversity of architectural and landscape scales and</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<p>c. Encourage placement of active uses, such as retailers, restaurants, cultural facilities and amenities, and other various services, on the ground floor of buildings in areas where the greatest levels of pedestrian activity are sought.</p> <p>d. Encourage the provision of approximately ten percent of a project's net site area as public space, with adjustments for smaller (less than ten acres) or constrained sites. Public space may be provided in the form of plazas, greens, gardens, pocket parks, amphitheaters, community meeting rooms, public facilities and services, and social services (see also UD-C.5 and UD-E.1).</p> <p>f. Encourage location of mixed-use projects in transition areas and areas where small-scale commercial uses can fit into a residential neighborhood context.</p>	<p>styling would be used to create visual interest and promote project identity. The project would implement the mixed-use design concepts outlined in Policies UD-C.1 through UD-C.3.</p>	
<p><i>Policy UD-C.2.</i> Design village centers to be integrated into existing neighborhoods through pedestrian-friendly site design and building orientation, and the provision of multiple pedestrian access points.</p> <p><i>Policy UD-C.3.</i> Develop and apply building design guidelines and regulations that create diversity rather than homogeneity, and improve the quality of infill development.</p> <p>a. Encourage distinctive architectural features to differentiate residential, commercial and mixed-use buildings and promote a sense of identity to village centers.</p>		

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<p><u>Pedestrian-Oriented Design Policies</u></p> <p><i>Policy UD-C.4.</i> Create pedestrian-friendly village centers (see also Mobility Element, Sections A and C).</p> <ul style="list-style-type: none"> a. Respect pedestrian-orientation by creating entries directly to the street and active uses at street level. b. Design or redesign buildings to include pedestrian-friendly entrances, outdoor dining areas, plazas, transparent windows, public art, and a variety of other elements to encourage pedestrian activity and interest at the ground floor level. c. Orient buildings in village centers to commercial local streets, or to internal project drives that are designed to function like a public street, in order to create a pedestrian-oriented shopping experience, including provision of on-street parking. d. Provide pathways that offer direct connections from the street to building entrances. e. Break up the exterior façades of large retail establishment structures into distinct building masses distinguished by offsetting planes, rooflines and overhangs or other means. f. Where feasible, use small buildings in key locations to create a human scale environment in large retail centers. Incorporate separate individual main entrances directly leading to the outside from individual stores. 	<p>Consistent with Policy UD-C.4, the project design would feature commercial spaces oriented toward the central plaza and main street. The pedestrian-scale ground floor spaces would feature street front entrances while second and third-story spaces would be set back, opening up to outdoor terraces that overlook the plaza. Large anchors would be located near the ends of the building. A variety of architectural detail and massing would</p> <p>create visual interest and break up the scale of the façade. Landscaping would be used for visual accents, screening and focal points.</p> <p>The bulk of the parking would occur in structures placed behind and beneath the commercial and office buildings. Pedestrians using the parking areas would access the commercial areas and public plaza via sidewalks along access roads and through the center.</p>	<p>Yes</p>

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<p><u>Village Center Public Space Policies</u></p> <p><i>Policy UD-C.5.</i> Design village centers as civic focal points for public gatherings with public spaces (see also UD-C.1 for village center public space requirements and UD-E.1 for the design of public spaces).</p> <ul style="list-style-type: none"> a. Establish build-to lines to frame and define village center public space and pedestrian streets. b. Ensure public spaces are easily accessible and open to the public. The mechanisms used to provide the public space will vary as appropriate and could include, but are not limited to: land dedications, joint use agreements, and public access easements. Public space areas may include reasonable hours of use restrictions, demarcation of private and publicly accessible areas, and other signage to communicate public access rights, responsibilities and limitations. c. Encourage provision of public space in the earliest possible phase of development, as determined by the public's ability to use and access the space. 	<p>Consistent with Policy UD-C.5, the project design features a central plaza situated along Private Drive M with commercial uses fronting the space (Figure 3-3). Specialized pavement and landscape treatments and street furniture would define its character (refer to a sketch of the plaza contained in Figure 3-6e). The plaza would be accessible to users, residents and visitors from within and outside of the community.</p>	<p>Yes</p>

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<p><u>Village Street Layout and Design Policies</u></p> <p><i>Policy UD-C.6.</i> Design project circulation systems for walkability.</p> <ul style="list-style-type: none"> a. Extend existing street grid patterns into development within existing fine-grained neighborhoods. b. Design a grid or modified-grid internal project street system, with sidewalks and curbs, as the organizing framework for development in village centers. c. Diagonal or “on-street” parallel parking may be appropriate along driveways in order to contribute to a “main street” appearance. d. Provide pedestrian shortcuts through the developments to connect destinations where the existing street system has long blocks or circuitous street patterns. e. Use pedestrian amenities, such as curb extensions and textured paving, to delineate key pedestrian crossings. f. Design new connections, and remove any barriers to pedestrian and bicycle circulation in order to enable people to walk or bike, rather than drive, to neighboring destinations (see also Mobility Element, Sections A and F). g. Lay out streets to take advantage of and maximize vistas into public view sheds. h. Share and manage commercial, residential, and public parking facilities where possible to manage parking for greater efficiency (see also Mobility Element, Section G). i. Incorporate design features that facilitate transit service along existing or proposed routes, such as bus pullout areas, covered transit stops, and multi-modal pathways through projects to transit stops. 	<p>Both internal private drives and public roads would be designed to provide opportunities for walking. Sidewalks would be integrated along the streetscape. A modified grid would be created through a combination of private drives as well as a highly-developed system of walkways. Paseos (or wider, landscaped pathways) would be created through the townhome area to provide residents a range of options and short-cuts for accessing the commercial area. Textured pavement would be used at crosswalks on Private Drive M. On-street parallel parking would be provided along Private Drive M adjacent to the central plaza contributing to slower moving vehicles and a “main street” feel throughout the site. As shown in Figure 3-10, multiple routes would be available to site users, consistent with Policy UD-C.6. Transit stops are planned along Camino Del Sur and Carmel Mountain Road.</p>	

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Urban Design Element (cont.)		
<p><u>Streetscape Policies</u></p> <p><i>Policy UD-C.7.</i> Enhance the public streetscape for greater walkability and neighborhood aesthetics (see also UD-A.10 and Section F.)</p> <ul style="list-style-type: none"> b. Establish build-to lines, or maximum permitted setbacks on designated streets. c. Design or redesign buildings to include architecturally interesting elements, pedestrian- friendly entrances, outdoor dining areas, transparent windows, or other means that emphasize human-scaled design features at the ground floor level. d. Implement pedestrian facilities and amenities in the public right-of-way including wider sidewalks, street trees, pedestrian-scaled lighting and signs, landscape, and street furniture. e. Relate the ground floor of buildings to the street in a manner that adds to the pedestrian experience while providing an appropriate level of privacy and security f. Design or redesign the primary entrances of buildings to open onto the public street. 	<p>Both internal private drives and public roads would be designed to provide opportunities for walking and bicycling. Sidewalks would be integrated along the streetscape. Paseos would be provided between the townhomes to encourage walking by residents. As shown in Figure 3-10, multiple routes would be available to site users, consistent with Policy UD-C.7. A combination of street trees and shrubs would be provided along the streets to provide shade and visual interest adjacent to the sidewalks. Lighting would be provided for wayfinding and security along the streets. Pedestrian-scale commercial and residential development would front the main street consistent with the policy.</p>	Yes
Economic Prosperity Element		
<p>Commercial Land Use Goal:</p> <p>New commercial development that contributes positively to the economic vitality of the community and provides opportunities for new business development.</p> <p><i>Policy EP-B.1.</i> Increase the vitality of commercial areas, and provide goods and services easily accessible to residents and promote community identity. When updating community plans or</p>	<p>The project would include commercial uses within a village center that would contribute to the economic vitality of the community and provide opportunities for new commercial businesses.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Economic Prosperity Element (cont.)		
<p>considering plan amendments, apply the appropriate community plan commercial land use designations to implement the above policy.</p> <p><i>Policy EP-B.2.</i> Encourage development of unique shopping districts that help strengthen community identity and contribute to overall neighborhood revitalization.</p> <p><i>Policy EP-B.3.</i> Concentrate commercial development in Neighborhood, Community, and Urban Villages, and in Transit Corridors.</p> <p><i>Policy EP-B.4.</i> Concentrate commercial service sector office development in the Subregional Employment Areas around transit stations, and in Neighborhood, Community, and Urban Villages.</p> <p><i>Policy EP-B.5.</i> Identify commercial retail and service areas in community plans to serve markets beyond the community.</p>		Yes
<p><u><i>Community Commercial Areas Policies</i></u></p> <p><i>Policies EP-B.9.</i> Design new community commercial centers with consideration for: traffic patterns; compatibility with surrounding land uses; site planning that reinforces pedestrian movement to and through the site; superior architecture and landscape design; and sustainable design.</p>	<p>The Mixed Use Development is proposed as a community commercial center, rather than a traditional shopping center, as originally approved. Located along a regional freeway corridor, the project would not feature freeway-serving commercial uses but rather offer a range of commercial and residential uses that would encourage community interaction, contain pedestrian oriented-structures, offer a range of shopping/dining experiences, and provide employment uses along an activated, walkable streetscape. Public gathering spaces, including a central plaza with market hall spaces and outdoor dining, would be created for the community. A diversity of architectural and landscape scales and styling would be used to create visual interest and promote project identity. The project would implement the commercial center concepts outlined in Policy EP-B.9.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Public Facilities, Services, and Safety Element		
<p>Evaluation of Growth, Facilities, and Services Goals: Adequate public facilities that are available at the time of need and public facilities exactions that mitigate the facilities impacts that are attributable to new development.</p> <p><i>Policy PF-C.1.</i> Require development proposals to fully address impacts to public facilities and services.</p> <ul style="list-style-type: none"> a. Identify the demand for public facilities and services resulting from discretionary projects. b. Identify specific improvements and financing which would be provided by the project, including but not limited to sewer, water, storm drain, solid waste, fire, police, libraries, parks, open space, and transportation projects. c. Subject projects, as a condition of approval, to exactions that are reasonably related and in rough proportionality to the impacts resulting from the proposed development. d. Provide public facilities and services to assure that current levels of service are maintained or improved by new development within a reasonable time period. 	<p>The project would construct the necessary utilities to service the project, including water, sewer and stormwater connections on-site and off-site reaches within the public roads. The sizing of the lines would be based on projected demand by the project, as well as the community as a whole. Levels of service would be maintained after the project construction is complete and fully occupied, as described in Section 7.1.10, <i>Public Services and Facilities</i>.</p> <p>The City would conduct a fiscal analysis to evaluate the effects of the proposed CPA on City services and confirm all service costs are accurate in the PFFP as part of project approvals, consistent with Policy PF-C.1</p> <p>The Applicant is seeking approval of a Reimbursement Agreement with the City to cover the costs of extending public utilities and public road improvements associated with Carmel Mountain Road and Camino Del Sur, as outlined in the Torrey Highlands and Rancho Peñasquitos PFFPs.</p>	Yes
<p><i>Policy PF-C.2.</i> Require a fiscal impact analysis to identify operations and maintenance costs with a community plan amendment proposal of potential fiscal significance.</p> <p><i>Policy PF-C.3.</i> Satisfy a portion of the requirements of PF-C.1 through physical improvements, when a nexus exists, that will benefit the affected community planning area when projects necessitate a community plan amendment due to increased densities.</p>		Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Public Facilities, Services, and Safety Element (cont.)		
<p><i>Policy PF-C.4.</i> Reserve the right and flexibility to use the City's police powers and fiscal powers to impose timing and sequencing controls on new development to regulate the impacts and demands on existing or new facilities and services.</p> <p><i>Policy PF-C.6.</i> Maintain public facilities financing plans (PFFP) to guide the provision of public facilities.</p> <ol style="list-style-type: none"> a. Identify in financing plans all facilities costs and needs required to serve existing and future development. b. Evaluate and amend or update financing plans at developer expense for consistency if needed, when community plans are amended to increase density or intensity according to the following guidelines: 		
<p>Fire Goal: Protection of life, property, and environment by delivering the highest level of emergency and fire-rescue services, hazard prevention, and safety education.</p> <p><i>Policy PF-D.1.</i> Locate, staff, and equip fire stations to meet established response times. Response time objectives are based on national standards. Add one minute for turnout time to all response time objectives on all incidents.</p> <ul style="list-style-type: none"> • Total response time for deployment and arrival of the first-in engine company for fire suppression incidents should be within four minutes 90 percent of the time. • Total response time for deployment and arrival of the full first alarm assignment for fire suppression incidents should be within eight minutes 90 percent of the time. • Total response time for the deployment and arrival of first responder or higher-level capability at emergency medical incidents should be within four minutes 90 percent of the time. 	<p>The project site is located within the City Fire-Rescue Department service area. The estimated engine response time from Fire Station 40 with the project in place to the project site is slightly over 7.5 minutes. According to the Citygate study on Fire-Rescue Services, local fire station units should arrive at an incident in the project area within 7.5 minutes of being paged approximately 90 percent of the time (City 2011). Those response times would not be expected to substantially change upon implementation of the proposed project because fire suppression features would be built into the proposed structures and new roads would be built (refer to Section 7.1.10, <i>Public Services and Facilities</i>). The project would be consistent with Policies PF-D.1, PF-D.2, PF-D.5, and PF-D.6.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Public Facilities, Services, and Safety Element (cont.)		
<ul style="list-style-type: none"> • Total response time for deployment and arrival of a unit with advanced life support capability at emergency medical incidents, where this service is provided by the City, should be within eight minutes 90 percent of the time. <p>Fire Goal (cont.):</p> <p><i>Policy PF-D.2.</i> Deploy to advance life support emergency responses Emergency Medical Services (EMS) personnel including a minimum of two members trained at the emergency medical technician-paramedic level and two members trained at the emergency medical technician-basic level arriving on scene within the established response time as follows:</p> <ul style="list-style-type: none"> • Total response time for deployment and arrival of EMS first responder with Automatic External Defibrillator should be within four minutes to 90 percent of the incidents; and • Total response time for deployment and arrival of EMS for providing advanced life support should be within eight minutes to 90 percent of the incidents. <p><i>Policy PF-D.5.</i> Maintain service levels to meet the demands of continued growth and development, tourism, and other events requiring fire-rescue services.</p> <ol style="list-style-type: none"> a. Provide additional response units, and related capital improvements as necessary, whenever the yearly emergency incident volume of a single unit providing coverage for an area increases to the extent that availability of that unit for additional emergency responses and/or non-emergency training and maintenance activities is compromised. An excess of 2,500 responses annually requires analysis to determine the need for additional services or facilities. 	<p>Yes</p>	<p>Yes</p>

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Public Facilities, Services, and Safety Element (cont.)		
<p><i>Policy PF-D.6.</i> Provide public safety related facilities and services to assure that adequate levels of service are provided to existing and future development.</p> <p>Police Goals: Safe, peaceful, and orderly communities; and police services that respond to community needs, respect individuals, develop partnerships, manage emergencies, and apprehend criminals with the highest quality of service.</p> <p><i>Policy PF-E.1.</i> Provide a sufficient level of police services to all areas of the City by enforcing the law, investigating crimes, and working with the community to prevent crime.</p> <p><i>Policy PF-E.2.</i> Maintain average response time goals as development and population growth occurs. Average response time guidelines are as follows:</p> <ul style="list-style-type: none"> • Priority E Calls (imminent threat to life) within seven minutes. • Priority 1 Calls (serious crimes in progress) within 12 minutes. • Priority 2 Calls (less serious crimes with no threat to life) within 30 minutes. • Priority 3 Calls (minor crimes/requests that are not urgent) within 90 minutes. • Priority 4 Calls (minor requests for police service) within 90 minutes. 	<p>Existing response times to the project area are approximately 7.5 minutes, within the SDPD's goal of a seven-minute response time for the most serious threats. The SDPD recommends CPTED analysis to identify potential crime and disorder threats and suggest design changes prior to construction that would mitigate any identified threats. With such design measures in place, potential impacts on area police services would be minimized. Therefore, the project would be consistent with Policies PF-E.1, PF-E.2 and PF-E.7.</p>	Yes
<p><i>Policy PF-E.7.</i> Maintain service levels to meet demands of continued growth and development, tourism, and other events requiring police services.</p>		

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Public Facilities, Services, and Safety Element (cont.)		
<p>a. Analyze the need for additional resources and related capital improvements when total annual police force out-of-service time incrementally increases by 125,000 hours over the baseline of 740,000 in a given year. Out-of-service time is defined as the time it takes a police unit to resolve a call for service after it has been dispatched to an officer.</p>		
<p>Wastewater Goals: Environmentally sound collection, treatment, reuse, disposal, and monitoring of wastewater and increased use of reclaimed water to supplement the region’s limited water supply.</p> <p><i>Policy PF-F.6.</i> Coordinate land use planning and wastewater infrastructure planning to provide for future development and maintain adequate service levels.</p>	<p>The project would tie into the regional wastewater system and would be comply with all applicable City standards concerning wastewater collection. As discussed in Section 5.8, <i>Public Utilities</i>, the existing collection system has capacity to accommodate the proposed project.</p>	Yes
<p>Stormwater Infrastructure Goals: Protection of beneficial water resources through pollution prevention and interception efforts; and a storm water conveyance system that effectively reduces pollutants in urban runoff and storm water to the maximum extent practicable.</p> <p><i>Policy PF-G.1.</i> Ensure that all storm water conveyance systems, structures, and maintenance practices are consistent with federal Clean Water Act and California Regional Water Quality Control Board NPDES Permit standards.</p> <p><i>Policy PF-G.2.</i> Install infrastructure that includes components to capture, minimize, and/or prevent pollutants in urban runoff from reaching receiving waters and potable water supplies.</p> <p><i>Policy PF-G.3.</i> Meet and preferably exceed regulatory mandates to protect water quality in a cost-effective manner monitored through performance measures.</p>	<p>All storm water conveyance systems, structures and maintenance practices would be consistent with the Clean Water Act and California Regional Water Quality Control Board NPDES Permit standards and all other regulatory mandates to protect water quality. The project would therefore be consistent with Policies PF-G.1, PF-G.2, PF-G.3 and PF-G.5.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Public Facilities, Services, and Safety Element (cont.)		
<p><i>Policy PF-G.5.</i> Identify and implement BMPs for projects that repair, replace, extend or otherwise affect the storm water conveyance system. These projects should also include design considerations for maintenance, inspection, and, as applicable, water quality monitoring.</p> <p>Water Infrastructure Goals: A safe, reliable, and cost-effective water supply for San Diego and water supply infrastructure that provides for the efficient and sustainable distribution of water.</p> <p><i>Policy PF-H.3.</i> Coordinate land use planning and water infrastructure planning with local, state, and regional agencies to provide for future development, maintain adequate service levels, and develop water supply options during emergency situations.</p> <ol style="list-style-type: none"> a. Plan for a water supply and emergency reserves to meet peak load demand during a natural disaster such as a fire or earthquake. b. Plan for water supply and emergency reserves recognizing anticipated Climate Change impacts. c. Recognize the water/energy nexus. Plan and implement water projects after consideration of their energy demands in coordination with energy suppliers to minimize and optimize the energy impact of projects. 	<p>The City Public Utilities Department prepared a Water Supply Assessment (WSA) Report for the proposed project (City 2014b), which assessed whether sufficient water supplies are or would be available to meet the projected water demands of the project. The WSA evaluated the City's ability to provide water supplies to the proposed project during normal water supply year, a single-dry year, and multiple-dry water years over a 20-year projection period, in addition to existing and planned future water demands of the City. Current and future water supplies, as well as the actions necessary to develop these supplies, have been identified in the water resources planning documents of the City's Public Utilities Department, the County Water Authority, and the Metropolitan Water District to serve the projected demands of the project, in addition to existing and planned future water demands of the City. Water conservation features, such as drought-tolerant landscaping, water-efficient irrigation and low water use fixtures would be incorporated into the project, in accordance with the City requirements and California Building Code (CBC) regulations. The project would be consistent with Policy PF-H.3 with regard to water supply.</p>	Yes
<p>Waste Management Goals: Maximum diversion of materials from disposal through the reduction, reuse, and recycling of wastes to the highest and best use.</p> <p><i>Policy PF-I.2.</i> Maximize waste reduction and diversion (see also Conservation Element, Policy CE.A.9).</p>	<p>The project would implement a Waste Management Plan (WMP) to reduce waste deposited in landfills. The plan would be consistent with Policies PF-I.2 and PF-I.5. Section 7.1.9, <i>Public Utilities</i>, contains additional discussion on solid waste management practices within the City.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Public Facilities, Services, and Safety Element (cont.)		
<p>d. Maximize the separation of recyclable and compostable materials.</p> <p>f. Reduce and recycle Construction and Demolition (C&D) debris. Strive for recycling of 100 percent of inert C&D materials and a minimum of 50 percent by weight of all other material.</p> <p>g. Use recycled, composted, and post-consumer materials in manufacturing, construction, public facilities and in other identified uses whenever appropriate.</p> <p>l. Encourage the private sector to build a mixed construction and demolition waste materials recycling facility.</p>		
<p>Public Utilities Goals: Public utilities services provided in the most cost-effective and environmentally sensitive way; and public utilities that sufficiently meet existing and future demand with facilities and maintenance practices that are sensible, efficient and well-integrated into the natural and urban landscape.</p> <p><i>Policy PF-M.3.</i> Integrate the design and siting of safe and efficient public utilities and associated facilities into the early stages of long range planning and development process, especially in redevelopment/urban areas where land constraints exist.</p>	<p>The project would construct the necessary utilities to service the project, including water, sewer and stormwater connections on-site and off-site reaches within the public roads. The sizing of the lines would be based on projected demand by the project, as well as the community as a whole. Levels of service would be maintained after the project construction is complete and fully occupied, as described in Section 7.1.10, <i>Public Services and Facilities</i>.</p>	Yes
<p>Seismic Safety Goals: Protection of public health and safety through abated structural hazards and mitigated risks posed by seismic conditions; and development that avoids inappropriate land uses in identified seismic risk areas.</p> <p><i>Policy PF-Q.1.</i> Protect public health and safety through the application of effective seismic, geologic and structural considerations.</p>	<p>A Geotechnical Investigation was prepared on the site and validated for the project; there are no geotechnical hazards on site that would affect public health and safety, such as faults. As discussed in Section 7.1.4, <i>Geologic Conditions</i>, seismic risks would be less than significant considering the project would implement recommendations in the investigation and comply with CBC and other applicable City building standards. The project would not conflict with Policy PF-Q.1.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Public Facilities, Services, and Safety Element (cont.)		
<ul style="list-style-type: none"> a. Ensure that current and future community planning and other specific land use planning studies continue to include consideration of seismic and other geologic hazards. This information should be disclosed, when applicable, in the California Environmental Quality Act (CEQA) document accompanying a discretionary action. c. Require the submission of geologic and seismic reports, as well as soils engineering reports, in relation to applications for land development permits whenever seismic or geologic problems are suspected. g. Adhere to state laws pertaining to seismic and geologic hazards. 		
Recreation Element		
<p>Park and Recreation Goals: Provision of parklands that keep pace with population growth through timely acquisition and development.</p> <p><u>Park Standards Policies</u></p> <p><i>Policy RE-A.10.</i> Encourage private development to include recreation facilities, such as children’s play areas, rooftop parks and courts, useable public plazas, and mini parks to supplement population-based parks. (see also Urban Design Policies, UD-B.8 and UD-C.5)</p> <ul style="list-style-type: none"> a. Consider partial credit for the provision of private recreation facilities when it is clearly identified that the facilities and programs provide a public benefit and are intended to help implement the population-based park guidelines and are bound by easements and agreements that remain in effect in perpetuity according to adopted policies. (see also RE-A.1g). 	<p>Private recreation facilities are proposed as part of the townhome and single-family residential portions of the project consistent with Policy RE-A.10. The project would help offset the need it would create for population-based parkland through payment of Facilities Benefit Assessment (FBA) fees to the Torrey Highlands community.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Recreation Element (cont.)		
<p>Preservation Goals: Preserve, protect and enhance the integrity and quality of existing parks, open space, and recreation programs city-wide; and preserve, protect and enrich natural, cultural and historic resources that serve as recreation facilities.</p> <p><i>Policy RE-C.1.</i> Protect existing parklands and open space from unauthorized encroachment by adjacent development through appropriate enforcement measures.</p>	<p>The project would remove 2.5-22 acres of open space contained within the MHPA as part of the construction impacts for Camino Del Sur. Public roads are permitted within the MHPA and its extension has been contemplated in the community plans for years. The project would be consistent with Policy RE-C.1.</p> <p>Consistent with Policy RE-C.2, the project would satisfy its commitment to provide population-based parkland through payment of Facilities Benefit Assessment (FBA) fees to the Torrey Highlands community.</p>	
<p><i>Policy RE-C.2.</i> Protect, manage and enhance population- and resource-based parks and open space lands through appropriate means which include sensitive planning, park and opens space dedications, and physical protective devices.</p> <p><i>Policy RE-C.7.</i> Protect beaches and canyons from uncontrolled urban runoff.</p>	<p>Runoff into local canyons would be controlled through the use of bio-retention basins, consistent with Policy RE-C.7.</p>	
<p>Accessibility Goals: Park and recreation facilities that are sited to optimize access by foot, bicycle, public transit, automobile, and alternative modes of travel; and provision of an inter-connected park and open space system that is integrated into and accessible to the community.</p> <p><i>Policy RE-D.6.</i> Provide safe and convenient linkages to, and within, park and recreation facilities and open space areas.</p> <ul style="list-style-type: none"> a. Provide pedestrian and bicycle paths between recreation facilities and residential development. c. Improve public access through development of, and improvements to, multi-use trails within urban canyons and other open space areas. 	<p>Trail connections would be established, in coordination with the Park and Recreation Department, along Camino Del Sur as part of the project. The connections would provide access to hikers and bicyclists using the multi-use trail system in and around the community, including the trails within Del Mar Mesa. Connections would be coordinated with MSCP staff to ensure they are consistent with the preservation goals for the open space in the project vicinity. Sidewalks, bicycle lanes and bike parking facilities would also be provided on site to support alternative travel methods. The project would be consistent with Policies RE-D.6 and RE-D.7.</p>	

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Recreation Element (cont.)		
<p>f. Identify key trails and access points as a part of community plan updates, discretionary permit reviews, and other applicable land use and park planning documents.</p> <p><i>Policy RE-D.7.</i> Provide public access to open space for recreational purposes.</p> <p>a. Provide public access into Multiple Species Conservation Program (MSCP) open space for only those recreational purposes deemed compatible with the preservation goals of the MSCP Subarea Plan.</p> <p>b. Provide public access at locations consistent with the goals and policies of the Conservation Element.</p>		
<p>Open Space Lands and Resource-Based Parks Goals: An open space and resource-based park system that provides for the preservation and management of natural resources, enhancement of outdoor recreation opportunities and protection of the public health and safety; preservation of the natural terrain and drainage systems of San Diego’s open space lands and resource-based parks; and a system of pedestrian, bicycle, and equestrian paths linking communities, neighborhoods, parks and the open space system.</p> <p><i>Policy RE-F.1.</i> Protect and enhance park lands from adjacent incompatible uses and encroachments. (see also Urban Design Element, Policy UD-A.3)</p> <p><i>Policy RE-F.2.</i> Provide for sensitive development of recreation uses within and adjacent to City-owned open space lands.</p>	<p>No impacts to existing parklands are proposed; minor removal of open space by Camino Del Sur is contemplated in the community plan. Trail connections would be established, in coordination with the Park and Recreation Department, along Camino Del Sur as part of the project that would provide access to hikers and bicyclists using the multi-use trail system in and around the community, including the trails within Del Mar Mesa and Darkwood Canyon. Connections would be coordinated with MSCP staff to ensure they would be consistent with the preservation goals for the open space in the project vicinity, consistent with Policies RE-F.1 and RE-F.2.</p>	
Conservation Element		
<p>Climate Change and Sustainable Development Goals: To reduce the City's overall carbon dioxide footprint by promoting energy efficiency, alternative modes of transportation,</p>	<p>Consistent with Policy CE-A.5, sustainability features and practices of the project would include: solar canopies would be installed on all parking decks; centralized parking structures and walkable streets and</p>	

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Conservation Element (cont.)		
<p>sustainable planning and design, and waste management; to be prepared for, and able to adapt to adverse climate change impacts; and to become a city that is an international model of sustainable development and conservation.</p> <p><i>Policy CE-A.5.</i> Employ sustainable or “green” building techniques for the construction and operation of buildings.</p> <p>a. Develop and implement sustainable building standards for new and significant remodels of residential and commercial buildings to maximize energy efficiency, and to achieve overall net zero energy consumption by 2020 for new residential buildings and 2030 for new commercial buildings. This can be accomplished through factors including, but not limited to:</p> <ul style="list-style-type: none"> • Designing mechanical and electrical systems that achieve greater energy efficiency with currently available technology; • Minimizing energy use through innovative site design and building orientation that addresses factors such as sun-shade patterns, prevailing winds, landscape, and sun-screens; • Employing self generation of energy using renewable technologies; • Combining energy efficient measures that have longer payback periods with measures that have shorter payback periods; • Reducing levels of non-essential lighting, heating and cooling; and • Using energy efficient appliances and lighting. 	<p>plazas would encourage a “park once” strategy; neighborhood-serving retail would be placed in close proximity to residences; mixed-use live/work/ play concept incorporated into site planning; pedestrian-oriented development with multiple walkways linking commercial and residential areas; bike racks would be provided in commercial and residential areas; sustainable building design, including use of local building materials, low-flow fixtures (toilets and showers), and porous surfaces; recycling receptacles would be placed throughout the site; low-water use, native landscaping materials would be installed to minimize turf and irrigation demands; and state-of-the-art, low precipitation sprinkler equipment would be used.</p> <p>Implementation of these measures and compliance with the CBC would contribute to the City’s goals concerning sustainability contained in Policies CE-A.5, CE-A.7 and CE-A.9.</p> <p>The project would implement a WMP which would effectively reduce construction and demolition waste in accordance with the City’s Construction and Demolition Recycling Ordinance. With implementation of the waste reduction measures identified in the WMP, the project would be consistent with Policy CE-A.8.</p> <p>In compliance with the City’s Recycling Ordinance, the project would provide dedicated areas for the collection of refuse and recyclable materials and would ensure a collection service be provided for project operation. Therefore, the project would comply with Policy CE-A.10.</p>	<p>Yes</p>

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Conservation Element (cont.)		
<p><i>Policy CE-A.7:</i> Construct and operate buildings using materials, methods, and mechanical and electrical systems that ensure a healthful indoor air quality. Avoid contamination by carcinogens, volatile organic compounds, fungi, molds, bacteria, and other known toxins.</p> <ul style="list-style-type: none"> a. Eliminate the use of chlorofluorocarbon-based refrigerants in newly constructed facilities and major building renovations and retrofits for all heating, ventilation, air conditioning, and refrigerant-based building systems. c. Reduce the quantity of indoor air contaminants that are odorous or potentially irritating to protect installers and occupants' health and comfort. Where feasible, select low-emitting adhesives, paints, coatings, carpet systems, composite wood, agri-fiber products, and others. 		
<p><i>Policy CE-A.8:</i> Reduce construction and demolition waste in accordance with Public Facilities Element, Policy PF-1.2, or by renovating or adding on to existing buildings, rather than constructing new buildings.</p> <p><i>Policy CE-A.9:</i> Reuse building materials, use materials that have recycled content, or use materials that are derived from sustainable or rapidly renewable sources to the extent possible, through factors including:</p> <ul style="list-style-type: none"> • Scheduling time for deconstruction and recycling activities to take place during project demolition and construction phases; • Using life cycle costing in decision-making for materials and construction techniques. Life cycle costing analyzes the costs and benefits over the life of a particular product, technology, or system; 		

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Conservation Element (cont.)		
<ul style="list-style-type: none"> • Removing code obstacles to using recycled materials in buildings and for construction; and • Implementing effective economic incentives to recycle, Policy construction and demolition debris (see also Public Facilities Element PF-1.2). <p><i>Policy CE-A.10:</i> Include features in buildings to facilitate recycling of waste generated by building occupants and associated refuse storage areas:</p> <ol style="list-style-type: none"> a. Provide permanent, adequate, and convenient space for individual building occupants to collect refuse and recyclable material. b. Provide a recyclables collection area that serves the entire building or project. The space should allow for the separation, collection and storage of paper, glass, plastic, metals, yard waste and other materials as needed. <p><i>Policy CE-A.11:</i> Implement sustainable landscape design and maintenance.</p> <ol style="list-style-type: none"> a. Use integrated pest management techniques, where feasible, to delay, reduce, or eliminate dependence on the use of pesticides, herbicides, and synthetic fertilizers. b. Encourage composting efforts through education, incentives, and other activities. c. Decrease the amount of impervious surfaces in developments, especially where public places, plazas and amenities are proposed to serve as recreation opportunities (see also Recreation Element, Policy RE-A.6 and A.7). 	<p>All landscape and irrigation would conform to the standards set forth in the City of San Diego LDC and landscape Standards Manual and other applicable City and regional standards. Landscaping would include water conservation measures through irrigation management (e.g., use of pressure/moisture sensors and shut-off valves). Additionally, drought-tolerant plant materials would be incorporated into the landscape plan, turf would be minimized, and drip irrigation using recycled water would be integrated throughout the site. These measures would ensure compliance with Policy CE-A.11.</p>	

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Conservation Element (cont.)		
<p>d. Strategically plant deciduous shade trees, evergreen trees, and drought tolerant native vegetation, as appropriate, to contribute to sustainable development goals.</p> <p>e. Reduce use of lawn types that require high levels of irrigation.</p> <p>f. Strive to incorporate existing mature trees and native vegetation into site designs.</p> <p>g. Minimize the use of landscape equipment powered by fossil fuels.</p> <p>h. Implement water conservation measures in site/building design and landscaping.</p> <p>i. Encourage the use of high efficiency irrigation technology, and recycled site water to reduce the use of potable water for irrigation. Use recycled water to meet the needs of development projects to the maximum extent feasible (see Policy CE-A.12).</p>		
<p><i>Policy CE-A.12.</i> Reduce the San Diego Urban Heat Island, through actions such as:</p> <ul style="list-style-type: none"> • Using cool roofing materials, such as reflective, low heat retention tiles, membranes and coatings, or vegetated eco-roofs to reduce heat build-up; • Planting trees and other vegetation, to provide shade and cool air temperatures. In particular, properly position trees to shade buildings, air conditioning units, and parking lots; and • Reducing heat build-up in parking lots through increased shading or use of cool paving materials as feasible (see also Urban Design Element, Policy UD-A.12). 	<p>The project includes project design features to minimize potential “Urban Heat Island Effects,” including use of light-colored roofs and paving materials of concrete or masonry pavers; and provision of tree-lined, shaded streets and parking lots (i.e., solar canopies on structures). Architectural canopies, covered walkways and building overhangs would provide shade in these pedestrian use areas. Implementation of these project design features would be in conformance with Policy CE-A.12.</p>	

**Table 5.1-1
 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION**

APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Conservation Element (cont.)		
<p>Open Space and Landform Preservation Goals: Preservation and long-term management of the natural landforms and open spaces that help make San Diego unique.</p> <p><i>Policy CE-B.1.</i> Protect and conserve the landforms, canyon lands, and open spaces that: define the City's urban form; provide public views/vistas; serve as core biological areas and wildlife linkages; are wetland habitats; provide buffers within and between communities; or provide outdoor recreational opportunities.</p>	<p>Consistent with Policies CE-B.1 and CE-B.2, the project design would minimize impacts to steep slopes, which primarily occur within the ROW for Camino Del Sur. Although the project would impact MHPA and sensitive biological resources regulated by the ESL Regulations, the project would qualify for deviation findings because the project design is the Biologically Sensitive Option (BSO) and Camino Del Sur and Carmel Mountain Road improvements consist of Circulation Element roadways with defined and set alignments identified in two community plans, which qualifies them for ESL Regulations Deviations under the Essential Public Projects (EPP) category. A detailed discussion of the project impacts is provided in Section 5.3, <i>Biological Resources</i>.</p>	
<p><i>Policy CE-B.2.</i> Apply the appropriate zoning and Environmentally Sensitive Lands (ESL) regulations to limit development of floodplains, sensitive biological areas, including wetlands, steep hillsides, canyons and coastal lands.</p> <p><i>Policy CE-B.4.</i> Limit and control runoff, sedimentation, and erosion both during and after construction activity.</p> <p><i>Policy CE-B.5.</i> Maximize the incorporation of trails and greenways linking local and regional open space and recreation areas into the planning and development review processes.</p>	<p>As suggested in Policy CE-B.4, water quality would be protected during construction and upon operation through the implementation of BMPs designed to comply with the City's stormwater regulations, including its NPDES permit.</p> <p>Trail connections proposed along Camino Del Sur would provide opportunities for hikers and bikers to access the local open space system where existing trails occur, consistent with Policy CE-B.5</p>	Yes
<p>Water Resources Management Goals: A safe and adequate water supply that effectively meets the demand for the existing and future population through water efficiency and reclamation programs.</p> <p><i>Policy CE-D.5:</i> Integrate water and land use planning into local decision-making, including using water supply and land use studies in the development review process.</p>	<p>The project plans to employ strategies to reduce its potable water demand through the installation of drought-tolerant landscaping, irrigation controls, and compliance with the CBC, which includes the incorporation of water-saving fixtures. Implementation of these project design features would be in conformance with Policy CE-D.5.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Conservation Element (cont.)		
<p>Urban Runoff Management Goals: Protection and restoration of water bodies, including reservoirs, coastal waters, creeks, bays, and wetlands; and preservation of natural attributes of both the floodplain and floodway without endangering life and property.</p> <p><i>Policy CE-E.2.</i> Apply water quality protection measures to land development projects early in the process-during project design, permitting, construction, and operations-in order to minimize the quantity of runoff generated on-site, the disruption of natural water flows and the contamination of storm water runoff.</p> <ul style="list-style-type: none"> a. Increase on-site infiltration, and preserve, restore or incorporate natural drainage systems into site design. b. Direct concentrated drainage flows away from the MHPA and open space areas. If not possible, drainage should be directed into sedimentation basins, grassy swales or mechanical trapping devices prior to draining into the MHPA or open space areas. c. Reduce the amount of impervious surfaces through selection of materials, site planning, and street design where possible. d. Increase the use of vegetation in drainage design. e. Maintain landscape design standards that minimize the use of pesticides and herbicides. f. Avoid development of areas particularly susceptible to erosion and sediment loss (e.g., steep slopes) and, where impacts are unavoidable, enforce regulations that minimize their impacts. 	<p>As discussed in Section 7.1.6, <i>Hydrology/Water Quality</i>, the proposed project would comply with existing water quality requirements, including City and NPDES requirements. Implementation of these measures would be in conformance with Policies CE-E.2, CE-E.3, and CE-E.6.</p>	<p>Yes</p>

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Conservation Element (cont.)		
<p>g. Apply land use, site development, and zoning regulations that limit impacts on, and protect the natural integrity of topography, drainage systems, and water bodies.</p> <p>h. Enforce maintenance requirements in development permit conditions.</p> <p><i>Policy CE-E.3.</i> Require contractors to comply with accepted storm water pollution prevention planning practices for all projects.</p> <p>a. Minimize the amount of graded land surface exposed to erosion and enforce erosion control ordinances.</p> <p>b. Continue routine inspection practices to check for proper erosion control methods and housekeeping practices during construction.</p> <p><i>Policy CE-E.6.</i> Continue to encourage "Pollution Control" measures to promote the proper collection and disposal of pollutants at the source, rather than allowing them to enter the storm drain system.</p> <p>a. Promote the provision of used oil recycling and/or hazardous waste recycling facilities and drop-off locations.</p> <p>b. Review plans for new development and redevelopment for connections to the storm drain system.</p> <p>c. Follow up on complaints of illegal discharges and accidental spills to storm drains, waterways, and canyons.</p>		
<p>Air Quality Goals: Regional air quality which meets state and federal standards; and reduction in greenhouse gas emissions effecting climate change.</p>	<p>Consistent with Policy CE-F.4, landscaping would be installed throughout the project and along the roads to absorb pollutants (refer to Figures 3-9a through 3-9c).</p>	<p>Yes</p>

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Conservation Element (cont.)		
<p><i>Policy CE-F.4.</i> Preserve and plant trees, and vegetation that are consistent with habitat and water conservation policies and that absorb carbon dioxide and pollutants.</p> <p><i>Policy CE-F.6.</i> Encourage and provide incentives for the use of alternatives to single-occupancy vehicle use, including using public transit, carpooling, vanpooling, teleworking, bicycling, and walking.</p>	<p>Walkability and linkages would be built into the design of the project, as shown in Figure 3-10, to provide access between commercial and residential uses on site, as well as linkages that the existing community to take advantage of. Bike lanes and connections to the regional bicycle network would be built. Transit stops are planned along Camino Del Sur and Carmel Mountain Road. The project would be consistent with Policy CE-F.6.</p>	
<p>Biological Diversity Goals: Preservation of healthy, biological diverse regional ecosystems and conservation of endangered, threatened and key sensitive species and their habitats.</p> <p><i>Policy CE-G.3.</i> Implement the conservation goals/policies of the City's MSCP Subarea Plan, such as providing connectivity between habitats and limiting recreational access and use to appropriate areas.</p>	<p>Impacts to biological resources are assessed in accordance with the MSCP Subarea Plan in Section 5.3, <i>Biological Resources</i>. Trail connections would be established, in coordination with the Park and Recreation Department, along Camino Del Sur as part of the project. The connections would provide access to hikers and bicyclists using the multi-use trail system in and around the community, including the trails within Del Mar Mesa and Darkwood Canyon. Connections would be coordinated with MSCP staff to ensure they are consistent with the preservation goals for the open space in the project vicinity. The project would be consistent with Policy CE-G.3.</p>	Yes
<p>Wetlands Goals: Preservation of San Diego's rich biodiversity and heritage through the protection and restoration of wetland resources; and preservation of all existing wetland habitat in San Diego through a "no net loss" approach.</p> <p><i>Policy CE-H.7.</i> Encourage site planning that maximizes the potential biological, historic, hydrological and land use benefits of wetlands.</p> <p><i>Policy CE-H.8.</i> Implement a "no net loss" approach to wetlands conservation in accordance with all City, state and federal regulations.</p>	<p>Project impacts to state, federal, and City wetlands are discussed in Section 5.3, <i>Biological Resources</i>. Mitigation would occur in accordance with the MSCP and resource agency permits obtained by the Project Applicant and would ensure a "no net loss" would result.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Conservation Element (cont.)		
<p>Sustainable Energy Goals: An increase in local energy independence through conservation, efficient community design, reduced consumption, and efficient production and development of energy supplies that are diverse, efficient, environmentally-sound, sustainable, and reliable.</p> <p><i>Policy CE-I.4.</i> Maintain and promote water conservation and waste diversion programs to conserve energy.</p> <p><i>Policy CE-I.7.</i> Pursue investments in energy efficiency and direct sustained efforts towards eliminating inefficient energy use.</p> <p><i>Policy CE-I.10.</i> Use renewable energy sources to generate energy to the extent feasible.</p>	<p>The project would adhere to CBC requirements for water-conserving plumbing. All landscape and irrigation would conform to the Landscape Regulations and Landscape Standards of the LDC and other applicable City and regional standards. Drought-tolerant plant materials would be incorporated into the landscape plan. Irrigation systems for all landscaped areas would utilize controllers that respond to local climactic conditions and monitor potential breakages to prevent wasted water. Solar canopies would be installed on all parking decks. Therefore, the proposed project would be consistent with Policy CE-1.4.</p>	Yes
<p>Urban Forestry Goal: Protection and expansion of a sustainable urban forest.</p> <p><i>Policy CE-J.4.</i> Continue to require the planting of trees through the development permit process.</p> <p style="padding-left: 20px;">a. Consider tree planting as mitigation for air pollution emissions, storm water runoff, and other environmental impacts as appropriate.</p>	<p>The project includes landscaping that would expand “urban forest” goals through the provision of various tree types that would be maintained through maturity. The landscaped ROW of roads would help to absorb some emissions generated on site and in the vicinity. The project would therefore be consistent with Policy CE-J.4.</p>	
Noise Element		
<p>Noise and Land Use Compatibility Goal: Consider existing and future noise levels when making land use planning decisions to minimize people’s exposure to excessive noise.</p> <p><i>Policy NE-A.1.</i> Separate excessive noise-generating uses from residential and other noise-sensitive land uses with a sufficient spatial buffer of less sensitive uses.</p> <p><i>Policy NE-A.2.</i> Assure the appropriateness of proposed developments relative to existing and future noise levels by</p>	<p>A Noise Study was conducted on the project, the results of which are presented in Section 5.1, <i>Land Use</i>, of this report. Walls proposed around the residential areas facing Camino Del Sur and Carmel Mountain Road would prevent exterior noise levels from exceeding the noise-land use compatibility limits contained in Table NE-3. Potential impacts to the interior of residential uses would be studied and minimized to below a level of significance through enhanced architectural treatments, required during building design. The project would comply with Policies NE-A.1, NE-A.2, NE-A.3 and NE-A.4.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Noise Element (cont.)		
<p>consulting the guidelines for noise-compatible land use (shown on Table NE-3) to minimize the effects on noise-sensitive land uses.</p> <p><i>Policy NE-A.3.</i> Limit future residential and other noise-sensitive land uses in areas exposed to high levels of noise.</p> <p><i>Policy NE-A.4.</i> Require an acoustical study consistent with Acoustical Study Guidelines (Table NE-4) for proposed developments in areas where the existing or future noise level exceeds or would exceed the "compatible" noise level thresholds as indicated on the Land Use - Noise Compatibility Guidelines (Table NE-3), so that noise mitigation measures can be included in the project design to meet the noise guidelines.</p>	<p>Noise sensitive land uses proposed on development site would be shielded from freeway noise by taller commercial buildings and/or parking structures. Noise walls proposed along the perimeter of the residential areas would be effective at reducing exterior noise levels along Camino Del Sur and Carmel Mountain Road. Traffic calming measures, such as traffic circles and raised crosswalks, would be installed along Private Drive M to discourage cut-through traffic and slow vehicle speeds through the proposed commercial area. The project would be consistent with Policies NE-B.1, NE-B.2, NE-B.3 and NE-B.4.</p>	
<p>Motor Vehicle Traffic Noise Goal: Minimal excessive motor vehicle traffic noise on residential and other noise-sensitive land uses.</p> <p><i>Policy NE-B.1.</i> Encourage noise-compatible land uses and site planning adjoining existing and future highways and freeway.</p> <p><i>Policy NE-B.2.</i> Consider traffic calming design, traffic control measures, and low-noise pavement surfaces that minimize motor vehicle traffic noise (see also Mobility Element, Policy ME-C.5 regarding traffic calming).</p> <p><i>Policy NE-B.3.</i> Require noise reducing site design, and/or traffic control measures for new development in areas of high noise to ensure that the mitigated levels meet acceptable decibel limits.</p> <p><i>Policy NE-B.4.</i> Require new development to provide facilities which support the use of alternative transportation modes such as walking, bicycling, carpooling and, where applicable, transit to reduce peak-hour traffic.</p>		

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Noise Element (cont.)		
<i>Policy NE.B.7.</i> Promote the use of berms, landscaping, setbacks, and architectural design where appropriate and effective, rather than conventional wall barriers to enhance aesthetics.		Yes
Aircraft Noise Goal: Minimal excessive aircraft-related noise on residential and other noise-sensitive land uses. <i>Policy NE-D.1:</i> Encourage noise-compatible land use within airport influence areas in accordance with federal and state noise standards and guidelines.	The project site is beyond the noise contours of 60 dB CNEL or greater associated with MCAS Miramar Airport. No aircraft noise impacts would occur for the proposed residential or outdoor use areas identified on site. The project is consistent with the noise levels experienced within the AIA consistent with Policies NE-D.1, NE-D.2 and NE-D.4.	Yes
<i>Policy NE-D.2.</i> Limit future residential uses within airport influence areas to the 65 dBA CNEL airport noise contour, except for multiple-unit, mixed-use, and live work residential uses within the San Diego International Airport influence area in areas with existing residential uses and where a community plan and the Airport Land Use Compatibility Plan allow future residential uses. <i>Policy NE-D.4.</i> Discourage outdoor uses in areas where people could be exposed to prolonged periods of high aircraft noise levels greater than the 65 dBA CNEL airport noise contour.		
Commercial Mixed Use Activity Noise Goal: Minimal exposure of residential and other noise-sensitive land uses to excessive commercial and mixed-use related noise. <i>Policy NE-E.1.</i> Encourage the design and construction of commercial and mixed-use structures with noise attenuation methods to minimize excessive noise to residential and other noise-sensitive land uses.	The Noise Study evaluated commercial noise sources, i.e., delivery trucks and HVAC equipment, on planned residential uses and determined that the proposed design would meet the noise limits established in the Noise Ordinance consistent with Policy NE-E.1.	
<i>Policy NE-E.2.</i> Encourage mixed-use developments to locate loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noisier components away from the residential component of the development.	The commercial area would locate loading areas, parking structures and lots, driveways, and trash enclosures away from the residential component of the development behind the commercial structures. The mechanical equipment would be roof-mounted and situated behind parapet walls such that they would not affect the residences.	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Noise Element (cont.)		
<p><i>Policy NE-E.3.</i> Encourage daytime truck deliveries to commercial uses abutting residential uses and other noise-sensitive land uses to minimize excessive nighttime noise unless there is no feasible alternative or there are overriding transportation benefits by scheduling deliveries at other hours.</p> <p><i>Policy NE-E.4.</i> Encourage commercial/entertainment uses to utilize operational measures that minimize excessive noise where it affects abutting residential and other noise-sensitive uses.</p> <p><i>Policy NE-E.5.</i> Implement night and daytime on-site noise level limits to address noise generated by commercial uses where it affects abutting residential and other noise-sensitive uses</p> <p><i>Policy NE-E.6.</i> Encourage disclosure of potential noise problems for mixed-use and residential developments adjacent to commercial/entertainment uses at the time of sale. This would include notification of noise from related activities such as music, delivery vehicles, pedestrian and vehicular traffic, and other urban noise that may affect them.</p>	<p>With the proposed design, even nighttime deliveries, would not cause significant noise impacts to proposed residences. The project would be consistent with Policies NE-E.2, NE-E.3, NE-E.4, NE-E.5 and NE-E.6.</p>	
<p>Typical Noise Attenuation Methods Goal: Attenuate the effect of noise on future residential and other noise-sensitive land uses by applying feasible noise mitigation measures.</p> <p><i>Policy NE-I.1.</i> Require noise attenuation measures to reduce the noise to an acceptable noise level for proposed developments to ensure an acceptable interior noise level, as appropriate, in accordance with California's noise insulation standards (CCR Title 24) and Airport Land Use Compatibility Plans.</p> <p><i>Policy NE-I.2.</i> Apply CCR Title 24 noise attenuation measures requirements to reduce the noise to an acceptable noise level for proposed single-family, mobile homes, senior housing, and all other types of residential uses not addressed by CCR Title 24 to ensure an acceptable interior noise level, as appropriate.</p>	<p>A Noise Study was conducted on the proposed project, the results of which are presented in Section 5.6, <i>Noise</i>, of this report. Walls proposed around the residential areas facing Camino Del Sur and Carmel Mountain Road would prevent exterior noise levels from exceeding the noise-land use compatibility limits contained in Table NE-3. Potential impacts to the interior of residential uses would be studied and minimized to below a level of significance through enhanced architectural treatments, required during building design. The project would be consistent with Policies NE-I.1, NE-I.2, and NE-I.3.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
CITY OF SAN DIEGO GENERAL PLAN		
Noise Element (cont.)		
<i>Policy NE-1.3.</i> Consider noise attenuation measures and techniques addressed by the Noise Element, as well as other feasible attenuation measures not addressed as potential mitigation measures, to reduce the effect of noise on future residential and other noise-sensitive land uses to an acceptable noise level.		
TORREY HIGHLANDS SUBAREA PLAN		
<p>Open Space Goal: Contribute to a multi-purpose open space system that promotes regional resource protection and provides a critical connection to adjacent community open space.</p> <p><u>Urban Open Space Policies</u></p> <ul style="list-style-type: none"> • Provide safe and convenient pedestrian paths and bikeways that connect open spaces, schools, parks, commercial areas and residential areas. • Provide open space amenities to retain the character of existing resources and to provide connections to off-site open space areas. • Preserve riparian habitats within the open space amenities by maintaining a 50- foot biological preservation buffer and a 50-foot transitional planning buffer; only native or existing vegetation shall be allowed in the biological buffer; fuel modification and passive recreation are permitted within the planning buffer; contour grading is permitted only within the transitional planning buffer, but should be limited as much as practical. • Avoid direct impacts to wetlands to maximum extent practicable; impacts shall be fully mitigated and limited to road crossings and other essential services (i.e. gas, water and sewer lines). 	<p>Trail connections would be established, in coordination with the Park and Recreation Department, along Camino Del Sur as part of the proposed project that would provide access to hikers and bicyclists using the multi-use trail system in and around the community, including the trails within Del Mar Mesa and Darkwood Canyon. Connections would be coordinated with MSCP staff to ensure they are consistent with the preservation goals for the open space in the project vicinity, consistent with these urban open space policies.</p> <p>Project impacts to state, federal, and City wetlands are discussed in Section 5.3, <i>Biological Resources</i>. Mitigation would occur in accordance with the MSCP and resource agency permits obtained by the Project Applicant and would ensure a “no net loss” would result.</p>	Yes

**Table 5.1-1
 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION**

APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
TORREY HIGHLANDS SUBAREA PLAN		
<p>Circulation Goal: Ensure a safe and efficient transportation system that integrates within the existing regional system and minimizes impacts to residential neighborhoods and environmentally sensitive areas.</p> <p><u>Circulation Policies</u></p> <ul style="list-style-type: none"> • Contribute fair share financing for transportation facilities necessary to serve demand created by Torrey Highlands, as provided for in the Torrey Highlands Public Facilities Financing Plan. • Continue discussions with Metropolitan Transit Development Board (MTDB) and enlist the agency's support to find ways to provide for transit infrastructure and operations. • Limit points of ingress and egress to neighborhoods from Carmel Valley Road and Camino Ruiz to those designated on Figure 3-2, or as approved by the City Engineer, which will optimize traffic flow. • Prohibit parking on arterial and major circulation element roads. • Accommodate wildlife corridors and under crossings through road design and alignment considerations. • Within the LMXU, design a neighborhood street hierarchy based on a modified grid system, that provides alternate routes and connections to schools, parks and neighborhood focal points; provides for pedestrian, bicycle (and, where appropriate) equestrian trails; and minimizes cul-de-sacs. 	<p>The project would satisfy its commitment to provide transportation facilities through payment of Facilities Benefit Assessment (FBA) fees to the Torrey Highlands community and financing the construction of two public roads which are listed improvements in the Torrey Highlands and Rancho Peñasquitos PFFPs. Transit stations are planned along Camino Del Sur and Carmel Mountain Road.</p> <p>Ingress/egress along Camino Del Sur (formerly Camino Ruiz) would be limited to three locations along the project frontage: Private Drives M, N and T, as shown on the project site plan (Figure 3-3). No parking would be provided along the two public roads.</p> <p>The wildlife corridor crossed by Camino Del Sur is of a poor quality since it connects to Darkwood Canyon, which is narrow, surrounded by development, and cut off from Los Peñasquitos Canyon Preserve by Park Village Road. The extension of the two-lane portion of Camino Del Sur would not interfere substantially with the movement of wildlife in what is already a highly constrained corridor.</p> <p>The unique triangle shaped development property would make it difficult to design a true grid pattern; however, the proposed design would meet the intent of the modified grid design desired by the Torrey Highlands Subarea Plan by utilizing private roads, roundabouts and paseos to provide direct connections from the single family and townhomes to the commercial core. The roads internal to the project would be pedestrian-friendly. Refer to Figure 3-10 for an illustration of the on-site circulation opportunities.</p>	

**Table 5.1-1
 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION**

APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
TORREY HIGHLANDS SUBAREA PLAN		
<ul style="list-style-type: none"> • Design roadways to minimize grading and the height of cut-and-fill slopes. • Design the LMXU and neighborhood streets to be pedestrian-oriented by incorporating narrower street widths, smaller radius curbs, wider sidewalks, street furniture, and street plant species. 	<p>The commercial portion of the project is designed to provide the ambience of an urban-oriented center arranged around a public plaza with communal seating, outdoor dining opportunities and specialized retail shopping. Street-level commercial structures would be pedestrian in scale; second- and third-floor office spaces above the retail would be set back, opening up to outdoor terraces that overlook the plaza. Large anchors would be located at the ends of the building. A variety of architectural detail and massing would create visual interest and break up the scale of the façade.</p> <p>Proposed roads have been designed to minimize grading and the height of cut-and-fill slopes; retaining walls have been integrated into the design to accomplish this goal. In addition, neighborhood streets would be pedestrian-oriented by featuring narrower street widths, smaller radius curbs, sidewalks, street furniture, and street plant species.</p>	Yes
<p><u>Trails Policies</u></p> <ul style="list-style-type: none"> • All neighborhoods will be connected by a system of trails. • Link the trails and paths in Torrey Highlands with trails and paths located in adjacent communities and surrounding regional systems, as designated in this Plan. • Provide paths that connect residential areas to the LMXU to encourage alternate means of travel. • Design pathways that provide through connections and/or loops. • Post signage at regular intervals along the trails to inform pedestrians, equestrians and bicyclists of correct trail use. • Design trail drainage inlet grates, manhole covers, etc. to avoid injuries to trail users. • Provide at-grade trail crossings at signalized intersections. 	<p>Trail connections would be established, in coordination with the Park and Recreation Department, along the Camino Del Sur corridor as part of the project. The paved and unpaved trail connections would provide access to hikers and bicyclists using the multi-use trail system in and around the community, including the trails within Del Mar Mesa and Darkwood Canyon.</p> <p>Both internal private drives and public roads would also be designed to provide opportunities for walking and biking. Sidewalks would be integrated along the streetscape. A modified grid would be created through a combination of private drives as well as a highly-developed system of walkways. Paseos(or wider, landscaped pathways) would be created through the townhome area to provide residents a range of options and short-cuts for accessing the commercial area (Figure 3-10). Bike lanes and parking would be provided on site for those users relying on bicycles for transport.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
TORREY HIGHLANDS SUBAREA PLAN		
<ul style="list-style-type: none"> • Locate bicycle storage facilities within the LMXU, at transit stations and bus stops. • Locate all paved trails in public rights-of-way and unpaved trails in open space areas. 	Where Private Drive M would intersect with Camino Del Sur and Carmel Mountain Road, the project would install traffic signal and roundabout with marked cross-walks to facilitate non-motorized travel to off-site areas, including trails.	
<p><u>Transit System Policies</u></p> <ul style="list-style-type: none"> • Provide for possible transit/bus shelters along major roads adjacent to the LMXU and near the Employment Center, and public facilities. • Integrate transit stops into the LMXU and ensure direct connections from the station to the center of the mixed-use area. • Design transit shelters that are user friendly and architecturally compatible with surrounding neighborhood character/theme. • Locate bicycle storage facilities at shelter facilities. 	Transit stops are proposed along Camino Del Sur and Carmel Mountain Road to provide users an alternative method of travel to access the mixed-use center.	Yes
<p>Land Use Goal: Ensure a safe and efficient transportation system that integrates within the existing regional system and minimizes impacts to residential neighborhoods and environmentally sensitive areas.</p>	The project would implement the planned circulation element roads identified in the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan. The alignments have taken into consideration existing residential neighborhoods and environmentally sensitive areas, including vernal pool complexes. Narrowing of the ROW for these roads, as proposed by the CPA, would minimize grading of environmentally sensitive areas and maximizing distances between existing homes and proposed travel lanes.	Yes
<p>Community Design Guidelines Goals: Develop Torrey Highlands as a traditional community of distinct yet complementary neighborhoods that emphasize: pedestrian-oriented design with close proximity and access to institutional, retail and employment center land uses; variegated residential product types from single-family estate to LMXU density multifamily attached in a fine-grained pattern; and unified open space elements.</p>		

**Table 5.1-1
 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION**

APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
TORREY HIGHLANDS SUBAREA PLAN		
<p><u>Grading Policies</u></p> <ul style="list-style-type: none"> • Extensive grading and/or terracing that disrupts the natural shape and contour of the site shall be restricted except in the Employment Center, Local Mixed Use Center and Commercial Regional areas where larger pads are required. Where these pads are necessary, grading will be limited to the areas necessary for construction. • Grading along the edge of the Preserve shall retain the existing characteristics of finger canyons. What limited grading that may occur within the Preserve shall be revegetated with native plant material that is horticulturally and visibly compatible with the Preserve. • Berming and terracing will be a preferred method which will be used to separate competing land uses. If this cannot be satisfactorily accomplished, a street may serve the same function. • Manufactured slopes will not exceed a slope ratio greater than 2:1. Variable slope ratios will be used to avoid abrupt changes from pads to slopes. • Project grading design shall balance cut and fill on-site to avoid the need for excessive importing or exporting of soil. • Manufactured slopes shall be landscaped with native or drought tolerant plant materials. 	<p>The project would be a LMXU where large pads are required to implement the range of commercial, office, hotel and multi-family uses planned on site. Nearly 99 percent of the site is less than 25% gradient, thus impacts to natural landforms would be minimal. Grading along the open space would be limited to manufactured slopes created to construct Camino Del Sur. The slopes would be constructed at 2:1 slope and planted with native plant materials to blend with the adjacent open space. No invasive plant species are contained within the plant palette for the project. Minor amount of export would be required to implement the road, which would be placed on the development site to meet a part of its import needs. Figure 3-12 illustrates the grading required to implement the proposed project. The project would be consistent with these grading policies.</p>	<p>Yes</p>

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
TORREY HIGHLANDS SUBAREA PLAN		
<p><u>Fencing and Wall Policies</u></p> <ul style="list-style-type: none"> • Earth berms shall be used to replace or supplement walls and fences whenever practical; any sound wall that is required to be over six feet in height must be screened with landscaped berms. • Walls shall be uniform in design for each project. • If constructed along the boundaries of the Preserve or an open space, walls, fences and other barriers along the boundaries of the Preserve shall be of an “open” design to permit unobstructed views and vistas of the wildlife corridor and major topographical features of a particular directional orientation (e.g., Black Mountain to the east or Del Mar Mesa to the south). • Walls and fences shall not prohibit pedestrian, equestrian and bicycle access to streets, the Local Mixed Use Center, commercial developments, parks, community facilities and open space trails. • Retaining walls are sometimes appropriate to minimize impact to hillside slopes; where used to minimize site impacts, crib walls planted with drought tolerant species are preferred; where block retaining walls are used, landscaping to serve as visual screening shall be provided; retaining walls over six feet in height shall be terraced. 	<p>Exterior walls around the perimeter of the residential area would be three feet in height at the top of slopes along Camino Del Sur and Carmel Mountain Road. A three to seven-foot high wall would be constructed around the northern and eastern perimeter of the multi-family area facing SR-56 and Carmel Mountain Road. Exterior walls would be uniformly constructed. The walls or fences would not prohibit access to streets or to the commercial core on site consistent with these fencing or wall policies. Landscaping would be used to soften the appearance of all retaining walls as shown in Figures 3-9a and 3-9b.</p>	<p>Yes</p>

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
TORREY HIGHLANDS SUBAREA PLAN		
<ul style="list-style-type: none"> • Transit stops shall be designed and sited in accordance with MTDB guidelines and be located to be convenient to pedestrian areas along Carmel Valley Road and Camino Ruiz, as well as the Local Mixed Use Center; the transit stops shall be recessed for circulation ease; landscape planting shall be designed for a sense of safety and enclosure. 		
<p><u>Development Areas - Local Mixed Use Center Policies</u></p> <ul style="list-style-type: none"> • Alleys are encouraged where practical. Street blocks shall be limited in size to 400' by 220' with alleys to facilitate a fine-grained mix of development as illustrated in Figure 5-2. • Buildings should be arranged to form clearly defined public open space; public spaces shall be located in prominent locations within the core and provide a connection between commercial land uses and public buildings. • Street-level uses shall encourage a pedestrian-oriented district that supplies consumer goods and services including retail, offices and galleries. • A pedestrian-friendly environment will be achieved through the use of amenities such as shade trees, street furniture, narrow streets where appropriate, visual landmarks, plazas and courtyards; buildings shall front along the public street and sidewalks and be designed with minimum setbacks. • Buildings shall be oriented toward the street and placed on or within ten feet of front property line to maintain continuity of street. 	<p>Private drives and alleys would be used to access rear garages behind the residences; while access to parking structures, loading zones and trash enclosures for the commercial area would rely on a fire lane/service road along the northern edge of the project set behind the commercial building.</p> <p>The commercial portion of the project is designed to provide the ambience of an urban-oriented center arranged around a public plaza with communal seating, outdoor dining opportunities and specialized retail shopping. Street-level commercial structures would be pedestrian in scale; second- and third-floor office spaces above the retail would be set back, opening up to outdoor terraces that overlook the plaza. Large anchors would be located at the ends of the building. A variety of architectural detail and massing would create visual interest and break up the scale of the façade. Landscaping would be used to complement the architecture and provide visual interest.</p> <p>The buildings would exhibit a contemporary appearance by highlighting natural materials and colors while creating a sense of connectivity to the street scene and pedestrians through its form.</p>	Yes

**Table 5.1-1
 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION**

APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
TORREY HIGHLANDS SUBAREA PLAN		
<ul style="list-style-type: none"> • Building façades shall vary and be articulated at street level through the use of arcades and awnings, bay windows and pictures windows, recessed entries and use of landscape planters rather than offsetting planes; articulation above the first story shall be continued through use of outdoor balconies and architectural relief and design; varied roof planes and shapes shall be used. • The textural and material quality of a building's facade is important; traditional materials including stone, brick, concrete, block and stucco shall be used creatively to provide a sense of permanence; combined with architectural details and landscaping, the buildings can create a sense of connectivity to the street scene and pedestrians; reflective surfaces on buildings are prohibited at street level. • Street trees shall be used throughout the Local Mixed Use Center; pedestrian seating areas shall be provided at select locations and be improved with benches, shade trees, ornamental landscape accents and trash receptacles. • The Local Mixed Use Center shall be oriented toward the intersection of two interior or "main" streets and away from Camino Ruiz; development of street level, commercial anchors at the four comers of this intersection will provide focus for the Local Mixed Use Center. • A traditional village atmosphere shall be fostered by encouraging outdoor activities including outdoor seating areas for cafes and restaurants, requiring sidewalk landscaping and building articulation such as awnings, overhangs and arcades; access to the neighborhood park 	<p>Lighting would be provided in various settings for safety and aesthetic purposes. Lighting would be provided along internal roadways for vehicular circulation, as well as along pedestrian walkways for transportation-related safety. Lighting would also be provided in the hotel and commercial areas and public spaces at night-time to contribute to the general ambiance of those spaces. Additionally, lighting would be provided as a CPTED measure to reduce cover for potential criminal activity. Lighting for all of these purposes would be intentionally directed such that the intended area is illuminated but spillover lighting into sensitive areas (e.g., residences) is reduced. These lighting practices would be in conformance with the LMXU design policies.</p>	

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
TORREY HIGHLANDS SUBAREA PLAN		
<p>is planned through the use of trails and pathways, as well as potential siting of commercial businesses including cafes and bookstores opposite the park.</p> <ul style="list-style-type: none"> • Side roads should focus towards the center of the Local Mixed Use Center providing alternative auto and pedestrian routes into the core area. • On-street parking shall be allowed adjacent to sidewalks in the Local Mixed Use Center. • Alleys shall be permitted in the Local Mixed Use Center to encourage service areas at the rear of buildings. • Parking lots shall be located to the interior of blocks and/or in the rear of buildings, allowing building frontages to be set back minimal distances from the sidewalk; where parking is located behind buildings, rear entrances shall be provided to the shops and offices in those buildings. • Parking lots shall be landscaped to prevent vast expanses of asphalt; landscaping shall include low walls and/or landscaping hedges at the perimeter and canopy trees and low shrubs throughout the interior of the parking lots. • In the Employment/Transit Center, joint use of parking facilities will be integrated between land uses which have differing peak hours through the incorporation of transportation demand management policies and accommodations such as preferential fees. • Bicycle parking facilities shall be provided throughout the Local Mixed Use Center. 		

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
TORREY HIGHLANDS SUBAREA PLAN		
<ul style="list-style-type: none"> • Parking and pedestrian lighting shall complement the scale and style of the adjacent architectural structures and shall be spaced to meet the lighting requirements of outdoor areas relative to their anticipated uses; lighting shall be shielded to reduce spill-over into adjacent development and open space areas; low-pressure sodium lights shall be preferred. 		
<p>Housing Goal: Develop Torrey Highlands as a traditional community of distinct yet complementary neighborhoods that emphasize: pedestrian-oriented design with close proximity and access to institutional, retail and employment center land uses; variegated residential product types from single-family estate to LMXU density multifamily attached in a fine-grained pattern; and unified open space elements.</p> <p><u>Housing Policies</u></p> <ul style="list-style-type: none"> • Comply with the affordable housing requirements in effect for the NCFUA under the City's Framework Plan provisions. • Provide a variety of housing types and prices within the Local Mixed Use Center to enable affordability for low- and moderate-income households. • Encourage development of senior housing, especially within and near the Local Mixed Use Centers, where location next to services, goods and transit provide good siting criteria.. • Encourage use of companion units as an integral part of residential development within and adjacent to the Local Mixed Use Center. • Provide an affirmative action marketing program concurrent with all residential tentative maps involving more than 20 dwelling units, as required by City of San Diego Council Policy 600-20. 	<p>The project would construction affordable housing units in the commercial portion of the project. In addition, market rate flats, townhomes and small lot single-family residential units would be constructed on site to provide for a full range of housing types and prices. The affordable housing, flats and townhomes would be situated in close proximity to the commercial core where goods, services and jobs would be readily available consistent with these housing policies.</p>	<p>Yes</p>

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
RANCHO PEÑASQUITOS COMMUNITY PLAN		
Community Appearance and Design Element		
<p>Goal: Ensure a pleasant, healthful, physical and social environment for Rancho Peñasquitos residents by balancing development with the preservation of the community's natural resources and amenities.</p> <ul style="list-style-type: none"> • All new development should be sensitive to the environment and be designed to avoid incremental contributions to the problems of air and water pollution, natural fire hazards, soil erosion, siltation, slope instability, flooding and severe hillside cutting and scarring. • Preserve significant natural features and canyons as viable connected open space systems. • Protect environmental resources that are typically associated with hillsides, preserve significant public views of and from hillsides, and maintain a clear sense of natural hillside topography throughout the Rancho Peñasquitos Community. • The transportation system should be developed to enhance the overall efficiency of pedestrian and vehicular circulation within the community. 	<p>The extension of Camino Del Sur would minimize its impact on the natural resources and provide amenities for the community by complying with the City Grading Ordinance, landscaping manufactured slopes with native plants, and creating trail connections to be used by area residents. By extending the road to its northern terminus near the SR-56 interchange, the project would complete the circulation system envisioned in the community plan and provide enhanced opportunities for pedestrians and vehicles to access points north of the community, such as shopping and schools.</p>	Yes
<p><u>Urban Design Guidelines – Site Design</u></p> <p><u>Roadway Design.</u> Design should take into account the special conditions of hillside areas, which may mean deviation from City or other engineering standards, as long as public safety is assured. Design possibilities include variable location of the road within the right-of-way; pop-outs for emergency parking and viewpoints; landscaping of median strips, adjacent slope banks or road side pockets (see Figure 25); and split-level roadways.</p>	<p>Because the northern and southern ends of the road are built and the portions of the ROW have been acquired by the City, the design follows the standard City design adopted in 2005. Alternative configurations for the road, including a three-lane option, as well as split-level configuration, were presented as alternatives in the prior EIR. However, the City determined that the standard four-lane design met most of the basic project objectives and minimized the environmental impacts of its extension (City 2005). Subsequent to the prior alternatives evaluation and in response to updated traffic</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
RANCHO PEÑASQUITOS COMMUNITY PLAN		
Community Appearance and Design Element (cont.)		
<p>Black Mountain Road and Camino Del Sur should be sited to retain major adjacent open spaces, rather than fragmenting open spaces into smaller areas. Adequate pedestrian and bicycle crossings should be provided. Landscaping should be used as a transition from roadways to open space areas.</p>	<p>modeling for the project area, it was determined that a two-lane configuration would minimize environmental impacts of the road improvements while still accommodating buildout traffic volumes. Small retaining walls are proposed to further minimize the grading footprint of the road, as shown in Figure 3-12. No impact to the MHPA would occur within the Rancho Peñasquitos community plan area. The project would be consistent with the urban design guidelines for roads in the community plan.</p>	
Transportation Element		
<p>Goal: Construct and maintain an adequate system for vehicular, bicycle and pedestrian circulation within the community, while providing adequate access to the larger San Diego Region.</p> <ul style="list-style-type: none"> • Adequate vehicular and pedestrian access should be available to serve all significant community resources and public facilities with an emphasis on safety, aesthetics and integration of facilities. • A continuous pedestrian and bicycle system should be provided throughout the community focused on open space areas and minimizing conflicts with motor vehicles. • <i>Camino Del Sur. Northerly terminus to Carmel Mountain Road</i> – Retain four-lane major classification. The road should be designed in an environmentally and aesthetically sensitive manner, having minimal impact upon the natural open space system. The median can be reduced where there is no fronting property, which will help to minimize grading impacts. • Bikeways should be provided on important streets in accordance with Figure 30. All major streets within the community should have Class II bike lanes with on-street parking prohibited where possible. 	<p>The proposed two-lane Camino Del Sur extension would include sidewalks, bike lanes, unpaved pathway and trail connections to facilitate multiple methods of travel into and out of the community. The footprint of the road design has been reduced to the extent practical so as to minimize environmental impacts of the road improvements while still accommodating buildout traffic volumes. Landscaping would be installed along the edge of the road, as well as the median, as illustrated in Figure 3-9c. The project would be consistent with the Transportation Element goals in the community plan.</p>	<p>Yes</p>

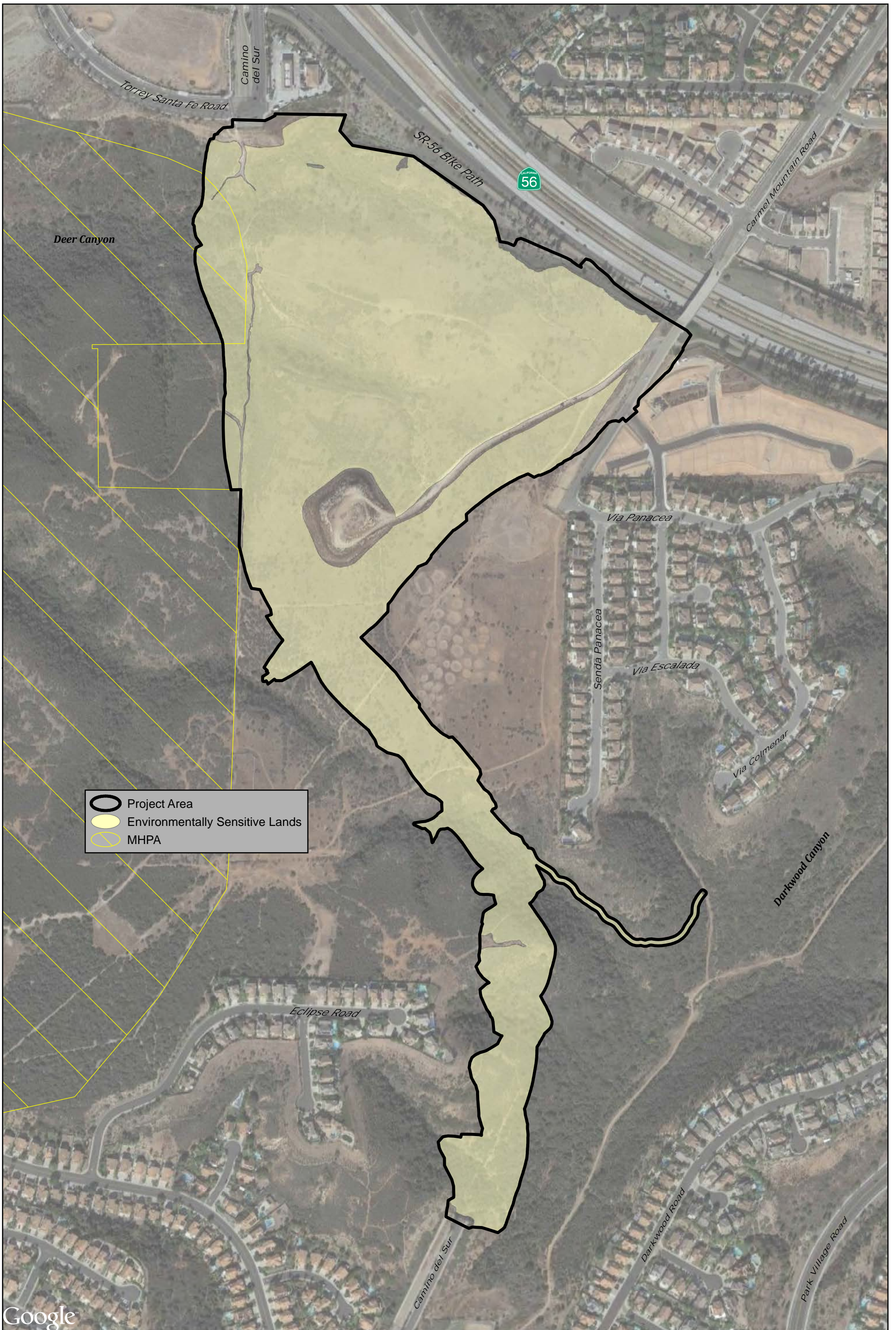
Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
RANCHO PEÑASQUITOS COMMUNITY PLAN		
Open Space and Resource Management Element		
<p>Goal: Conserve, enhance and restore all open space and sensitive resource areas in the Rancho Peñasquitos community. Retain viable connected systems of open space, maintain all open space containing biologically sensitive habitat in its natural state and prohibit encroachment and impacts of adjacent development on areas designated open space.</p> <ul style="list-style-type: none"> • Open space with reduced long-term biological value (due to proximity of development) should be used for moderate impact activities such as jogging, horseback riding, pet walking and interpretive trail hiking. • Open space serving as wildlife habitat should be maintained in its natural state. • Vernal pools and their associated native landforms and contributing watersheds should not be disturbed. • Exotic or invasive plant species should not be planted adjacent to natural open space areas. 	<p>The proposed road extension would minimize its impact on open space and sensitive resources by not impacting designated open space, such as MHPA, using native species for landscaping on manufactured slopes and mitigating for its impacts in accordance with the MSCP Subarea Plan. Although vernal and road pools would be impacted by the road construction, the impact footprint for the road alignment has been minimized by using a two-lane collector design and mitigation would be implemented in a vernal pool preserve in the project area to compensate.</p>	Yes
DEL MAR MESA SPECIFIC PLAN		
Open Space and Resource Management Element		
<p>Guidelines for Development Areas in and Adjacent to the MHPA</p> <p>The following are specific guidelines for development within the development areas in and/or adjacent to the MHPA in Del Mar Mesa:</p> <ul style="list-style-type: none"> e. Where grading is necessary, daylight grading at the edges of the preserve is preferred. All grading proposed adjacent to the preserve, including all cut and fill slopes, must occur wholly within the development area, except as specified in the Plan. Graded areas adjacent to open space shall be re-vegetated with native plant species. 	<p>The proposed road extension would minimize its impact on open space and sensitive resources by constructing a narrower road than originally planned and complying with the City Grading Ordinance, using native species for landscaping on manufactured slopes and mitigating for its impacts in accordance with the MSCP Subarea Plan. The project would comply with this policy.</p>	Yes

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
DEL MAR MESA SPECIFIC PLAN		
Open Space and Resource Management Element (cont.)		
<p>Guidelines for Resource Based Open Space Areas and Adjacent Areas</p> <p>The City of San Diego MSCP Subarea Plan applies to the Resource Based Open Space areas within Del Mar Mesa which are included in the adopted MSCP (see Figure 7). This document should be used in evaluating appropriate uses and development in these areas.</p> <p>a. <u>Compatible Land Uses</u> - The following land uses are considered conditionally compatible with the biological objectives of the MSCP and thus will be allowed within the City's MHPA/Resource Based Open Space areas:</p> <ul style="list-style-type: none"> • Utility lines and roads in compliance with the MSCP Subarea Plan. <p>b. <u>Roads and Utilities</u> -</p> <ul style="list-style-type: none"> • All proposed utility lines (e.g., sewer, water, etc.) should be designed to avoid or minimize intrusion into the MHPA. These facilities should be routed through developed or developing areas rather than the MHPA, where possible. If no other routing is feasible, then the lines should follow previously existing roads, easements, rights-of-way, and disturbed areas, minimizing habitat fragmentation. • All new development for utilities and facilities within or crossing preserve areas shall be planned, designed, located and constructed to minimize environmental impacts. All such activities must avoid disturbing the habitat of MSCP covered species and wetlands. If avoidance is infeasible, mitigation will be required. 	<p>The project would comply with the MSCP Subarea Plan and its policies, as discussed in Section 5.3, <i>Biological Resources</i>. Only the northernmost 2.522 acres of Camino Del Sur, a major public road, would impact open space identified in the Specific Plan. Public roads are acceptable uses within the MHPA. Any utilities required for the mixed-use development would be placed within the road ROW and not in the adjoining open space.</p> <p>Mitigation would be implemented to offset both the temporary and permanent construction impacts, in accordance with the MSCP Subarea Plan. Because the current terminus and elevation for the road is set, the extension would fill a portion of the northern finger of Deer Canyon that extends onto the Merge 56 development property and terminates at the SR-56 ROW. This segment of Deer Canyon is not a wildlife corridor since the freeway and surrounding development to the north obstruct any wildlife movement to the east. The project would comply with these policies.</p>	<p>Yes</p>

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
DEL MAR MESA SPECIFIC PLAN		
Open Space and Resource Management Element (cont.)		
<ul style="list-style-type: none"> • Temporary construction areas and roads, staging areas, or permanent access roads must not disturb existing habitat unless determined to be unavoidable. All such activities must occur on existing agricultural lands or in other disturbed areas rather than in habitat. If temporary habitat disturbance is unavoidable, then restoration of, and/or mitigation for, the disturbed area after project completion will be required. • Roads in the preserve will be limited to those identified in the Plan, roads necessary for maintenance and emergency access and local streets needed to access isolated development areas. • Development of roads in canyon bottoms should be avoided whenever feasible. If an alternative location outside the preserve is not feasible, then the road must be designed to cross the shortest length possible of the preserve in order to minimize impacts and fragmentation of sensitive species and habitat. If roads cross the preserve, they should provide for fully functional wildlife movement capability. Bridges are the preferred method of providing for movement, although culverts in selected locations may be acceptable. Fencing, grading and plant cover should be provided where needed to protect and shield animals, and guide them away from roads to appropriate crossings. 		

Table 5.1-1 CITY OF SAN DIEGO LAND USE GOALS, OBJECTIVES, AND POLICIES CONSISTENCY EVALUATION		
APPLICABLE ELEMENTS, GOALS, AND POLICIES	CONSISTENCY EVALUATION	CONSISTENT (YES/NO)
DEL MAR MESA SPECIFIC PLAN		
Open Space and Resource Management Element (cont.)		
<ul style="list-style-type: none"> • Where possible, roads within the preserve should be narrowed from existing design standards to minimize habitat fragmentation and disruption of wildlife movement and breeding areas. Roads must be located in lower quality habitat or disturbed areas to the extent possible. 		

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Google
 Source: Alden Environmental 2014; Google



Figure 5.1-1
Environmentally Sensitive Lands
 MERGE 56 DEVELOPMENT PROJECT

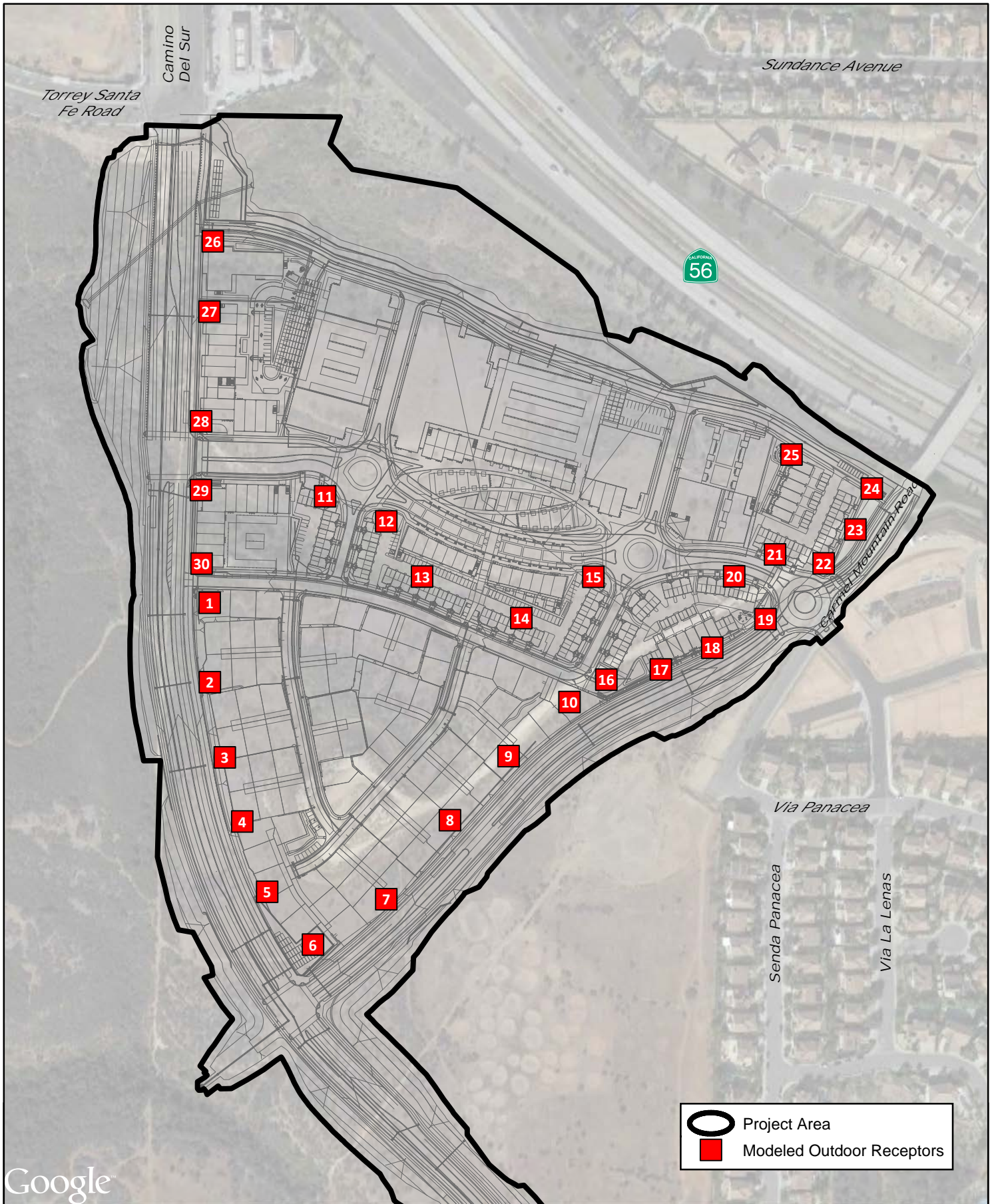


Source: SanGIS, City of San Diego, Google

Figure 5.1-2

MHPA





Google

Source: Ldn Consulting 2015; Google

Figure 5.1-3

Noise Receptor Locations

MERGE 56 DEVELOPMENT PROJECT



5.2 TRANSPORTATION/CIRCULATION

This section evaluates potential traffic impacts associated with the proposed project in the existing, near-term and long-term conditions. The following discussion is based on the Traffic Impact Study prepared by Linscott, Law & Greenspan, Engineers (LLG) dated January 2016. The study is included in its entirety in Appendix B.

5.2.1 Existing Conditions

Street system operating conditions are typically described in terms of level of service (LOS). LOS is a qualitative measure of a roadway's operating performance and of the motorists' perception of roadway performance, expressed as a letter designation from A to F, with A representing the best operating conditions and F the worst. This measure considers factors such as roadway geometrics, signal phasing, speed, travel delay, and freedom to maneuver. Unlike most street system analysis, the freeway ramp metering analysis is based on vehicle delay and queues, not LOS.

Intersection Level of Service Methodology

The resulting delay is expressed in terms of LOS, where LOS A represents free-flow activity and LOS F represents overcapacity operation. LOS is a qualitative assessment of the quantitative effects of such factors as traffic volume, roadway geometrics, speed, delay, and maneuverability on roadway and intersection operations. The relationship between LOS and delay is presented in Table 5.2-1, *LOS Criteria for Intersections*.

LOS	Delay per Vehicle (seconds)	
	Unsignalized Intersection	Signalized Intersection
A	≤10.0	≤10.0
B	>10.0 and ≤15.0	>10.0 and ≤20.0
C	>15.0 and ≤25.0	>20.0 and ≤35.0
D	>25.0 and ≤35.0	>35.0 and ≤55.0
E	>35.0 and ≤50.0	>55.0 and ≤80.0
F	>50.0	>80.0

≤ = less than or equal to
 > = greater than

Roadway Segment LOS Methodology

Street segments were analyzed based upon the comparison of average daily traffic (ADT) volumes to the roadway design capacity. The significance of a project's traffic is measured in terms of the change in volume to capacity (V/C) ratios caused by the addition of project traffic. Daily roadway link V/C ratios were determined using the theoretical daily capacities contained in the City's *Traffic Impact Study Manual*, July 1998. For purposes of this analysis, the daily volumes for roadways at LOS E were considered to represent the capacity of the roadway. Per the City's *Traffic Impact Study Manual*, LOS D represents the upper limit of satisfactory operations for roadway segments.

Freeway Mainline Analysis Methodology

The freeway mainline segments were analyzed based on a multi-lane highway LOS criteria using V/C ratios as outlined in the Highway Capacity Manual (HCM). The accepted methodology by Caltrans for the analysis of freeway mainline segments is outlined in the Caltrans *Guide for the Preparation of Traffic Impact Studies* (2002). The freeway mainline analysis consists of applying the Design Hour Factor (K) and the Directional Factor (D) to the daily trip along the freeway mainline. The K and D factors will provide AM and PM peak period volumes for each direction of the freeway. The peak period volumes are then compared to the capacity of the freeway segment. Caltrans endeavors to maintain a target LOS at the transition between LOS C and D on state highway facilities. Per the City's *Traffic Impact Study Manual*, LOS D is the upper limit of satisfactory operation for freeway mainline segments.

Freeway Ramp Metering Analysis

Metered freeway on-ramps with 20 or more peak period project trips were analyzed based on the methodology outlined in the City's *Traffic Impact Study Manual* for ramp metering. The ramp metering analysis consists of determining the delay with and without project trips. LOS is not assigned to this analysis. This analysis determines the average vehicle delay and vehicle queue at the ramp meter of the freeway on-ramp. Based on the City's *Traffic Impact Study Manual*, ramp meter delays greater than 15 minutes are not acceptable. In the absence of observed metered rate information, the City uses the most restrictive fixed ramp meter rate to determine the length of queues. The ramp metering analysis has been prepared using fixed ramp meter rate measured in vehicles per hour per lane (vphpl) based on information provided by Caltrans staff.

Per the City's *Traffic Impact Study Manual*, ramp meter delays of 15 minutes are the upper limit of satisfactory operations. Ramp meter delays above 15 minutes are considered excessive and would likely cause drivers to considering taking an alternative route or drive during an off-peak period. If the project causes a change in delay greater than one minute and downstream freeway at LOS F or two minutes and downstream freeway at LOS E, the impacts are deemed significant. It should be noted that the fixed rate approach is theoretical and can produce unrealistic projected queues and delays. Actual ramp metering is based on current freeway mainline conditions and is adjusted in real time based on the level of traffic on the mainline.

Traffic Study Area

The study area was based on the criteria identified in the City of San Diego *Traffic Impact Study Manual*. Based on these criteria, the traffic study must evaluate all adjacent intersections plus the first major signalized intersection in each direction of the site. In addition, the study area must include "all regionally significant arterial system segments and intersections, including mainline freeway locations, and on/off ramp intersections, where the project will add 50 or more peak hour trips in either direction to the adjacent street traffic." Based on these criteria, the project's study area consists of 22 intersections, 20 roadway segments, four freeway mainline segments and six freeway ramp meter locations along SR-56 that currently exist, as well as four planned or proposed roadway segments and seven future intersections.

The principal roadways in the project study area are described briefly below. Roadway classification was determined from a review of the *City of San Diego Street Design Manual* and field observations.

Figure 5.2-1, *Existing Conditions*, illustrates the existing transportation conditions in the traffic study area.

State Route 56 (SR-56) is an east/west four-lane freeway between Interstate 5 (I-5) and Interstate 15 (I-15) providing two travel lanes in each direction. SR-56 is planned to be widened to six lanes in the future; however, funding is not yet identified for this improvement and the widening is not programmed in the SANDAG Regional Transportation Plan until Year 2040.

Camino Del Sur is classified as a six-lane major road on the Torrey Highlands Community Plan from Carmel Valley Road to Torrey Santa Fe Road and a four-lane major road to its terminus with Park Village Road. From Carmel Valley Road to Highlands Village Place it is built as a four-lane divided roadway. From Highlands Village Place to the SR-56 Westbound Ramps additional lanes are provided for turning movements at the Carmel Valley Road intersections with Highlands Village Place and the Westbound Ramps, increasing the capacity along this portion of the roadway. Between the SR-56 Ramps and within the interchange, the roadway provides three travel lanes in the southbound direction and two northbound. From the SR-56 Eastbound Ramps to its current terminus at Torrey Santa Fe Road, this 350-foot road segment provides two northbound lanes with an auxiliary right-turn lane onto eastbound SR-56, and in the southbound direction provides one channelized turn lane onto Torrey Santa Fe Road and one into the gas station to the east. The roadway has a reserved paved width to stripe additional lanes meeting the standards for a six-lane major road along the segment from Carmel Valley Road to Torrey Santa Fe Road. The posted speed limit is 45 miles per hour (mph). Parking is not permitted, there are no bus stops located along the roadway, and bike lanes are provided.

Carmel Mountain Road is classified as a four-lane major roadway in the Torrey Highlands Community Plan from Sundance Avenue to its future connection with Camino Del Sur and is currently built as a two-lane undivided roadway from Sundance to Via Panacea. Bike lanes are not provided and curbside parking is not permitted along the segment. No posted speed limit was observed along this section of the roadway. From Sundance Avenue north to Paseo Montalban, the road is classified and currently built as a four-lane major road consistent with the Rancho Peñasquitos Community Plan. The posted speed limit is 40 mph. Parking is not permitted and bike lanes are provided. Bus stops are located intermittently along Carmel Mountain Road north of Rancho Peñasquitos Boulevard.

Black Mountain Road is classified as a four-lane major roadway in the Rancho Peñasquitos Community Plan from Carmel Valley Road to Twin Trails Drive. The roadway is classified as a six-lane primary arterial from Twin Trails Drive south to the Community Plan boundary. It is currently built as a four-lane divided roadway for its entirety. The posted speed limit ranges between 40-45 mph. Parking is not permitted and there are no bus stops located along the roadway; however, bike lanes are provided.

The classification of the segment of Black Mountain Road from Twin Trails Drive to the Community Plan boundary just north of Mercy Road is proposed by others to be downgraded on the Rancho Peñasquitos Community Plan from a six-lane primary arterial to maintain its current configuration as a four-lane major road. A CPA to downgrade this roadway classification in the Rancho Peñasquitos Community Plan was initiated on February 27, 2014 by Black Mountain Ranch, and is expected to go before City Council in 2016 (refer to Figure 6-1 in this EIR).

Sundance Avenue is an unclassified road in the Rancho Peñasquitos Community Plan area. It is currently built as a two-lane undivided roadway measuring 40-feet from curb-to-curb and providing curbside parking along both sides of the roadway. The posted speed limit is 25 mph. Traffic along the roadway is controlled by several stop signs that have effectively reduced the amount of cut-through traffic from Black Mountain Road to Carmel Mountain Road. Curbside parking is generally permitted and there are currently no bus stops or bike lanes along the roadway.

Park Village Road is classified and currently built as a four-lane major roadway in the Rancho Peñasquitos Community Plan. The posted speed limit is 45 mph. Parking is not permitted and bike lanes are provided.

Mercy Road from Black Mountain Road to I-15 is classified and currently built as a four-lane major roadway in the Mira Mesa Community Plan. Curbside parking is not permitted and bike lanes are provided. The posted speed limit is 50 mph.

Existing Intersection LOS Analysis

Existing morning (AM) and afternoon (PM) peak hour traffic volumes at key area intersections were collected on May 28 and May 29, 2014 when local schools were in session. Table 5.2-2, *Existing Intersection Operations*, summarizes the existing intersection operations in the project study area. As shown in the table, the following study area intersections currently operate at LOS E or F under existing conditions:

- Intersection #3. Camino Del Sur/Wolverine Way – LOS E (AM peak hour)
- Intersection #15. Carmel Mountain Road/SR-56 Westbound Ramps – LOS E (AM peak hour)
- Intersection #16. Carmel Mountain Road/SR-56 Eastbound Ramps – LOS E (PM peak hour)
- Intersection #17. Sundance Avenue/Twin Trails Drive – LOS E (AM peak hour)
- Intersection #18. Black Mountain Road/Twin Trails Drive – LOS E (AM peak hour)
- Intersection #19. Black Mountain Road/SR-56 Westbound Ramps – LOS F (AM peak hour)
- Intersection #20. Black Mountain Road/SR-56 Eastbound Ramps – LOS E/E (AM/PM peak hours)
- Intersection #21. Black Mountain Road/Park Village Road – LOS E/E (AM/PM peak hour)

Table 5.2-2 EXISTING INTERSECTION OPERATIONS				
Intersection	Control Type	Peak Hour	Existing	
			Delay^a	LOS^b
1. Carmel Valley Rd / Camino Del Sur	Signal	AM	34.5	C
		PM	34.0	C
2. Camino Del Sur / Watson Ranch Rd	Signal	AM	20.7	C
		PM	8.0	A
3. Camino Del Sur / Wolverine Way	Signal	AM	62.1	E
		PM	20.8	C
4. Camino Del Sur / Torrey Meadows Dr	Signal	AM	22.4	C
		PM	15.7	B
5. Camino Del Sur / Highlands Village Pl	Signal	AM	20.8	C
		PM	18.4	B
6. Camino Del Sur / SR-56 WB Ramps	Signal	AM	20.8	C
		PM	22.5	C
7. Camino Del Sur / SR-56 EB Ramps	Signal	AM	24.8	C
		PM	33.4	C
8. Camino Del Sur / Torrey Santa Fe Rd	Signal	AM	10.4	B
		PM	15.9	B
9. Camino Del Sur / Park Village Rd	Signal	AM	28.4	C
		PM	22.5	C
10. Carmel Mountain Rd / Sundance Ave	Signal	AM	21.5	C
		PM	23.1	C
11. Carmel Mountain Rd / Entreken Way	Signal	AM	23.8	C
		PM	13.8	B
12. Carmel Mountain Rd / Sparren Ave	Signal	AM	29.5	C
		PM	16.6	B
13. Carmel Mountain Rd / Twin Trails Dr	Signal	AM	35.5	D
		PM	17.8	B
14. Carmel Mountain Rd / Black Mountain Rd	Signal	AM	47.3	D
		PM	36.4	D
15. Carmel Mountain Rd / SR-56 WB Ramps	Signal	AM	55.6	E
		PM	49.5	D
16. Carmel Mountain Rd / SR-56 EB Ramps	Signal	AM	34.5	C
		PM	56.7	E
17. Sundance Ave / Twin Trails Dr	AWSC ^d	AM	39.0	E
		PM	26.2	D
18. Black Mountain Rd / Twin Trails Dr	Signal	AM	56.7	E
		PM	34.1	C
19. Black Mountain Rd / SR-56 WB Ramps	Signal	AM	82.4	F
		PM	38.4	D
20. Black Mountain Rd / SR-56 EB Ramps	Signal	AM	56.1	E
		PM	55.7	E
21. Black Mountain Rd / Park Village Rd	Signal	AM	58.1	E
		PM	59.3	E
22. Black Mountain Rd / Mercy Rd	Signal	AM	16.9	B
		PM	22.3	C

Existing Street Segment Volumes and LOS Analysis

Twenty four-hour street segment counts were collected on May 28 and 29, 2014 when local schools were in session. Table 5.2-3, *Existing Street Segment Operations*, summarizes the existing roadway segment operations. As seen in the table, one street segment operates at LOS E or F under existing conditions:

- Segment #11. Black Mountain Road from SR-56 Eastbound Ramps to Park Village Road – LOS E

Existing Freeway Mainline LOS Analysis

Freeway ADT volumes were obtained from the most recent Caltrans Traffic Census data, Year 2013. Table 5.2-4, *Existing Freeway Segment Operations*, summarizes the existing freeway mainline segment operations along the four freeway mainline segments studied in the Traffic Impact Analysis (TIA) (LLG 2016). All study area freeway mainline segments currently operate at LOS D or better under existing conditions. LLG noted that field observations indicate that there is reoccurring congestion in the westbound direction during the AM commute period and in the eastbound direction during the PM commute period. It is LLG's opinion that the congestion is due to the bottleneck at the SR-56 bridge over Darkwood Canyon and freeway capacity constraints west of Carmel Valley Road.

Existing Freeway Ramp Metering Analysis

The TIA studied the following six ramp meter locations along SR-56:

1. Camino Del Sur – Westbound On-Ramp (AM peak hour)
2. Camino Del Sur – Eastbound On-Ramp (PM peak hour)
3. Black Mountain Road – Westbound On-Ramp (AM peak hour)
4. Black Mountain Road – Eastbound On-Ramp (PM peak hour)
5. Rancho Peñasquitos Boulevard – Westbound On-Ramp (AM peak hour)
6. Rancho Peñasquitos Boulevard – Eastbound On-Ramp (PM peak hour)

The peak hour traffic volumes at these freeway ramps were derived from the ramp peak hour intersection turning movement counts conducted by LLG. Ramp volumes were validated against those provided directly by Caltrans and from the Caltrans Performance Measurement System (PeMS). As seen in Table 9-4 in the TIA, there is no delay at any of the study area on-ramps under existing conditions. The accuracy of the ramp meter calculations was verified by peak hour field reviews during September 2014 and July 2015.

Table 5.2-3 EXISTING STREET SEGMENT OPERATIONS					
Street Segment	Existing Capacity (LOS E)^a	Planned / Assumed Capacity (LOS E)^a	Existing		
			ADT^b	LOS^c	V/C^d
Camino Del Sur					
1. Carmel Valley Rd to Watson Ranch Rd	40,000	—	17,730	B	0.443
2. Wolverine Way to Torrey Meadows Dr	40,000	—	20,710	B	0.518
3. Highland Village Pl to SR-56 WB Ramps	40,000	—	25,920	C	0.648
4. Torrey Santa Fe Rd to Project Drwy	DNE	45,000 ^f	—	—	—
5. Project Drwy to Carmel Mountain Rd	DNE	40,000	—	—	—
6. Carmel Mountain Rd to Park Village Rd	DNE	15,000 ^g	—	—	—
Black Mountain Road					
7. Carmel Valley Rd to Maler Rd	40,000	—	12,300	A	0.308
8. Oviedo St to Carmel Mountain Rd	40,000	—	18,960	B	0.474
9. Carmel Mountain Rd to Paseo Montalban	40,000	—	14,740	A	0.369
10. Twin Trails Dr to SR-56 WB Ramps	40,000	—	33,490	D	0.837
11. SR-56 EB Ramps to Park Village Rd	40,000	—	35,440	E	0.886
12. Park Village Rd to Mercy Rd	40,000	—	30,380	D	0.760
Carmel Mountain Road					
13. Camino Del Sur to Via Las Lenas	DNE	15,000 ^g	—	—	—
14. Via Las Lenas to Sundance Ave ^f	10,000	10,000 ^g	1,240	A	0.124
15. Entreken Way to Sparren Ave	40,000	40,000	6,810	A	0.170
16. Twin Trails Dr to Black Mountain Rd	40,000	40,000	8,320	A	0.208
Sundance Avenue					
17. Carmel Mountain Rd to War Bonnet St	8,000 ^h	8,000 ^h	1,880	A	0.235
Park Village Road					
18. Camino Del Sur to Ragweed St	40,000	—	8,430	A	0.211
19. Ragweed St to Black Mountain Road	40,000	—	17,550	B	0.439
Mercy Road					
20. Black Mountain Rd to I-15 SB Ramps	40,000	—	19,850	B	0.496

**Table 5.2-4
 EXISTING FREEWAY SEGMENT OPERATIONS**

State Route 56 Freeway Segment	Dir.	# of Lanes ^a	Hourly Capacity ^b	Existing					
				Volume ^c		V/C ^d		LOS ^e	
				AM	PM	AM	PM	AM	PM
1. Carmel Valley Rd to Camino Del Sur	EB	2M	4,000	2,884	2,808	0.721	0.702	C	C
	WB	2M	4,000	3,490	1,485	0.873	0.371	D	A
2. Camino Del Sur to Black Mountain Rd	EB	2M	4,000	1,623	3,218	0.406	0.805	A	D
	WB	2M	4,000	2,829	1,813	0.707	0.453	C	B
3. Black Mountain Rd to Rancho Peñasquitos Blvd	EB	3M	6,000	2,267	3,058	0.378	0.510	A	B
	WB	2M+1A	5,200	3,170	1,720	0.610	0.331	B	A
4. Rancho Peñasquitos Blvd to I-15	EB	2M	4,000	2,284	2,750	0.571	0.688	B	C
	WB	2M	4,000	2,842	2,349	0.711	0.587	C	B

Source: LLG 2016

Footnotes:

- a. Lane geometry taken from PeMS lane configurations at corresponding post mile.
- b. Capacity calculated at 2000 vehicles per hour (vph) per mainline lane (pcphpl) and 1200 vph per lane for auxiliary lane from *Caltrans Guide for the Preparation of Traffic Impact Studies, Dec. 2002*.
- c. Existing peak hour volume taken from 2014 PeMS peak hour data.
- d. $V/C = (\text{Peak Hour Volume} / \text{Hourly Capacity})$
- e. Level of Service

General Note:

M = Mainline; A = Auxiliary

Existing Alternative Transportation System

Existing Bicycle Network

Based on the City's Bicycle Master Plan (July 2013) and field observations by LLG, there are Class II bike lanes provided on the entire length of most study area roadways including: Camino Del Sur, Black Mountain Road, and Park Village Road. There are no bike lanes provided on Sundance Avenue. On Carmel Mountain Road, Class II bike lanes are provided, with the exception of the segments of the roadway south of Sundance Avenue (western intersection) and from Paseo Montalban to Rancho Peñasquitos Boulevard, which is designated a Class III bike route. The SR-56 Bike Path, located immediately south of the freeway travel lanes, is a Class I separated bikeway that runs between I-5 and I-15 adjacent to and south of SR-56. The SR-56 Bike Path has a dedicated ramp connecting the facility to Carmel Mountain Road and an at-grade crossing exists at its intersection with Camino Del Sur. The Bicycle Master Plan also proposes Class II or III bikeways on the portions of Carmel Mountain Road and Camino Del Sur in the project vicinity that are not yet constructed (City 2013).

Existing Transit Services

Based on the most recent information from the San Diego Metropolitan Transit System (MTS) website, one bus line accesses the project area. Route 20 travels between the Del Lago Transit Station in Escondido and downtown San Diego. In the study area, Route 20 serves the Carmel Mountain Road/Rancho Peñasquitos Boulevard intersection within the study area. Service is Monday through Sunday with peak hour frequencies of around 15 minutes and off-peak frequencies between 30 and 60 minutes. No other public transit services occur in the study area.

Existing Pedestrian Facilities

Based on field observations, contiguous and non-contiguous sidewalks are generally provided on all study area street segments.

5.2.2 Impact

- Issue 1: Would the proposal result in an increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system?*
- Issue 2: Would the proposal result in the addition of a substantial amount of traffic to a congested freeway segment, interchange, or ramp?*
- Issue 3: Would the proposal have a substantial impact upon existing or planned transportation systems?*

Impact Thresholds

In accordance with the City's Significance Determination Thresholds (2011), traffic/circulation impacts would be significant if the project would result in any of the following conditions:

- Any intersection, roadway segment, or freeway segment affected by the project would operate at LOS E or F under either direct or cumulative conditions, and the project exceeds the thresholds shown in Table 5.2-5, *Traffic Significance Thresholds*; and/or
- A substantial amount of traffic would be added to a congested freeway segment, interchange, or ramp exceeding the values shown in Table 5.2-5.

Table 5.2-5 TRAFFIC SIGNIFICANCE THRESHOLDS						
Level of Service With Project*	Allowable Change Due to Project Impact**					
	Freeways		Roadway Segments		Intersections Delay (seconds)	Ramp Metering Delay (minutes)
	V/C	Speed (mph)	V/C	Speed (mph)		
E (or ramp meter delays above 15 minutes)	0.010	1.0	0.02	1.0	2.0	2.0
F (or ramp meter delays above 15 minutes)	0.005	0.5	0.01	0.5	1.0	1.0

Source: City of San Diego 2011

Note 1: The allowable increase in delay at a ramp meter with more than 15 minutes delay and freeway LOS E is 2 minutes.

Note 2: The allowable increase in delay at a ramp meter with more than 15 minutes delay and freeway LOS F is 1 minute.

* All LOS measurements are based upon HCM procedures for peak-hour conditions. However, V/C ratios for roadway segments are estimated on an ADT/24-hour traffic volume basis (using Table 2 of the City's Traffic Impact Study Manual) (1998). The acceptable LOS for freeways, roadways, and intersections is generally D (C for undeveloped locations). For metered freeway ramps, LOS does not apply. However, ramp meter delays above 15 minutes are considered excessive.

** If a proposed project's traffic causes the values shown in the table to be exceeded, the impacts are determined to be significant. The owner/permittee shall then identify feasible improvements (within the Traffic Impact Study) that will restore/and maintain the traffic facility at an acceptable LOS. If the LOS with the proposed project becomes unacceptable (see above * note), or if the project adds a significant amount of peak-hour trips to cause any traffic queues to exceed on- or off-ramp storage capacities, the owner/permittee shall be responsible for mitigating the project's direct significant and/or cumulatively considerable traffic impacts.

Impact Analysis

The project TIA (LLG 2016) analyzed future traffic conditions without and with the proposed Merge 56 Project, including the reclassified public roads. The following near-term and long-term traffic conditions or scenarios were examined:

Near Term

- Existing (outlined above in Section 5.2.1)
- Existing + Project
- Existing + Cumulative Projects
- Existing + Cumulative Projects + Project

Long Term

- Year 2035 Without Project
- Year 2035 + Project

A description of these analysis conditions is provided below. Table 5.2-6, *Roadway Network Scenarios*, contains a summary of the roadway network assumptions for each of the traffic conditions analyzed

in the TIA. Figure 5.2-2, *Project Conditions*, illustrates the roadway configuration in the project study area with the project in place during the Near-Term analysis. Figure 5.2-3, *Year 2035 Conditions*, illustrates the roadway conditions during the Long-Term analysis.

Existing + Project Conditions

Extension of Camino Del Sur and Carmel Mountain Road as part of the project, described in Section 3.0, *Project Description*, would create two new vital links within the Torrey Highlands and Rancho Peñasquitos street networks. These roadways would provide a more direct route for trips destined to/from SR-56 from Park Village Road and Carmel Mountain Road, reducing the number of trips along Park Village Road, Black Mountain Road, Sundance Avenue and Carmel Mountain Road. With the connection of these roadways and the more direct access to SR-56 at the Camino Del Sur interchange, it would be expected that existing drivers in the area would alter their travel patterns along study area roadways. In order to account for these changes in travel patterns attributable to these two new links, a portion of the existing residential trips from the communities north and south of SR-56 between Camino Del Sur and Black Mountain Road were rerouted from the SR-56/Black Mountain Road interchange to the SR-56/ Camino Del Sur interchange.

Specifically, the TIA assumed that approximately 35% of existing trips (or 4,700 ADT) originating from Twin Trails community residences along Carmel Mountain Road, Black Mountain Road and Sundance Avenue would reroute from the SR-56/Black Mountain Road interchange to the SR-56/Camino Del Sur interchange, reducing the number of trips along Carmel Mountain Road and Sundance Avenue that travel east toward the Black Mountain Road interchange. These trips would travel along the southwest portion of Carmel Mountain Road over SR-56 and use the proposed Private Drive M to reach the SR-56/Camino Del Sur interchange. As a result of this change in travel patterns, existing traffic volumes were rerouted through the Merge 56 project site via Private Drive M. In addition, it was assumed that approximately 25% of existing trips (6,900 ADT) along Park Village Road would reroute from the SR-56/Black Mountain Road interchange to the SR-56/Camino Del Sur interchange, reducing the number of trips along Park Village Road and Black Mountain Road. These trips would travel along the westerly portion of Park Village Road to the SR-56/Camino Del Sur interchange. Existing trips were rerouted according to this new travel pattern south of SR-56 as shown in Figure 5.2-4, *Existing + Rerouted Existing Traffic*. A detailed explanation of the re-routing assumptions is provided in Appendix B to this EIR.

**Table 5.2-6
 ROADWAY NETWORK SCENARIOS**

Planned Roadway Network	Analysis Scenario					
	Existing	Existing + Project	Existing + Cumulative Projects	Existing + Cumulative Projects + Project	Year 2035 Without Project	Year 2035 With Project
Freeway Segments						
SR-56: Six Lanes	Not Completed	Not Completed	Not Completed	Not Completed	Not Completed	Not Completed
Roadway Segments						
Camino Del Sur	Does Not Exist	Fully Constructed	Partially Constructed for Kilroy Access	Fully Constructed	Fully Constructed	Fully Constructed
Carmel Mountain Road	Partially Constructed	Fully Constructed	Partially Constructed	Fully Constructed	Fully Constructed	Fully Constructed
Torrey Meadows Drive Overcrossing	Does Not Exist	Does Not Exist	Fully Constructed	Fully Constructed	Fully Constructed	Fully Constructed
Private Drive "M" and Private Drive "T"	Does Not Exist	Fully Constructed	Does Not Exist	Fully Constructed	Does Not Exist	Fully Constructed
Intersections						
Camino Del Sur/ SR-56 Loop Ramps	Not Completed	Not Completed	Not Completed	Not Completed	Not Completed	Not Completed
Camino Del Sur/ Carmel Mountain Road	Does Not Exist	"T" Intersection	Does Not Exist	"T" Intersection	Fourth approach added	Fourth approach added
Camino Del Sur/ Private Drive "T"	Does Not Exist	Fully Constructed	Does Not Exist	Fully Constructed	Does Not Exist	Fully Constructed
Camino Del Sur/ Private Drive "M"/Kilroy Access	Does Not Exist	"T" Intersection for Merge 56 Access	"T" Intersection for Kilroy Access	Fully Constructed	"T" Intersection for Kilroy Access	Fully Constructed
Carmel Mountain Road/ Via Las Lenas/ Private Drive "M"	"T" intersection for Via Las Lenas	Fully Constructed	"T" intersection for Via Las Lenas	Fully Constructed	"T" intersection for Via Las Lenas	Fully Constructed
Camino Del Sur/ Private Drive "N"	Does Not Exist	Fully Constructed	Does Not Exist	Fully Constructed	Does Not Exist	Fully Constructed

Source: LLG 2016

General Notes:

1. Camino Del Sur network condition represents the planned extension from its current terminus at Torrey Santa Fe Road to its southerly connection just north of Dormouse Road.
2. Carmel Mountain Road network condition represents the planned extension from its intersection just south of Via Las Lenas to Camino Del Sur.
3. Torrey Meadows Drive Overcrossing network condition represents the connection of Torrey Meadows Drive over SR-56 to Torrey Santa Fe Road.
4. Private Drive "M" is a proposed on-site project roadway that would experience cut-through traffic between Camino Del Sur and Carmel Mountain Road.
5. Further details on the Kilroy Access intersection are provided in Section 10.0 of Appendix B.
6. "Fully Constructed" represents buildout construction of network improvements to their current Community Plan classification (refer to Appendix B).
7. The fourth approach to the Camino Del Sur/Carmel Mountain Road intersection would be constructed by the Rhodes and Grus Investments project (refer to Figure 6-1 in this EIR).

The Existing + Project condition represents the effect of project traffic on the existing street network at the time of traffic data collection (May 2014), without assuming either additional cumulative projects or additional road improvements beyond the existing conditions. However, since the Circulation Element Roads proposed as part of the project would provide new linkages between SR-56 for the existing community, the Existing + Rerouted Existing traffic volumes were used in the Existing + Project analysis.

The Existing + Project scenario is regarded as hypothetical because it assumes that the project would be fully built out immediately and the corresponding full buildout traffic volumes added to existing roadway volumes and infrastructure. Thus, the Existing + Project analysis presumes that the existing environment (existing traffic volumes, existing roadway infrastructure, and existing land uses) would not change over the long-term buildout of the project. As a result of this presumption, future increases in traffic volumes attributable to other development projects (i.e., cumulative traffic volumes) are not accounted for in the analysis. This results in the analysis potentially understating project impacts because capacity that otherwise would be utilized by future development that precedes the project buildout is now available to the project. On the other hand, because the scenario does not account for future planned roadway network improvements that would increase roadway capacities, the analysis potentially results in overstating project impacts. Furthermore, the analysis does not account for the corresponding changes in trip distribution patterns that accompany changing land uses, which could result in either understating or overstating impacts.

Existing + Cumulative Project Conditions

In addition to project traffic, two projects were identified as having the potential to produce additional trips within the near-term conditions in the project vicinity; specifically, the Kilroy Commercial Office Development and the KB Homes Residential Development (i.e., Units 1, 2 and 6 of the Rhodes Crossing Project) were assumed in the Near-Term analysis (refer to Figure 6-1 and Table 6-1 under the Cumulative discussion). Improvements to the roadway system would be necessary with the proposed development of the near-term cumulative projects. For instance, the Kilroy Development project is proposed along Camino Del Sur just south of Torrey Santa Fe Road. As part of the Kilroy Development project, it was assumed that Camino Del Sur would be partially constructed as a two-lane roadway from Torrey Santa Fe Road to its southerly access intersection. For the KB Homes Residential Development project, it was assumed that access intersections would be constructed along the existing portion of Carmel Mountain Road south of Sundance Avenue; however, Carmel Mountain Road would not extend beyond its current terminus. In addition to these minor roadway network improvements, traffic generated by the two cumulative projects was added to the baseline traffic volumes to determine the Existing + Cumulative Projects conditions anticipated in the Near-Term. An application for a development proposal has not been submitted to the City for the Rhodes and Grus Investment property adjacent to the Merge 56 Development Project; therefore, it was not assumed in the near-term conditions analyzed in the TIA.

Cumulative project traffic was assigned to the street system under two conditions: (1) No Project Network (i.e., no Camino Del Sur, Carmel Mountain Road, and Private Drive M) and (2) With Project Network (with Camino Del Sur, Carmel Mountain Road, and Private Drive "M"). The No Project Network condition was used as the baseline for the Cumulative projects-only traffic assignment and in the Existing + Cumulative Projects traffic volumes. For the Existing + Cumulative Projects + Project conditions, a certain percentage of the cumulative project traffic was rerouted to have access to

Camino Del Sur, Carmel Mountain Road, and Private Drive "M," which could be used to "cut through" the project site to access the Camino Del Sur/SR-56 interchange and Carmel Mountain Road would be improved to four-lane major road standards from Sundance Avenue to just north of the SR 56 overcrossing. Project traffic was then added to this latter scenario to develop the Existing + Cumulative Projects + Project traffic volumes (accounting for the rerouted trips).

Year 2035 + Project Conditions

The SANDAG 2050 RTP was adopted by the Board of Directors on October 28, 2011. In developing the RTP, the "Series 12" traffic forecast model series was prepared. The forecast model is completed in two stages. During the first stage, SANDAG produces a region-wide forecast based on existing demographic and economic trends. During the second stage, a sub-regional forecast is developed by working with local jurisdictions to understand existing and General Plan land use plans (including Community Plans). These land use plans then become an input to a sub-regional forecast model that uses data on existing development, future land use plans, proximity to existing job centers, past development patterns, and travel times to predict where growth is likely to occur in the future. The RTP traffic forecast model is the basis of the Year 2035 analysis presented in the TIA. Once the ADTs and peak hour volumes were forecasted, the Project assignment was added to the Year 2035 traffic volumes to arrive at Year 2035 With Project traffic volumes.

The Year 2035 street network assumptions are summarized in Table 5.2-6 and includes SR-56 as a four-lane facility (two eastbound, two westbound lanes) and Black Mountain Road as a four-lane major road. According to the SANDAG RTP and Rancho Peñasquitos Community Plan, SR-56 is planned to be a six-lane facility (three eastbound, three westbound lanes) and Black Mountain Road as a six-lane primary arterial. The SR-56 improvements to six lanes are not currently funded and not programmed in the RTP until 2040. In addition, the Black Mountain Road segment from Twin Trails Drive to the Community Plan boundary just north of Mercy Road is proposed to be downgraded on the Rancho Peñasquitos Community Plan to maintain its current configuration as a four-lane major road. An amendment to the Rancho Peñasquitos Community Plan to downgrade this roadway classification is proposed by Black Mountain Ranch and anticipated to go before City Council in 2016 (based on information provided by the consultant currently preparing that study). Therefore, neither the SR-56 nor Black Mountain Road widening projects were assumed to be in place in the Year 2035 analysis.

The Torrey Meadows Drive Overcrossing is an infrastructure project in the City which is assumed to be completed in the long-term analysis since engineering plans are currently under review and it is programmed for construction by the Year 2017. Completion of the proposed improvements to Camino Del Sur and Carmel Mountain Road would be assured by the project and these roadways were assumed to be built in the Year 2035 both with and without the traffic generated by the project land uses.

Other street network improvements are planned in the study area, including the widening of Camino Del Sur to six lanes and loop ramps at the SR-56/Camino Del Sur interchange. However, since these projects are either not fully funded and/or the timeline for funding is currently unknown, they were not assumed in the Year 2035 conditions.

Year 2050 Conditions

The Year 2050 street network assumptions are the same as described above for the Year 2035 scenario (see Table 5.2-6 for a summary of the key improvements in place). The Year 2035 conditions and impacts presented below also represent the Year 2050 traffic conditions since the Series 12 traffic model from SANDAG accounts for the traffic associated with all proposed land uses in the community plus ambient growth, as demonstrated in Section 12.0 of the TIA (refer to Appendix B for details).

Project Trip Generation

The TIA assumed the following land uses for the Merge 56 Development Project trip generation:

- *Commercial uses*– 15,000 square feet of drug store space; 9,000 square feet of retail space; 45,453 square feet of cinema; 101,284 square feet of community shopping center uses;
- *Office uses*– 296,263 square feet of office space;
- *Hotel*– 120-room hotel; and
- *Residential uses*– 84 single-family dwelling units; 47 affordable multi-family dwelling units and 111 townhomes.

The project trip generation from the worst-case land use scenario was determined using trip rates from the SDMC LDC, *Trip Generation Manual*. The maximum project trip generation is shown in Table 5.2-7, *Project Trip Generation*. As shown in the table, the project is calculated to generate a total of 19,468 ADT with 806 inbound/386 outbound trips during the AM peak hour and 929 inbound/1,166 outbound trips during the PM peak hour at the project driveways. The project trips were distributed to the street system as shown in Figure 5.2-5a, *Project Trip Distribution – Study Area*, and Figure 5.2-5b, *Project Trip Distribution – Project Area*. Project only traffic volumes are displayed on Figures 5.2-6a, *Project Traffic Volumes – Study Area*, and Figures 5.2-6b, *Project Traffic Volumes – Project Area*.

Intersection LOS Analysis

Existing + Project Conditions

Table 5.2-2 summarizes the Existing + Project intersection operations. The following study area intersections would operate at LOS E or F with the addition of project traffic:

- Intersection #3. Camino Del Sur / Wolverine Way – LOS E (AM peak hour)
- Intersection #15. Carmel Mountain Road / SR-56 Westbound Ramps – LOS E (AM peak hour)
- Intersection #16. Carmel Mountain Road / SR-56 Eastbound Ramps – LOS E (PM peak hour)
- Intersection #21. Black Mountain Road / Park Village Road – LOS E (PM peak hour)

Based on City significance criteria contained in Table 5.2-6, the project-induced change in intersection delay of less than 2.0 seconds for LOS E operating intersections would result in a less than significant impact (Table 5.2-2).

Existing + Cumulative Projects + Project Conditions

Table 5.2-8, *Near-Term Intersection Operations*, summarizes the Existing + Cumulative Projects intersection operations. As seen in the table, the following four study area intersections would operate at LOS E or F under Existing + Cumulative Projects conditions:

- Intersection #3. Camino Del Sur / Wolverine Way – LOS E (AM peak hour)
- Intersection #15. Carmel Mountain Road / SR-56 Westbound Ramps – LOS E (AM peak hour)
- Intersection #16. Carmel Mountain Road / SR-56 Eastbound Ramps – LOS E (PM peak hour)
- Intersection #21. Black Mountain Road / Park Village Road – LOS E (PM peak hour)

Figure 5.2-7, *Existing + Cumulative Projects + Project Traffic Volumes*, shows the project's traffic on top of existing and cumulative project traffic volumes. With project traffic added to the Existing + Cumulative Projects condition described above, none of the City significance criteria in Table 5.2-6 would be exceeded; therefore, less than significant impacts would result (refer to Table 5.2-8).

Year 2035 Conditions

Table 5.2-9, *Year 2035 Intersection Operations*, summarizes the Year 2035 Without Project intersection operations. As seen in the table, ten study area intersections would operate at LOS E or F under Year 2035 Without Project conditions:

- Intersection #3. Camino Del Sur / Wolverine Way – LOS E (AM peak hour)
- Intersection #6. Camino Del Sur / SR 56 WB Ramps – LOS E (PM peak hour)
- Intersection #7. Camino Del Sur / SR 56 EB Ramps – LOS F (PM peak hour)
- Intersection #14. Carmel Mountain Road / Black Mountain Road – LOS F/E (AM/PM peak hours)
- Intersection #15. Carmel Mountain Road / SR-56 WB Ramps – LOS E (AM peak hour)
- Intersection #16. Carmel Mountain Road / SR-56 EB Ramps – LOS F (PM peak hour)
- Intersection #18. Black Mountain Road / Twin Trails Dr – LOS E (AM peak hour)
- Intersection #19. Black Mountain Road / SR-56 WB Ramps – LOS F (AM peak hour)
- Intersection #20. Black Mountain Road / SR-56 EB Ramps – LOS E (AM peak hour)
- Intersection #21. Black Mountain Road / Park Village Road – LOS F/F (AM/PM peak hours)

**Table 5.2-7
 PROJECT TRIP GENERATION**

Land Use	Size		Daily Trip Ends (ADTs)		AM Peak Hour					PM Peak Hour				
			Rate ^a	Volume	% of ADT ^a	In:Out Split ^a	Volume			% of ADT ^a	In:Out Split ^a	Volume		
							In	Out	Total			In	Out	Total
Retail – Drug Store	15,000	SF	90/KSF ^b	1,350	4%	6:4	32	22	54	10%	5:5	68	67	135
Retail – Unnamed	9,000	SF	100/KSF	900	19%	5:5	86	85	171	18%	5:5	81	81	162
Retail – Cinema	45,453	SF	80/KSF	3,636	0.3%	9:1	10	1	11	8%	7:3	204	87	291
Hotel ^c	120	rooms	8/room	960	5%	6:4	29	19	48	7%	6:4	40	27	67
Retail – Community Shopping Center														
Fitness	21,885	SF	—	—	—	—	—	—	—	—	—	—	—	—
Grocery	29,573	SF	—	—	—	—	—	—	—	—	—	—	—	—
Market Hall	10,564	SF	—	—	—	—	—	—	—	—	—	—	—	—
Other Retail	39,262	SF	—	—	—	—	—	—	—	—	—	—	—	—
<i>Subtotal Community Shopping Center</i>	<i>101,284</i>	<i>SF</i>	<i>70/KSF</i>	<i>7,090</i>	<i>3%</i>	<i>6:4</i>	<i>128</i>	<i>85</i>	<i>213</i>	<i>10%</i>	<i>5:5</i>	<i>355</i>	<i>354</i>	<i>709</i>
Subtotal Retail + Hotel	161,737	SF	—	—	—	—	285	212	272	—	—	748	616	1,364
Office	296,263	SF	^d	3,838	15%	9:1	518	58	576	15%	1:9	58	518	576
Mixed Use Reduction (3% ADT, 5% AM, 4% PM)				(115)	—	—	(26)	(3)	(29)	—	—	(2)	(21)	(23)
Subtotal Office (with Mixed Use Reduction)				3,722	—	—	492	55	547	—	—	56	497	553
Residential														
Single Family	84	DU ^e	10/DU	840	8%	2:8	13	54	67	10%	7:3	59	25	84
Affordable Units	47	DU	6/DU	282	8%	2:8	5	18	23	9%	7:3	18	7	25
Townhomes	111	DU	8/DU	888	8%	2:8	14	57	71	10%	7:3	62	27	89
<i>Subtotal Residential</i>	<i>242</i>	<i>DU</i>	—	<i>2,010</i>	—	—	<i>32</i>	<i>129</i>	<i>161</i>	—	—	<i>139</i>	<i>59</i>	<i>198</i>
Mixed Use Reduction (10% ADT, 8% AM, 10% PM)				(201)	—	—	(3)	(10)	(13)	—	—	(14)	(6)	(20)
Subtotal Residential (with Mixed Use Reduction)				1,809	—	—	29	119	148	—	—	125	53	178
Total Project				19,468	—	—	806	386	1,192	—	—	929	1,166	2,095

Source: LLG 2016

Footnotes:

- a. Rates are based on City of San Diego's Trip Generation Rate Summary Table.
- b. KSF – 1,000 Square Feet
- c. Proposed Hotel to be 54,000 square feet
- d. $\ln(T) = 0.756 \ln(x) + 3.95$; where x is the Gross Floor Area in KSF
- e. DU – Dwelling Unit

**Table 5.2-8
 NEAR-TERM INTERSECTION OPERATIONS**

Intersection	Control Type	Peak Hour	Existing + Cumulative Projects		Existing + Cumulative Projects + Project		Δ^c Delay	Sig?
			Delay ^a	LOS ^b	Delay	LOS		
1. Carmel Valley Rd / Camino Del Sur	Signal	AM	34.6	C	36.9	D	2.3	No
		PM	34.0	C	35.4	D	1.4	
2. Camino Del Sur / Watson Ranch Rd	Signal	AM	21.0	C	22.0	C	1.0	No
		PM	8.0	A	8.2	A	0.2	
3. Camino Del Sur / Wolverine Way	Signal	AM	64.8	E	65.7	E	0.9	No
		PM	20.8	C	24.0	C	3.2	
4. Camino Del Sur / Torrey Meadows Dr	Signal	AM	22.9	C	23.6	C	0.7	No
		PM	17.2	B	21.3	C	4.1	
5. Camino Del Sur / Highlands Village Pl	Signal	AM	21.2	C	21.5	C	0.3	No
		PM	18.4	B	18.7	B	0.3	
6. Camino Del Sur / SR-56 WB Ramps	Signal	AM	23.4	C	34.2	C	10.8	No
		PM	24.9	C	34.7	C	9.8	
7. Camino Del Sur / SR-56 EB Ramps	Signal	AM	23.6	C	27.8	C	4.2	No
		PM	38.7	D	45.7	D	7.0	
8. Camino Del Sur / Torrey Santa Fe Rd	Signal	AM	17.6	B	20.3	C	2.7	No
		PM	30.4	C	40.2	D	9.8	
9. Camino Del Sur / Park Village Rd	Signal	AM	28.5	C	30.8	C	2.3	No
		PM	22.8	C	25.6	C	2.8	
10. Carmel Mountain Rd / Sundance Ave	Signal	AM	18.2	B	14.5	B	(3.7)	No
		PM	21.2	C	11.5	B	(9.7)	
11. Carmel Mountain Rd / Entreken Way	Signal	AM	23.6	C	24.5	C	0.9	No
		PM	13.1	B	11.7	B	(1.4)	
12. Carmel Mountain Rd / Sparren Ave	Signal	AM	30.7	C	28.1	C	(2.6)	No
		PM	16.6	B	30.3	C	13.7	
13. Carmel Mountain Rd / Twin Trails Dr	Signal	AM	42.9	D	32.5	C	(10.4)	No
		PM	18.3	B	20.7	C	2.4	
14. Carmel Mountain Rd / Black Mountain Rd	Signal	AM	48.3	D	50.5	D	2.2	No
		PM	37.6	D	38.8	D	1.2	
15. Carmel Mountain Rd / SR-56 WB Ramps	Signal	AM	56.7	E	57.6	E	0.9	No
		PM	49.6	D	50.6	D	1.0	

**Table 5.2-8 (cont.)
 NEAR-TERM INTERSECTION OPERATIONS**

Intersection	Control Type	Peak Hour	Existing + Cumulative Projects		Existing + Cumulative Projects + Project		Δ^c Delay	Sig?
			Delay ^a	LOS ^b	Delay	LOS		
16. Carmel Mountain Rd / SR 56 EB Ramps	Signal	AM	35.5	D	37.0	D	1.5	No
		PM	61.0	E	62.6	E	1.6	
17. Sundance Ave / Twin Trails Dr	AWSC ^d	AM	40.6	E	21.4	C	(19.2)	No
		PM	31.0	D	14.5	B	(16.5)	
18. Black Mountain Rd / Twin Trails Dr	Signal	AM	65.5	E	43.3	D	(22.2)	No
		PM	34.6	C	34.3	C	(0.3)	
19. Black Mountain Rd / SR-56 WB Ramps	Signal	AM	111.0	F	52.1	D	(58.9)	No
		PM	39.8	D	37.9	D	(1.9)	
20. Black Mountain Rd / SR-56 EB Ramps	Signal	AM	71.2	E	49.0	D	(22.2)	No
		PM	82.4	F	32.0	C	(50.4)	
21. Black Mountain Rd / Park Village Rd	Signal	AM	61.2	E	54.1	D	(7.1)	No
		PM	60.8	E	59.2	E	(1.6)	
22. Black Mountain Rd / Mercy Rd	Signal	AM	17.2	B	17.7	B	0.5	No
		PM	23.4	C	37.0	D	13.6	

Source: LLG 2016.

Footnotes:

- a. Average delay expressed in seconds per vehicle.
- b. Level of Service
- c. Δ denotes the increase in delay due to Project.
- d. All-Way Stop Controlled intersection. Average intersection delay reported.

General Notes:

- 1. Sig = Significant impact, yes or no.
- 2. Improvement in delay due to rerouting of existing traffic with connection of Camino Del Sur and Carmel Mountain Road and onsite Project roadways connecting to the SR-56 / Camino Del Sur interchange.

Figure 5.2-8, *Year 2035 + Project Traffic Volumes*, is a graphic depiction of the long-term traffic volumes with the project in place. As seen in Table 5.2-9, several of the same intersections plus two additional intersections would operate at LOS E or F under Year 2035 With Project conditions. Significant cumulative impacts would occur at six intersections in the project area where project-induced changes in delay would be greater than 2.0 seconds for LOS E operating intersections and greater than 1.0 seconds for LOS F operating intersections (Table 5.2-9).

It should be noted that a CPA under review at the City to downgrade the road classification for Black Mountain Road from six-lane prime arterial (between Twin Trails Drive to the Community Plan boundary) to remain at its four-lane major road classification. If this classification downgrade is approved by the City, LOS E/F operations along this section of Black Mountain Road would be considered cumulatively significant and unmitigated because the road would not have sufficient long-term capacity, as discussed below under Mitigation, Monitoring, and Reporting. Cumulative impacts are addressed further in Section 6.0, *Cumulative Impacts*, of the EIR.

**Table 5.2-9
 YEAR 2035 INTERSECTION OPERATIONS**

Intersection	Control Type	Peak Hour	Year 2035 Without Project		Year 2035 With Project		Δ^c Delay	Sig?
			Delay ^a	LOS ^b	Delay	LOS		
1. Carmel Valley Rd / Camino Del Sur	Signal	AM	52.1	D	54.2	D	2.1	No
		PM	39.4	D	41.7	D	2.3	
2. Camino Del Sur / Watson Ranch Rd	Signal	AM	26.0	C	29.5	C	3.5	No
		PM	9.4	A	9.7	A	0.3	
3. Camino Del Sur / Wolverine Way	Signal	AM	55.6	E	57.0	E	1.4	No
		PM	27.1	C	29.5	C	2.4	
4. Camino Del Sur / Torrey Meadows Dr	Signal	AM	28.5	C	29.4	C	0.9	No
		PM	24.7	C	26.1	C	1.4	
5. Camino Del Sur / Highlands Village Pl	Signal	AM	22.4	C	23.3	C	0.9	No
		PM	20.7	C	21.3	C	0.6	
6. Camino Del Sur / SR-56 WB Ramps	Signal	AM	33.5	C	52.8	D	19.3	Yes
		PM	38.7	D	69.2	E	30.5	
7. Camino Del Sur / SR-56 EB Ramps	Signal	AM	29.8	C	41.2	D	11.4	Yes
		PM	45.4	D	81.6	F	36.2	
8. Camino Del Sur / Torrey Santa Fe Rd	Signal	AM	21.5	C	24.6	C	3.1	No
		PM	38.1	D	44.7	D	6.6	
9. Camino Del Sur / Park Village Rd	Signal	AM	30.8	C	32.0	C	1.2	No
		PM	26.4	C	31.0	C	4.6	
10. Carmel Mountain Rd / Sundance Ave	Signal	AM	13.8	B	13.3	B	(0.5)	No
		PM	12.2	B	12.4	B	0.2	
11. Carmel Mountain Rd / Entreken Way	Signal	AM	27.8	C	28.7	C	0.9	No
		PM	14.2	B	13.1	B	(1.1)	
12. Carmel Mountain Rd / Sparren Ave	Signal	AM	28.2	C	33.0	C	4.8	No
		PM	27.0	C	28.9	C	1.9	
13. Carmel Mountain Rd / Twin Trails Dr	Signal	AM	47.4	D	52.6	D	5.2	No
		PM	23.8	C	27.5	C	3.7	
14. Carmel Mountain Rd / Black Mountain Rd	Signal	AM	82.2	F	86.9	F	4.7	Yes
		PM	57.0	E	57.8	E	0.8	
15. Carmel Mountain Rd / SR-56 WB Ramps	Signal	AM	63.3	E	65.2	E	1.9	No
		PM	51.6	D	52.1	D	0.5	
16. Carmel Mountain Rd / SR-56 EB Ramps	Signal	AM	50.0	D	53.0	D	3.0	No
		PM	75.6	F ^f	76.3	F ^f	0.7	

**Table 5.2-9 (cont.)
 YEAR 2035 INTERSECTION OPERATIONS**

Intersection	Control Type	Peak Hour	Year 2035 Without Project		Year 2035 With Project		Δ^c Delay	Sig?
			Delay ^a	LOS ^b	Delay	LOS		
17. Sundance Ave / Twin Trails Dr	AWSC ^d	AM	31.2	D	34.3	D	3.1	No
		PM	17.0	C	18.6	C	1.6	
18. Black Mountain Rd / Twin Trails Dr	Signal	AM	79.9	E	80.2	F	0.3	No
		PM	41.6	D	42.9	D	1.3	
19. Black Mountain Rd / SR-56 WB Ramps	Signal	AM	>100.0	F	>100.0	F	>1.0	Yes ^e
		PM	44.0	D	47.4	D	3.4	
20. Black Mountain Rd / SR-56 EB Ramps	Signal	AM	63.8	E	68.7	E	4.9	Yes ^e
		PM	41.0	D	49.4	D	8.4	
21. Black Mountain Rd / Park Village Rd	Signal	AM	76.3	E	82.6	F	6.3	Yes ^e
		PM	86.3	F	>100.0	F	>1.0	
22. Black Mountain Rd / Mercy Rd	Signal	AM	20.2	C	20.6	C	0.4	No
		PM	33.6	C	49.9	D	16.3	

Source: LLG 2016

Footnotes:

- a. Average delay expressed in seconds per vehicle.
- b. Level of Service
- c. Δ denotes the increase in delay due to Project.
- d. AWSC – All Way Stop Controlled intersection. Average intersection delay reported
- e. If Black Mountain Road from Twin Trails Drive to the Community Plan boundary is downgraded to remain four lanes, impacts to this LOS E/F segment would be considered I significant and unmitigated.
- f. Level of Service F is not acceptable for intersection approaches except for side streets on an interconnected arterial system. The prevailing standard of practice is that for LOS F at any approach, the intersection should be considered to be LOS F, even if the average intersection delay is less than LOS F thresholds.

General Notes:

Sig = Significant impact, yes or no.

Bold typeface and **shading** represents a significant impact.

Street Segment LOS Analysis

Existing + Project Conditions

Table 5.2-3 summarizes the Existing + Project street segment operations from the TIA. With the addition of Project traffic, all study area street segments would operate at LOS D or better. Therefore, based on City of San Diego significance criteria in Table 5.2-6, no significant direct impacts to street segments were calculated with the addition of Project traffic.

Existing + Cumulative Projects + Project Conditions

Table 5.2-10, *Near-Term Street Segment Operations*, summarizes the Existing + Cumulative Projects street segment operations without the project in place. As shown in the table, one study area street segment would operate at LOS E or F under Existing + Cumulative Projects conditions.

With the addition of project trips, the segment of Black Mountain Rd from SR-56 Eastbound Ramps to Park Village Road (i.e., #11) would operate as LOS D (Table 5.2-10). This improvement in LOS would be due to the rerouting of existing traffic upon the connection of Camino Del Sur and Carmel Mountain Road and onsite project roadways providing more convenient access to the SR-56/Camino Del Sur interchange. Therefore, no significant direct impacts to street segments would occur during the Existing + Cumulative Projects + Project (or Near-term) conditions.

Year 2035 Conditions

Table 5.2-11, *Year 2035 Street Segment Operations*, summarizes the Year 2035 Without Project street segment operations. As seen in the table, one study area street segment would operate at LOS E or F under Year 2035 Without Project conditions.

Under the Year 2035 With Project conditions, two study area street segments would operate at LOS E or F conditions with the addition of project traffic (Table 5.2-11):

- Segment #11. Black Mountain Road from SR-56 Eastbound Ramps to Park Village Road – LOS F
- Segment #12. Black Mountain Road from Park Village Road to Mercy Road – LOS E

Based on City of San Diego significance criteria, the addition of project traffic would produce a change in V/C that would be greater than 0.02 for LOS E operating street segments and greater than 0.01 for LOS F operating street segments; therefore, significant cumulative traffic impacts are identified at the above two locations. As noted earlier under Year 2035 intersection operations, a CPA is in progress to downgrade the classification of Black Mountain Road from Twin Trails Drive to the Community Plan boundary to remain at its current classification as a Four-Lane Major Road. If the classification downgrade is approved by the City, LOS E/F operations along the affected segments of Black Mountain Road would not improve and project impacts would be considered cumulatively significant and unmitigated due to the lack of street segment capacity, as discussed in Section 6.0, *Cumulative Impacts*, in this EIR and detailed under *Mitigation, Monitoring and Reporting*.

Freeway Mainline LOS Analysis

Existing + Project Conditions

Table 5.2-4 shows the V/C freeway segment analyses for the Existing + Project freeway operations. With the addition of project traffic, all study area freeway mainline segments would continue to operate at LOS D or better during both the AM and PM peak hours, and no significant direct impacts would occur.

Existing + Cumulative Projects + Project Conditions

Table 5.2-12, *Near-Term Freeway Segment Operations*, shows that the study area freeway mainline segments would operate at LOS D or better under Existing + Cumulative Projects conditions. With the addition of project traffic to the Existing + Cumulative Projects condition, the freeway mainline segments would continue to operate at LOS D or better. As such, the City significance criteria contained in Table 5.2-5 would not be exceeded, and no significant impacts to freeway mainline segments would occur.

**Table 5.2-10
 NEAR-TERM STREET SEGMENT OPERATIONS**

Street Segment	Existing Capacity (LOS E) ^a	Planned/ Assumed Capacity (LOS E) ^a	Existing + Cumulative Projects			Existing + Cumulative Projects + Project			Project Volumes	Δ ^e V/C	Sig?
			ADT ^b	LOS ^c	V/C ^d	ADT	LOS	V/C			
Camino Del Sur											
1. Carmel Valley Rd to Watson Ranch Rd	40,000	—	18,150	B	0.454	19,903	B	0.498	1,753	0.044	No
2. Wolverine Way to Torrey Meadows Dr	40,000	—	21,180	C	0.530	23,322	C	0.583	2,142	0.053	No
3. Highland Village Pl to SR-56 WB Ramps	40,000	—	26,600	C	0.665	29,521	C	0.738	2,921	0.073	No
4. Torrey Santa Fe Rd to Project Drwy ^f	DNE	45,000 ^f	5,260	B	0.526	24,653	B	0.547	13,433	0.022	No
5. Project Drwy to Carmel Mountain Rd	DNE	40,000	—	—	—	6,009	A	0.150	1,169	—	No
6. Carmel Mountain Rd to Park Village Rd	DNE	15,000 ^g	—	—	—	6,088	B	0.406	1,558	—	No
Black Mountain Road											
7. Carmel Valley Rd to Maler Rd	40,000	—	12,440	A	0.311	12,830	A	0.321	390	0.010	No
8. Oviedo St to Carmel Mountain Rd	40,000	—	19,100	B	0.478	19,490	B	0.487	390	0.009	No
9. Carmel Mountain Rd to Paseo Montalban	40,000	—	15,060	B	0.377	12,290	A	0.307	390	(0.070)	No
10. Twin Trails Dr to SR-56 WB Ramps	40,000	—	34,630	D	0.866	30,680	D	0.767	0	(0.099)	No
11. SR-56 EB Ramps to Park Village Rd	40,000	—	36,530	E	0.913	33,947	D	0.849	1,947	(0.064)	No
12. Park Village Rd to Mercy Rd	40,000	—	31,210	D	0.780	33,487	D	0.837	2,337	0.057	No
Carmel Mountain Road											
13. Camino Del Sur to Via Las Lenas	DNE	15,000 ^g	—	—	—	1,539	A	0.103	1,169	—	No
14. Via Las Lenas to Sundance Ave ^g	10,000	—	2,090	A	0.209	8,785	D	0.879	3,115	0.670	No
15. Entreken Way to Sparren Ave	40,000	—	7,380	A	0.185	11,896	A	0.297	2,726	0.112	No
16. Twin Trails Dr to Black Mountain Rd	40,000	—	8,820	A	0.221	7,683	A	0.192	1,753	(0.029)	No
Sundance Avenue											
17. Carmel Mountain Rd to War Bonnet St	8,000 ^h	—	2,300	A	0.288	2,500	A	0.313	390	0.025	No

Table 5.2-10 (cont.) NEAR-TERM STREET SEGMENT OPERATIONS											
Street Segment	Existing Capacity (LOS E) ^a	Planned / Assumed Capacity (LOS E) ^a	Existing + Cumulative Projects			Existing + Cumulative Projects + Project			Project Volumes	Δ ^e V/C	Sig?
			ADT ^b	LOS ^c	V/C ^d	ADT	LOS	V/C			
Park Village Road											
18. Camino Del Sur to Ragweed St	40,000	—	8,540	A	0.214	8,244	A	0.206	974	(0.008)	No
19. Ragweed St to Black Mountain Road	40,000	—	17,810	B	0.445	14,345	A	0.359	585	(0.086)	No
Mercy Road											
20. Black Mountain Rd to I-15 SB Ramps	40,000	—	20,460	B	0.512	21,958	C	0.549	1,558	0.037	No

Source: LLG 2016.

Footnotes:

- a. Capacities based on City of San Diego's Roadway Classification & LOS table (See Appendix S in TIA).
- b. Average Daily Traffic
- c. Level of Service
- d. Volume to Capacity (V/C) ratio
- e. Δ denotes a Project-induced increase in the V/C ratio
- f. Camino Del Sur from Torrey Santa Fe Drive to the project access built as a two-lane roadway under Existing + Cumulative Project conditions providing access to the Kilroy project. With the completion of the proposed Project, this roadway is assumed to be a four-lane major arterial with intersection enhancements providing for an LOS E capacity of 45,000 ADT.
- g. The "Planned Capacity" shown reflects the changes to the Community Plan roadway classifications/capacities proposed by the Project. The Project proposes a CPA to downgrade these roadways from Four-Lane Major Arterials with a 40,000 ADT capacity to a Two-Lane Modified Collector with a raised center median with an LOS E capacity of 15,000 ADT. The portion of Carmel Mountain Road north of SR 56 to Sundance would remain an undivided two-lane road with an LOS E capacity of 10,000 ADT.
- h. Sundance Avenue is currently built to two-lane Collector standards with a 40' curb-to-curb width providing an LOS E capacity of 8,000 ADT.

General Notes:

Sig = Significant impact, yes or no.
 Improvement in V/C due to rerouting of existing traffic with connection of Camino Del Sur and Carmel Mountain Road and onsite Project roadways connecting to the SR-56 / Camino Del Sur interchange.

**Table 5.2-11
 YEAR 2035 STREET SEGMENT OPERATIONS**

Street Segment	General Plan Capacity	Existing / Assumed Capacity (LOS E) ^a	Year 2035 Without Project			Year 2035 With Project			Project Volumes	Δ ^e V/C	Sig?
			ADT	LOS	V/C	ADT	LOS	V/C			
Camino Del Sur^f											
1. Carmel Valley Rd to Watson Ranch Rd	50,000	40,000	18,430	B	0.461	20,183	B	0.505	1,753	0.044	No
2. Wolverine Way to Torrey Meadows Dr	50,000	40,000	19,200	B	0.480	21,342	C	0.534	2,142	0.054	No
3. Highlands Village Pl to SR-56 WB Ramps	50,000	40,000	29,770	C	0.744	32,691	D	0.817	2,921	0.073	No
4. Torrey Santa Fe Rd to Project Drwy	40,000	45,000	13,550	A	0.339	26,983	C	0.600	13,433	0.261	No
5. Project Drwy to Carmel Mountain Rd	40,000	40,000	12,280	A	0.307	13,449	A	0.336	1,169	0.029	No
6. Carmel Mountain Rd to Park Village Rd	10,000	15,000	6,870	C	0.458	8,428	C	0.562	1,558	0.104	No
Black Mountain Road											
7. Carmel Valley Rd to Maler Rd	40,000	40,000	20,100	B	0.503	20,490	B	0.512	390	0.009	No
8. Oviedo St to Carmel Mountain Rd	40,000	40,000	25,000	C	0.625	25,390	C	0.635	390	0.010	No
9. Carmel Mountain Rd to Paseo Montalban	40,000	40,000	13,900	A	0.348	14,290	A	0.357	390	0.009	No
10. Twin Trails Dr to SR-56 WB Ramps	60,000	40,000	32,180	D	0.805	32,180	D	0.805	0	0.000	No
11. SR-56 EB Ramps to Park Village Rd	60,000	40,000	38,920	E	0.973	40,867	F	1.022	1,947	0.049	Yes^f
12. Park Village Rd to Mercy Rd	60,000	40,000	34,300	D	0.858	36,637	E	0.916	2,337	0.058	Yes^f
Carmel Mountain Road											
13. Camino Del Sur to Via Las Lenas	40,000	15,000 ^{f, g}	5,500	B	0.367	6,669	C	0.445	1,169	0.078	No
14. Via Las Lenas to Sundance Ave	40,000	10,000 ^g	4,700	B	0.470	7,815	D	0.782	3,115	0.312	No
15. Entreen Way to Sparren Ave	40,000	40,000	3,600	A	0.090	6,326	A	0.158	2,726	0.068	No
16. Twin Trails Dr to Black Mountain Rd	40,000	40,000	8,280	A	0.207	10,033	A	0.251	1,753	0.044	No

**Table 5.2-11 (cont.)
 YEAR 2035 STREET SEGMENT OPERATIONS**

Street Segment	General Plan Capacity ^a	Existing / Assumed Capacity (LOS E) ^a	Year 2035 Without Project			Year 2035 With Project			Project Volumes	Δ ^e V/C	Sig?
			ADT ^b	LOS ^c	V/C ^d	ADT	LOS	V/C			
Sundance Avenue											
17. Carmel Mountain Rd to War Bonnet St	8,000 ⁱ	8,000 ⁱ	1,090	A	0.1369	1,480	A	0.185	390	0.049	No
Park Village Road											
18. Camino Del Sur to Ragweed St	40,000	40,000	8,600	A	0.215	9,574	A	0.239	974	0.024	No
19. Ragweed St to Black Mountain Rd	40,000	40,000	15,230	B	0.381	15,815	B	0.395	585	0.014	No
Mercy Road											
20. Black Mountain Rd to I-15 SB Ramps	40,000	40,000	20,880	B	0.522	22,438	C	0.561	1,558	0.039	No

Source: LLG 2016

Footnotes:

- a. Capacities based on City of San Diego's Roadway Classification & LOS table(See Appendix B). Existing capacities used in the street segment analysis except where changes are proposed as part of the project.
- b. Average Daily Traffic
- c. Level of Service
- d. Volume to Capacity ratio
- e. Δ denotes a Project-induced increase in the Volume to Capacity ratio
- f. Camino Del Sur from Torrey Santa Fe Road to Private Drive M would be built as a two-lane roadway under Existing + Cumulative Conditions providing access to the Kilroy project (see Table 5.2-6). With the completion of the project, the roadway would be a four-lane major arterial with intersection enhancements providing for an LOS E capacity of 45,000 ADT.
- g. The assumed capacity reflects the changes to the community plan roadway classifications described in Section 3.0. *Project Description*, of this EIR.
- h. If Black Mountain Road from Twin Trails Drive to the Community Plan boundary is downgraded by others to remain four lanes, impacts to the segment would be considered cumulatively significant and unmitigated.
- i. Sundance Avenue is currently built to two-lane collector standards (see Table 5.2-6).

General Notes:

Sig = Significant impact, yes or no.

Bold typeface and **shading** represents a significant impact.

**Table 5.2-12
 NEAR-TERM FREEWAY SEGMENT OPERATIONS**

Freeway Segment	Travel Direction	# of Lanes ^a	Hourly Capacity ^b	Existing + Cumulative Projects						Project Volumes		Existing + Cumulative Projects + Project						Δ V/C ^f		Sig?
				Volume ^c		V/C ^d		LOS ^e				Volume		V/C		LOS				
				AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	
1. Carmel Valley Rd to Camino Del Sur	EB	2M	4,000	3,053	2,861	0.763	0.715	C	C	145	167	3,186	3,025	0.797	0.756	C	C	0.034	0.041	No
	WB	2M	4,000	3,520	1,650	0.880	0.413	D	B	69	210	3,588	1,848	0.897	0.462	D	B	0.017	0.049	No
2. Camino Del Sur to Black Mountain Rd	EB	2M	4,000	1,666	3,572	0.417	0.893	B	D	116	350	1,662	3,356	0.416	0.839	B	D	(0.001)	(0.054)	No
	WB	2M	4,000	3,198	1,904	0.800	0.476	C	B	242	279	2,902	1,965	0.726	0.491	C	B	(0.074)	0.015	No
3. Black Mountain Rd to Rancho Peñasquitos Blvd	EB	3M	6,000	2,305	3,230	0.384	0.538	A	B	77	233	2,385	3,353	0.398	0.559	A	B	0.013	0.021	No
	WB	2M+1A	5,200	3,348	1,781	0.644	0.343	C	A	161	186	3,492	1,963	0.672	0.378	C	A	0.028	0.035	No
4. East of Rancho Peñasquitos Blvd	EB	2M	4,000	2,318	2,887	0.580	0.722	B	C	65	198	2,386	2,975	0.597	0.744	B	C	0.017	0.022	No
	WB	2M	4,000	2,983	2,402	0.746	0.601	C	B	137	158	3,103	2,556	0.776	0.639	C	C	0.030	0.038	No

Source: LLG 2016

Footnotes:

- a. Lane geometry taken from PeMS lane configurations at corresponding post mile.
- b. Capacity calculated at 2000 vehicles per hour (vph) per mainline lane (pcphpl) and 1200 vph per lane for auxiliary lane from *Caltrans Guide for the Preparation of Traffic Impact Studies, Dec. 2002*.
- c. Existing peak hour volume taken from 2014 PeMS peak hour data.
- d. V/C = (Peak Hour Volume/Hourly Capacity)
- e. LOS = Level of Service
- f. "Δ" denotes the Project-induced increase in V/C. Per City Guidelines, a significant impact occurs when the V/C is increased by 0.01 for LOS E or 0.005 for LOS F.

General Note:

Sig? = Significant impact, yes or no.

M = Mainline; A = Auxiliary

Improvement in V/C due to rerouting of existing traffic with connection of Camino Del Sur and Carmel Mountain Road and onsite project roadways connecting to the SR-56 / Camino Del Sur interchange.

Year 2035 Conditions

Table 5.2-13, *Year 2035 Freeway Segment Operations*, summarizes the Year 2035 Without Project freeway mainline segment operations. Four study area freeway mainline segments would operate at LOS E or F under Year 2035 Without Project conditions:

- Segment #1 - SR-56 from Carmel Valley Road to Camino Del Sur: Eastbound
- Segment #2 - SR-56 from Carmel Valley Road to Camino Del Sur: Westbound
- Segment #3 - SR-56 from Camino Del Sur to Black Mountain Road: Eastbound
- Segment #4 - SR-56 from Camino Del Sur to Black Mountain Road: Westbound

The same study area freeway mainline segments would continue to operate at LOS E or F conditions with the addition of the project, as shown in Table 5.2-13. Project-induced change in V/C would be greater than 0.01 for LOS E operating freeway segments and greater than 0.005 for LOS F operating freeway segments; therefore, the City significance criteria would be exceeded and cumulatively significant impacts would occur.

Freeway Ramp Metering Analysis

Existing + Project Conditions

None of the study area on-ramps would experience delays with the addition of Project traffic (refer to Table 9-4 in the TIA contained in Appendix B for details).

Existing + Cumulative Projects +Project Conditions

Using the fixed-rate analysis methodology, the addition of cumulative projects traffic would not produce a delay at any of the study area on-ramps under Existing + Cumulative Projects conditions. With the addition of project traffic to the Existing + Cumulative Projects condition, the Rancho Peñasquitos Boulevard to SR-56 Westbound ramp would experience a delay of 1.4 minutes during the AM peak hour with a calculated queue length of 475 feet; no delay would occur at any of the other ramp meter locations in the study area. Based on City significance criteria, the increase in delay attributable to the project would not exceed stated thresholds; therefore, no significant impacts would occur at study area ramp meter locations.

Year 2035 Conditions

Using the fixed rate analysis methodology under Year 2035 conditions without the Project, the Rancho Peñasquitos Boulevard to SR-56 Westbound ramp would experience a delay of 7.5 minutes during the AM peak hour with a calculated queue length of 2,500 feet. The project would increase the delay experienced at the Rancho Peñasquitos Boulevard to SR-56 Westbound ramp by 1.8 minutes during the AM peak hour with an additional queue length calculated at 600 feet. The total delay at that location would be 9.3 minutes with a total queue of 3,100 feet. No delay would occur at any other ramp meter location. Based on City significance criteria, the increase in delay attributable to the project would not exceed stated thresholds; therefore, no significant impacts would occur at study area ramp meter locations.

**Table 5.2-13
 YEAR 2035 FREEWAY SEGMENT OPERATIONS**

State Route 56 Freeway Segment	Dir.	# of Lanes ^a	Hourly Capacity ^b	Year 2305 Without Project						Year 2305 With Project						Δ V/C ^f		Sig?
				Volume ^c		V/C ^d		LOS ^e		Volume		V/C		LOS				
				AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	
Carmel Valley Rd to Camino Del Sur	EB	2M	4,000	4,117	4,009	1.029	1.002	F(0)	F(0)	4,262	4,176	1.066	1.044	F(0)	F(0)	0.036	0.042	Yes
	WB	2M	4,000	4,983	2,120	1.246	0.530	F(0)	B	5,052	2,330	1.263	0.583	F(1)	B	0.017	0.053	Yes
Camino Del Sur to Black Mountain Rd	EB	2M	4,000	2,148	4,259	0.537	1.065	B	F(0)	2,264	4,609	0.566	1.152	B	F(0)	0.029	0.087	Yes
	WB	2M	4,000	3,744	2,399	0.936	0.600	E	B	3,986	2,678	0.997	0.670	E	C	0.061	0.070	Yes
Black Mountain Rd to Rancho Peñasquitos Blvd	EB	3M	6,000	2,519	3,398	0.403	0.544	A	B	2,596	3,631	0.416	0.583	B	B	0.013	0.039	No
	WB	2M+1A	5,200	3,522	1,911	0.677	0.368	C	A	3,683	2,097	0.708	0.403	C	A	0.031	0.036	No
Rancho Peñasquitos Blvd to I-15	EB	2M	4,000	2,525	3,041	0.631	0.760	C	C	2,590	3,239	0.648	0.810	C	D	0.016	0.050	No
	WB	2M	4,000	3,142	2,597	0.786	0.649	C	C	3,279	2,755	0.820	0.689	D	C	0.034	0.040	No

Source: LIG 2016

Footnotes:

- a. Lane geometry taken from PeMS lane configurations at corresponding post mile.
- b. Capacity calculated at 2000 vehicles per hour (vph) per mainline lane (pcphpl) and 1200 vph per lane for auxiliary lane from *Caltrans Guide for the Preparation of Traffic Impact Studies, Dec. 2002*.
- c. Peak hour volumes taken from PeMS peak hour data and grown against SANDAG Series 12 forecast volumes to reach Year 2035 conditions.
- d. V/C = (Peak Hour Volume/Hourly Capacity)
- e. LOS = Level of Service
- f. "Δ" denotes the Project-induced increase in V/C. Per City Guidelines, a significant impact occurs when the V/C is increased by 0.01 for LOS E or 0.005 for LOS F.

General Note:

Sig? = Significant impact, yes or no.
Bold typeface and **shading** represents a significant impact.
 M = Mainline; A = Auxiliary

Significance of Impact

Based on the City significance criteria contained in Table 5.2-6, the project would not produce any significant direct impacts on the street network analyzed in the TIA. Potentially significant cumulative impacts would occur at the following study area locations under Year 2035 conditions with the project:

Intersections

- Camino Del Sur / SR-56 Westbound Ramps
- Camino Del Sur / SR-56 Eastbound Ramps
- Carmel Mountain Road / Black Mountain Road
- Black Mountain Road / SR-56 Westbound Ramps
- Black Mountain Road / SR-56 Eastbound Ramps
- Black Mountain Road / Park Village Road

Street Segments

- Black Mountain Road from SR-56 EB Ramps to Park Village Road
- Black Mountain Road from Park Village Road to Mercy Road

Freeway Mainlines

- SR-56 from Carmel Valley Road to Camino Del Sur: Eastbound
- SR-56 from Carmel Valley Road to Camino Del Sur: Westbound
- SR-56 from Camino Del Sur to Black Mountain Road: Eastbound
- SR-56 from Camino Del Sur to Black Mountain Road: Westbound

Freeway Ramp Metering

No ramp meter locations would be impacted by the proposed project.

Mitigation, Monitoring, and Reporting

Direct Impacts

No mitigation for direct project impacts would be required because less than significant impacts are identified.

Cumulative Impacts

Mitigation for cumulative impacts would be required as described below.

Intersections. The following measures are required to mitigate the project's cumulatively significant impacts to intersections:

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.

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.

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.

Tra-4 Black Mountain Road/ SR-56 Westbound Ramps

Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (17.7%) toward the unfunded portion of *Rancho Peñasquitos PFFP Project No. T-2D* (corresponding to *Black Mountain Ranch PFFP Project No. T-57*, *Pacific Highlands Ranch PFFP Project No. T-11.1*) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its ultimate classification as a Six-Lane Primary Arterial, to the satisfaction of the City Engineer. This improvement shall include the restriping of the temporary striping on Black Mountain Road overpass at SR-56 to provide three (3) thru lanes in the northbound direction, to the satisfaction of the City Engineer.

Tra-5 Black Mountain Road/ SR-56 Eastbound Ramps

Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (25.2%) toward the unfunded portion of *Rancho Peñasquitos PFFP Project No. T-2D* (corresponding *Black Mountain Ranch PFFP Project No. T-57*, *Pacific Highlands Ranch PFFP Project No. T-11.1*) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its ultimate classification as a Six-Lane Primary Arterial to the satisfaction of the City Engineer. This would include the restriping of the temporary striping on Black Mountain Road overpass at SR 56 to provide three (3) thru lanes in the northbound direction, to the satisfaction of the City Engineer.

Tra-6 Black Mountain Road/ Park Village Road

Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (36.1%) toward the unfunded portion of *Rancho Peñasquitos PFFP Project No. T-2D* (corresponding *Black Mountain Ranch PFFP Project No. T-57*, *Pacific Highlands Ranch PFFP Project No.*

T-11.1) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its ultimate classification as a Six-Lane Primary Arterial, to the satisfaction of the City Engineer. Certain factors contribute toward the uncertainty of the required intersection improvements cited in the above mitigation measures. Specifically, the timing in the SANDAG Regional Transportation Plan (RTP) does not contemplate completion of the SR-56 widening, including the ramp improvements and related intersection improvements, until Year 2040 (after the cumulative impact would occur in Year 2035) and the Black Mountain and Camino Del Sur interchanges lie outside of the City's control and within Caltrans' jurisdiction. Because neither the City nor the owner/permittee can assure the completion of these improvements, the stated improvements outlined in Tra-1, Tra-2, Tra-4 and Tra-5 are not sufficiently certain. Thus, payment into the FBA alone would not mitigate the project's cumulative impact to the SR-56 interchanges and the project's cumulative impacts would remain significant and unmitigated.

With regard to the certainty of Mitigation Measures Tra-4, Tra-5 and Tra-6 which recommend improvements to intersections along Black Mountain Road, the estimated costs in the PFFP for the road widening exclude the cost of right-of-way (ROW) acquisition along the affected road segment. In addition, the Black Mountain Ranch applicant initiated a CPA to the Rancho Peñasquitos Community Plan to downgrade the roadway classification of Black Mountain Road from six lanes to four lanes. The reclassification is currently under review by the City. If the proposed CPA is approved, the planned road widening would not be implemented and the project's cumulative impacts to the ramps at the Black Mountain Road/ SR-56 interchange, as well as the Black Mountain Road/Park Village intersection, would remain significant and unmitigated. If the CPA is not approved, the project's cumulative impacts to these intersection locations would be partially mitigated by Mitigation Measures Tra-4 and Tra-5 (as discussed in the preceding paragraph) and fully mitigated at Black Mountain Road/Park Village Road by Mitigation Measure Tra-6.

Street Segments. The following measures are required to mitigate the project's cumulatively significant impacts to street segments:

Tra-7 Black Mountain Rd from SR-56 Eastbound Ramps to Park Village Road

Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (35.9%) toward the unfunded portion of *Rancho Peñasquitos PFFP Project No. T-2D* (corresponding *Black Mountain Ranch PFFP Project No. T-57, Pacific Highlands Ranch PFFP Project No. T-11.1*) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its ultimate classification as a six-lane primary arterial, to the satisfaction of the City Engineer.

Tra-8 Black Mountain Rd from Park Village Rd to Mercy Rd

Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (37.4%) toward the unfunded portion of *Rancho Peñasquitos PFFP Project No. T-2D* (corresponding *Black Mountain Ranch PFFP Project No. T-57, Pacific Highlands Ranch PFFP Project No. T-11.1*) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its ultimate classification as a six-lane primary arterial, to the satisfaction of the City Engineer.

Mitigation Measures Tra-7 and Tra-8 would mitigate cumulatively significant impacts to street segments to below a level of significance if the widening of Black Mountain Road (outlined in the

measures above) is fully funded by the time of need. However, if the proposed CPA to downgrade the classification of the road from a six-lane prime arterial to a four-lane major road and eliminate *Rancho Peñasquitos PFFP Project No. T-2D* (corresponding *Black Mountain Ranch PFFP Project No. T-75*, *Pacific Highlands Ranch PFFP Project No. T-11.1*) from the PFFPs were approved, cumulative impacts to the street segment would be considered significant and unmitigated.

Freeway Mainline Segments. The following measure is required to mitigate the project's cumulatively significant impacts to freeway segments:

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.

The timing in the SANDAG RTP does not contemplate completion of the SR-56 widening outlined in Mitigation Measure Tra-9 until Year 2040 (after the project's cumulative impact would occur in Year 2035). In addition, FBA funding alone is not the only source needed to implement the ~~\$135-141~~ million freeway expansion project; additional funding sources include \$119 million in TransNet funding via sales tax revenues earmarked for regional transportation improvements (SANDAG ~~2014-2015~~). Neither the City nor the owner/permittee can assure the timely completion of the required freeway improvements. Thus, payment into the FBA alone, as required in Tra-9, would not fully mitigate the project's cumulative impact to the SR-56 freeway mainline and the project's cumulative impacts would remain significant and unmitigated.

Freeway Ramp Metering. No mitigation measures would be required.

5.2.3 Impact

Issue 4: Would the proposal result in substantial alterations to present circulation movements including effects on existing public access areas?

Impact Thresholds

In accordance with the City's Significance Determination Thresholds (2011), access impacts would be significant if the project would result in the following condition:

- Substantial restriction in access to publicly or privately owned land, such as beaches or open spaces.

Impact Analysis

The project would construct Circulation Element road improvements identified in the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan to improve circulation within the community. 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 would construct a trail connection leading from the road to provide hikers and bikers an opportunity to access existing adopted trails from the public right-of-way (ROW). The project would not restrict access to any formally recognized trail system in the project area; less than significant impacts would occur.

Significance of Impact

Less than significant impacts to access would arise since project design features such as walkways, sidewalks, bike lanes and trail connections would be implemented to allow access to adopted trails systems in the project area.

Mitigation, Monitoring, and Reporting

No mitigation measures would be required.

5.2.4 Impact

Issue 5: Would the proposal conflict with adopted policies, plans or programs supporting alternative transportation modes?

Impact Thresholds

According to the City's Significance Determination Thresholds (2011), transportation impacts may be significant if the project would:

- Conflict with adopted policies, plans, or programs supporting alternative transportation models (e.g., bus turnouts, bicycle racks).

Impact Analysis

Alternative Transportation Modes

In addition to building private and public roads within and fronting the project site, the Merge 56 Development Project would feature pedestrian and bicycle facilities which would encourage non-vehicular internal trips between the residential uses to the south and the commercial uses to the north, as well as external trips to points beyond the project site. The internal drives would have sidewalks, and marked pedestrian crossings would be provided at both roundabouts on Private Drive M (Figure 3-3). Seven north-south pedestrian/bicycle linkages would be provided between Private Drive M and Private Drive N, in addition to sidewalks on Private Drive O (as shown in Figure 3-11). Additional pedestrian/bicycle linkages would be provided throughout the commercial area within the mixed-use development component, north of Private Drive M, including connections to the retail uses north of the parking garages along Private Drive T.

For the roundabouts, pedestrian crossings would be located one-car-length preceding the yield line. Parking and landscaping would be configured to provide adequate sight distance of pedestrians on the sidewalks and at the crosswalks.

Class II bike lanes would be provided from Camino Del Sur to the westerly roundabout and from the easterly roundabout to Carmel Mountain Road. Class III bike routes (i.e., sharrows) would be provided between the roundabouts to reduce the pavement cross-section width and increase traffic calming in front of the commercial market uses. A connection to the SR-56 bike path to Carmel Mountain Road would be maintained with the potential for a new eastbound connection to be built as part of the project (refer to Figure 3-11). In addition, bus stops are planned along Camino Del Sur and their design would be coordinated with MTS.

In addition, access to existing trails and open space areas in the project vicinity would be facilitated by trail connections placed in the southern and northern portions of Camino Del Sur (Figure 3-11). A segment of public trail would be constructed from the northerly sidewalk/pathway along the western fill slope to existing trails in Del Mar Mesa Preserve. A new segment of public trail coordinated with City Park and Recreation Department would also be extended from the southern sidewalk/pathway along Camino Del Sur fill slope and off-site through natural terrain to the floor of Darkwood Canyon. The decomposed granite (DG) pathway parallel to Camino Del Sur would link the two trail connections. Thus, these proposed circulation improvements would provide alternatives to traditional travel by linking the road ROW to existing and planned trails in the project area.

Consistency with Adopted Alternative Transportation Mode Plans and Policies

The project would not negatively impact alternative transportation modes or safety. The provision of additional pedestrian and bicycle facilities that would connect with existing facilities would be consistent with adopted plans supporting alternative transportation modes. Specifically, the project would be 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. Refer to Section 5.1, *Land Use*, and Table 5.1-1 for details on plan consistency.

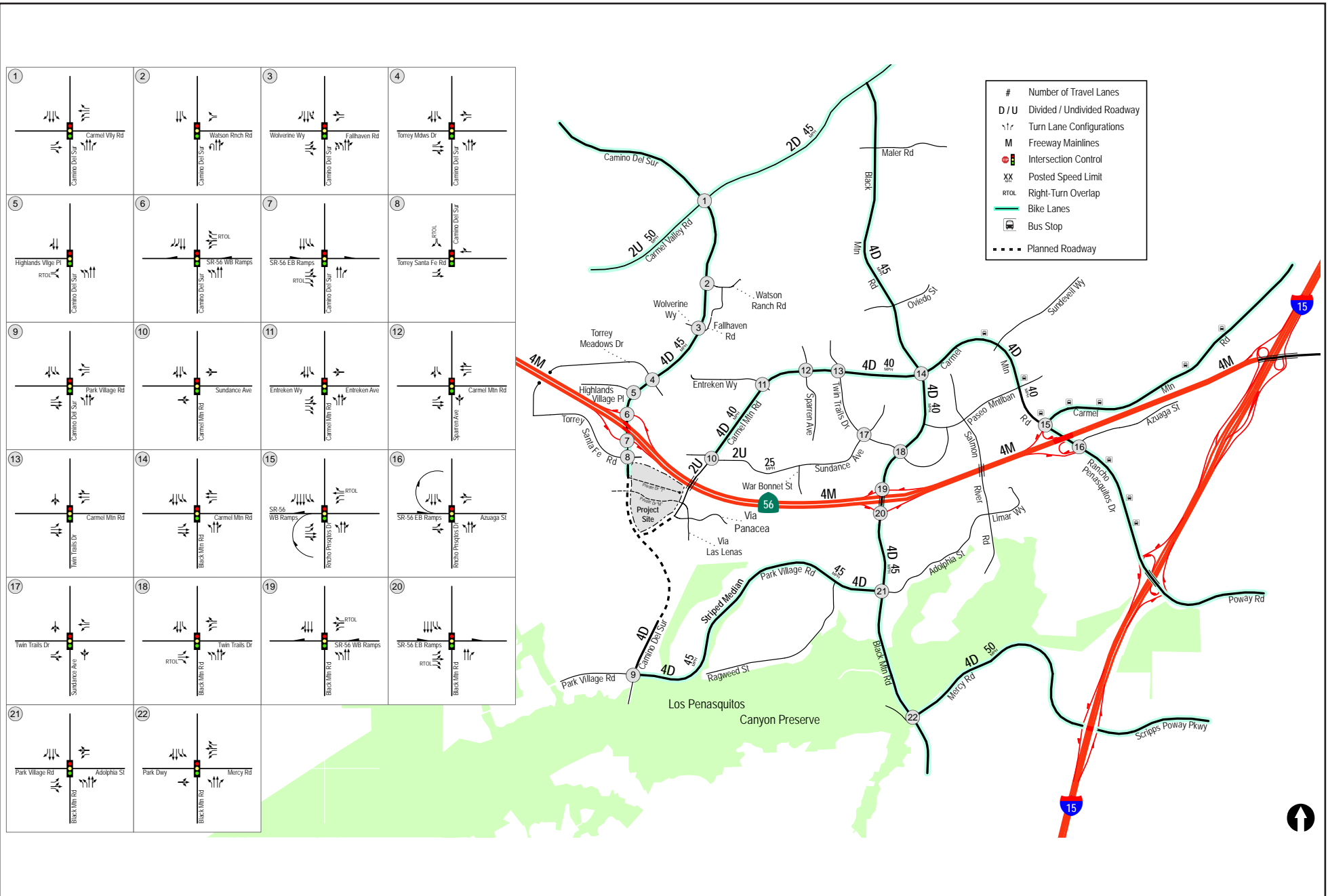
Significance of Impact

The project would not impact alternative transportation modes and would support pedestrian and bicycle transportation, as well as public transit. Thus, the project would be consistent with the City's alternative transportation policies and no associated significant impacts would occur.

Mitigation, Monitoring, and Reporting

No mitigation measures would be required.

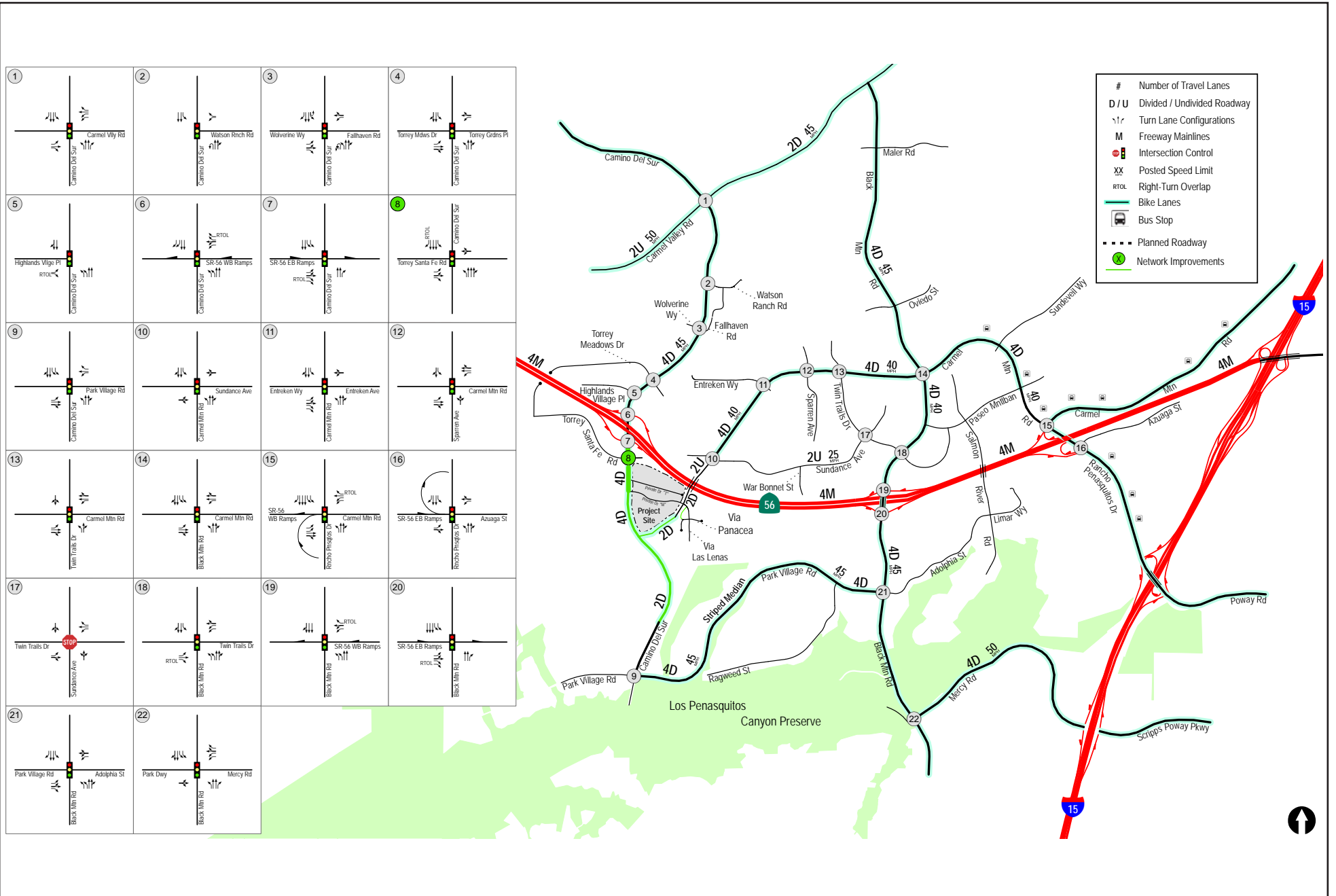
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Source: Linscott, Law, and Greenspan 2016

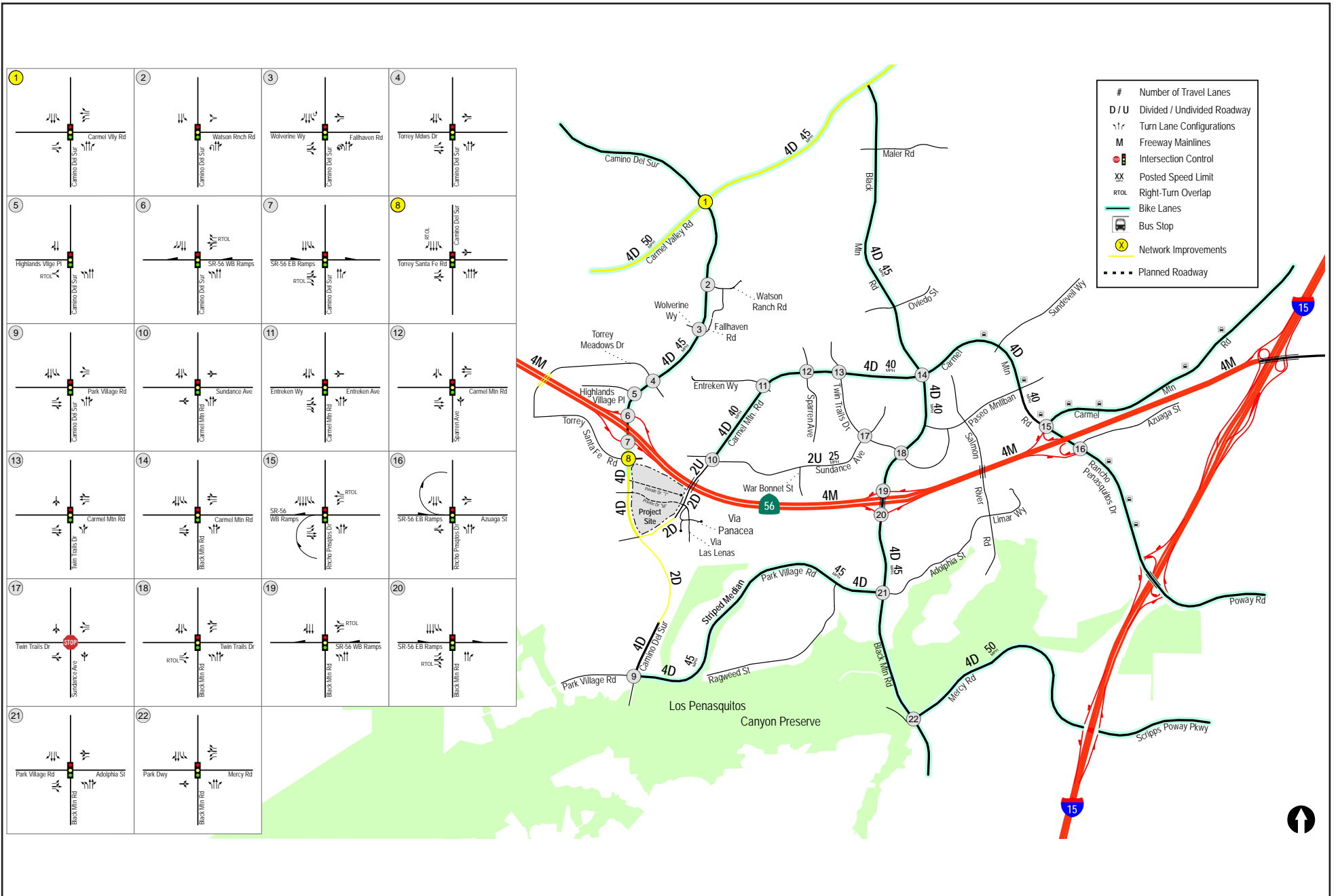
Figure 5.2-1

Existing Conditions



Source: Linscott, Law, and Greenspan 2016

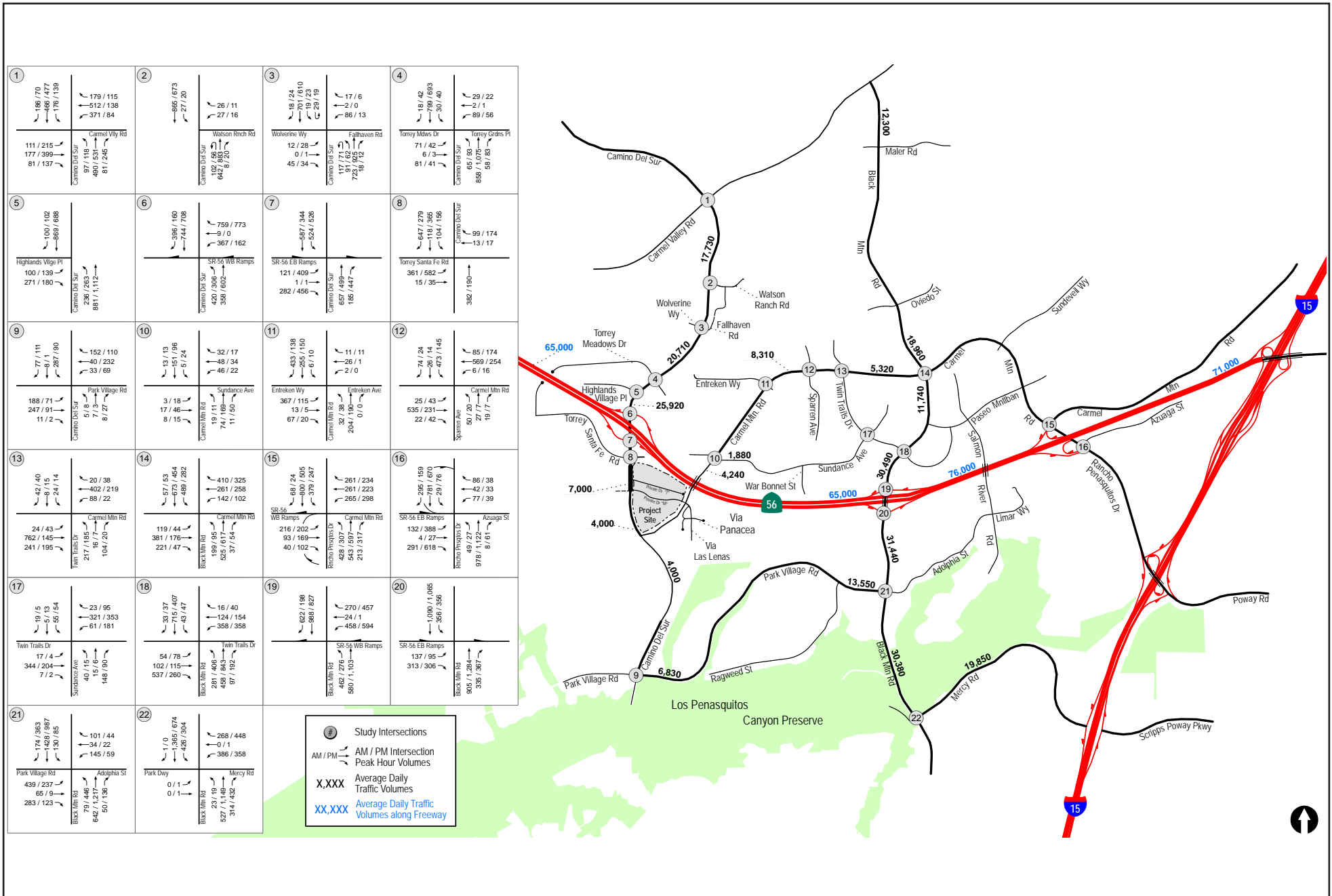
Figure 5.2-2
Project Conditions



Source: Linscott, Law, and Greenspan 2016

Figure 5.2-3
Year 2035 Conditions

MERGE 56 DEVELOPMENT PROJECT

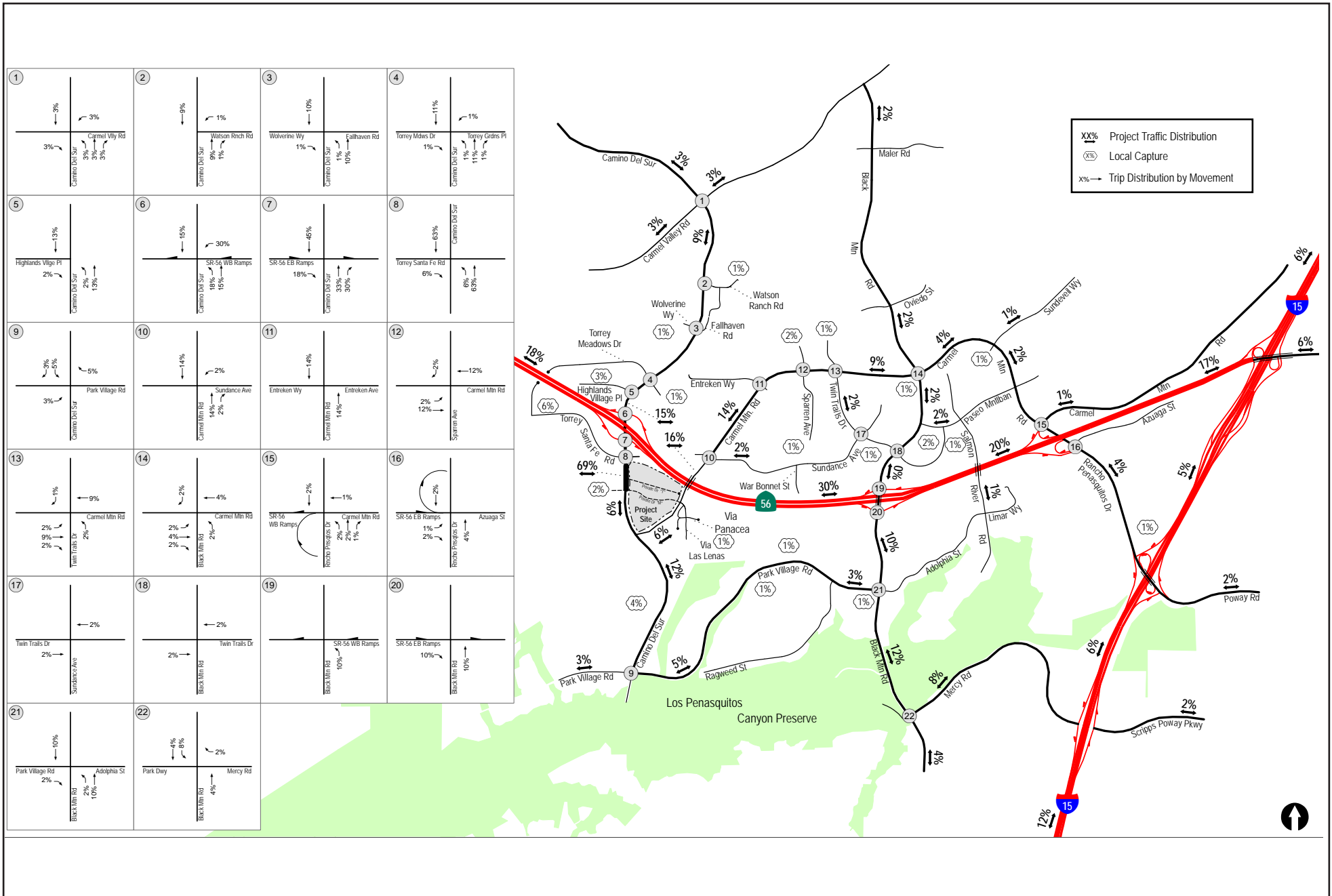


Source: Linscott, Law, and Greenspan 1616

Figure 5.2-4

Existing + Rerouted Existing Traffic

MERGE 56 DEVELOPMENT PROJECT

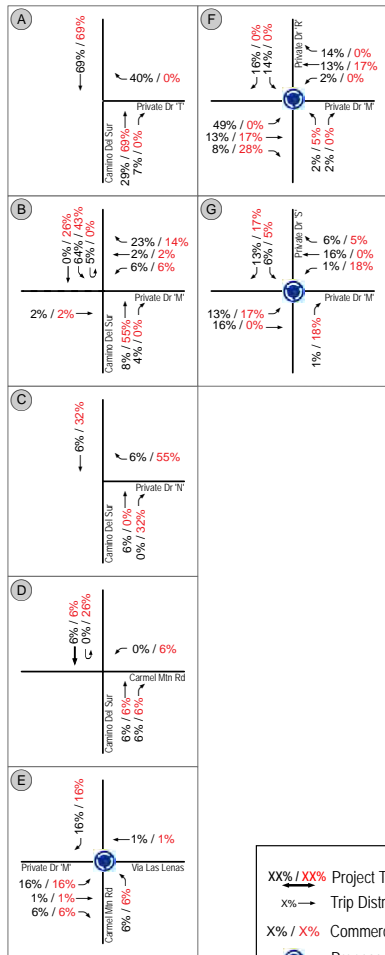


Source: Linscott, Law, and Greenspan 2016

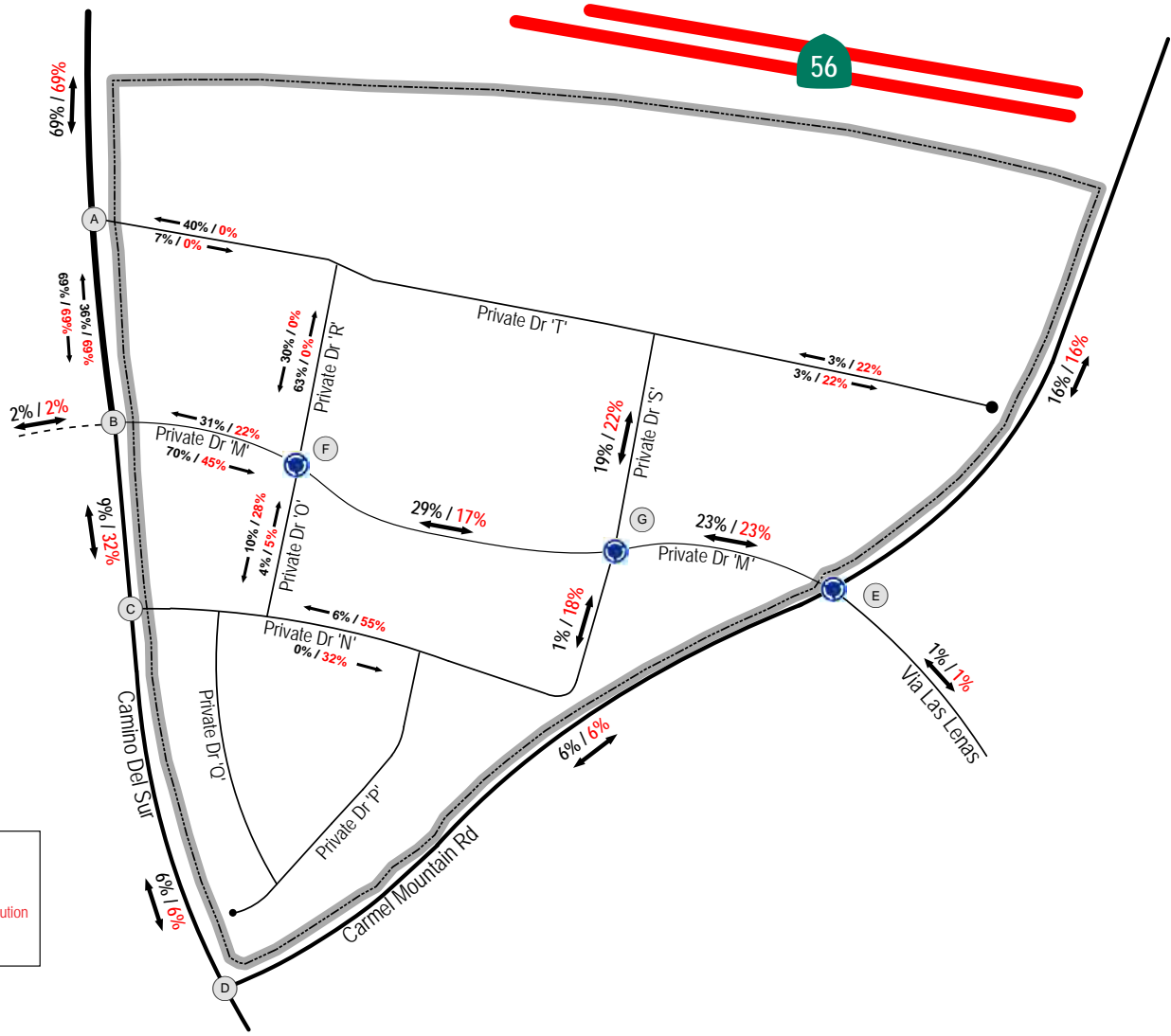
Figure 5.2-5a

Project Trip Distribution - Study Area

MERGE 56 DEVELOPMENT PROJECT



XX% / XX% Project Traffic Distribution
 x% → Trip Distribution by Movement
 X% / X% Commercial Distribution / Residential Distribution
 Proposed Roundabouts

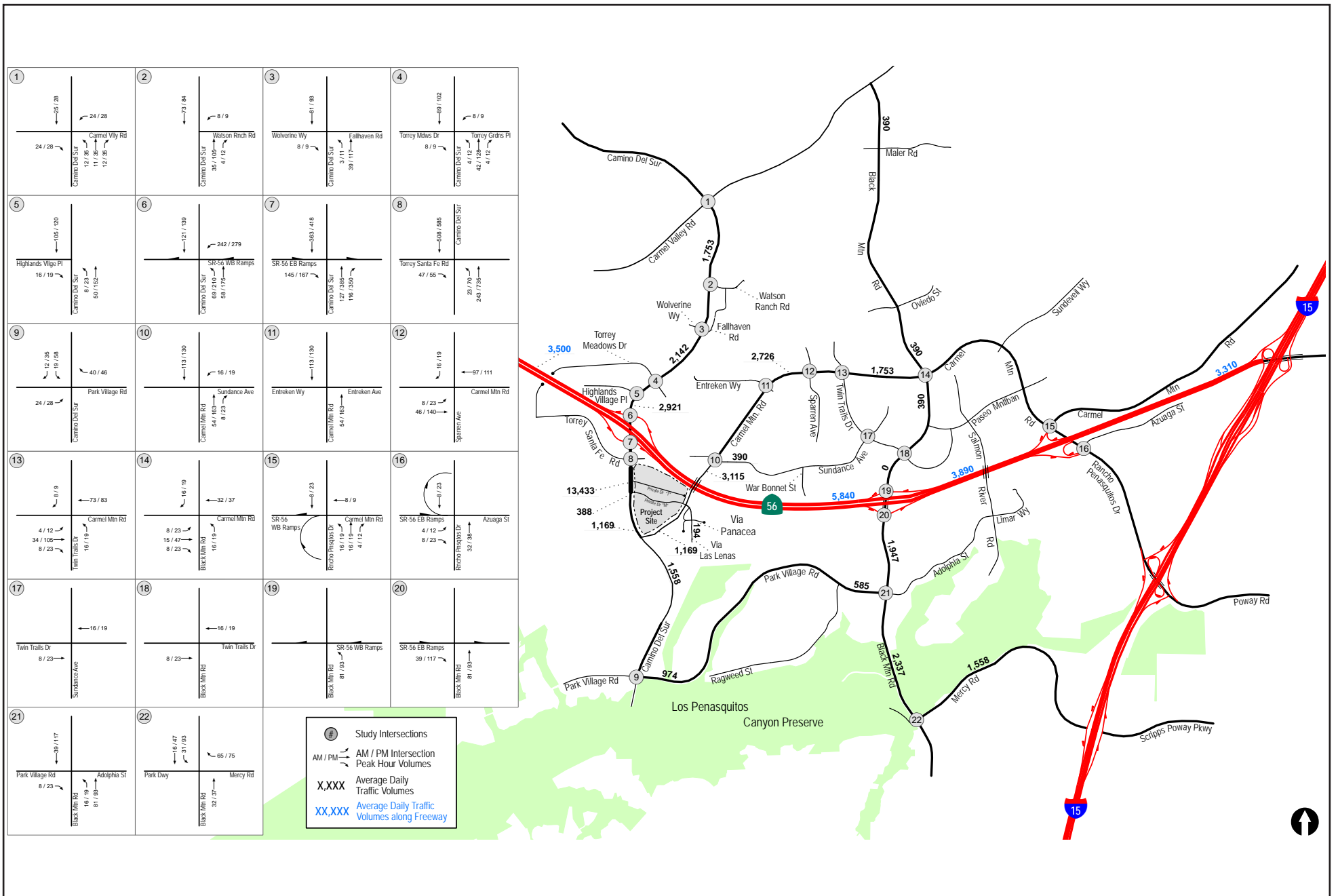


Source: Linscott, Law, and Greenspan 2016

Figure 5.2-5b

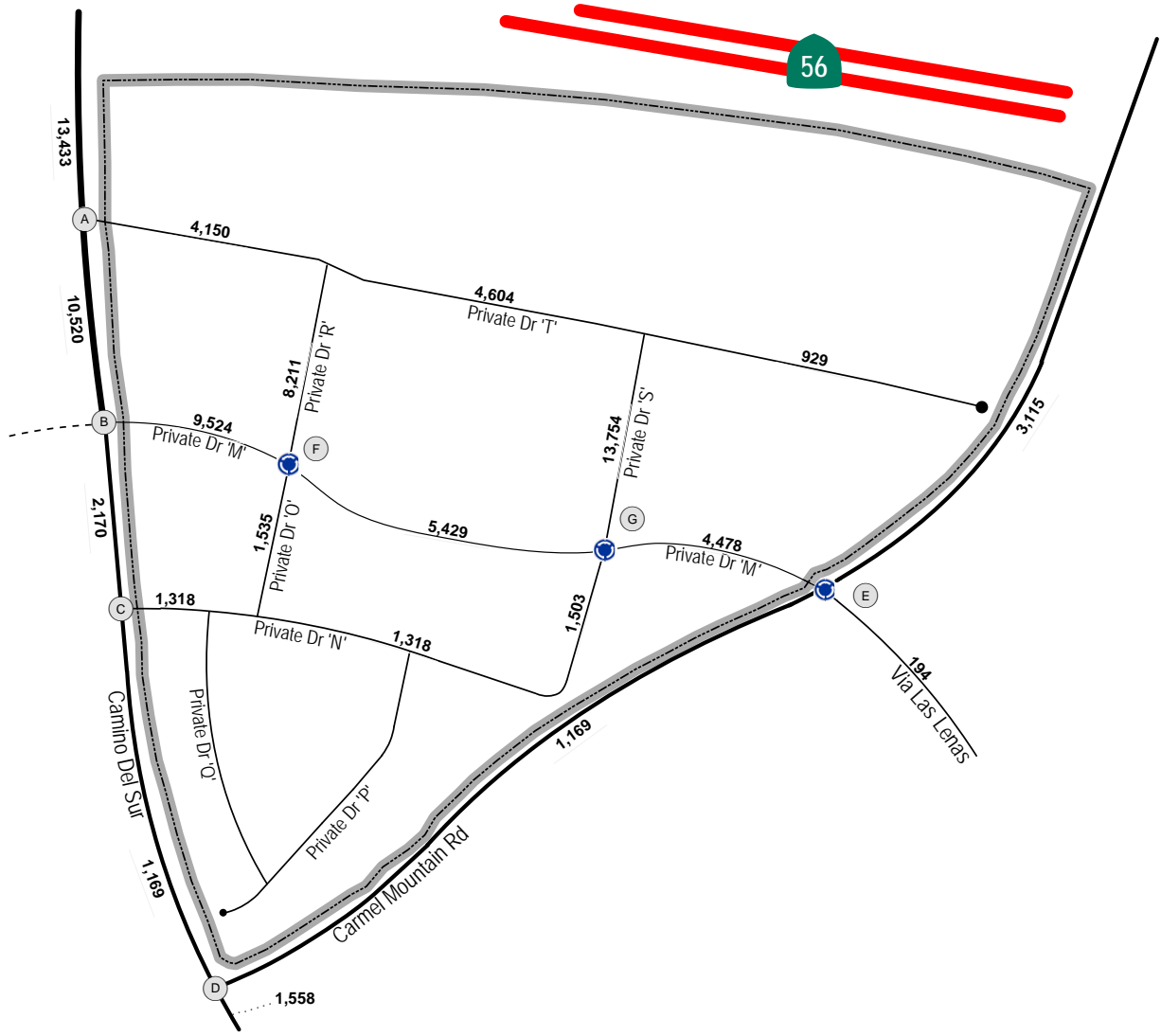
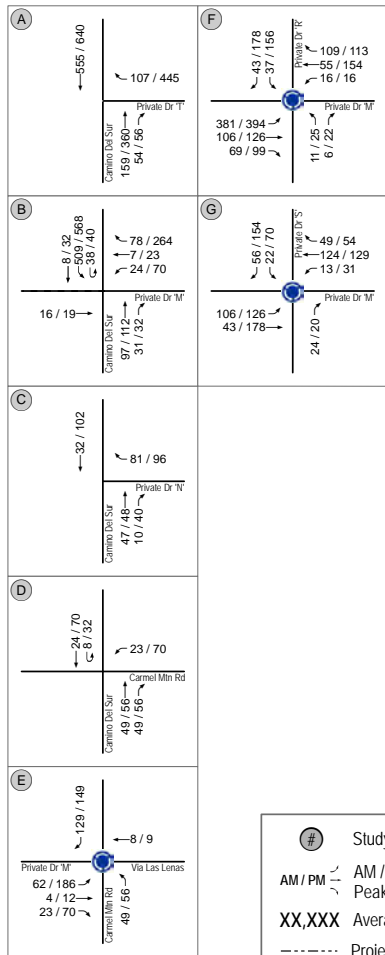
Project Trip Distribution - Project Area

MERGE 56 DEVELOPMENT PROJECT



Source: Linscott, Law, and Greenspan 2016

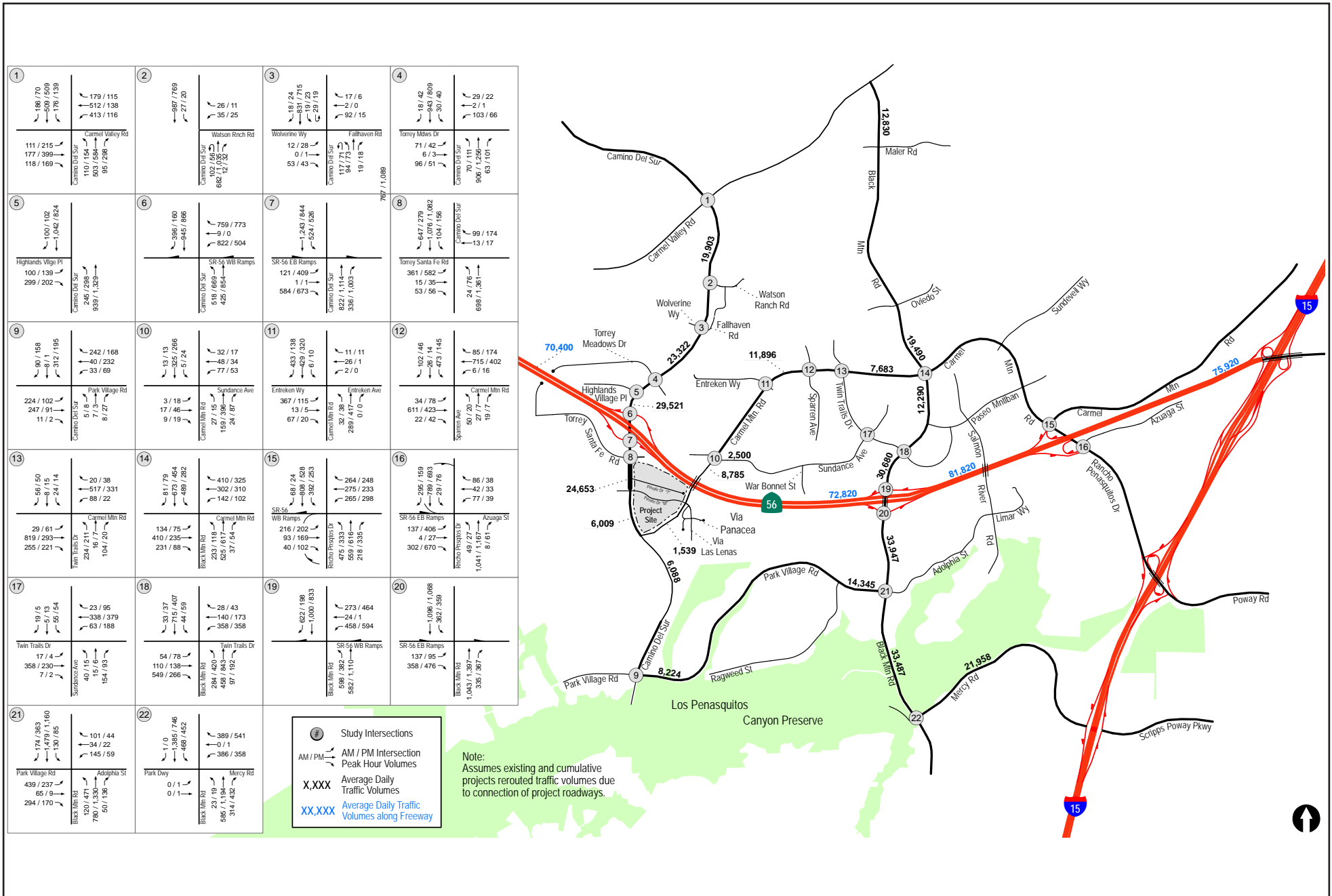
Figure 5.2-6a
Project Traffic Volumes - Study Area



- ⊕ Study Intersections
- AM / PM Peak Hour Volumes
- XX,XXX Average Daily Trips
- Project Boundary
- ⊕ Proposed Roundabouts

Source: Linscott, Law, and Greenspan 2016

Figure 5.2-6b
Project Traffic Volumes - Project Area
 MERGE 56 DEVELOPMENT PROJECT

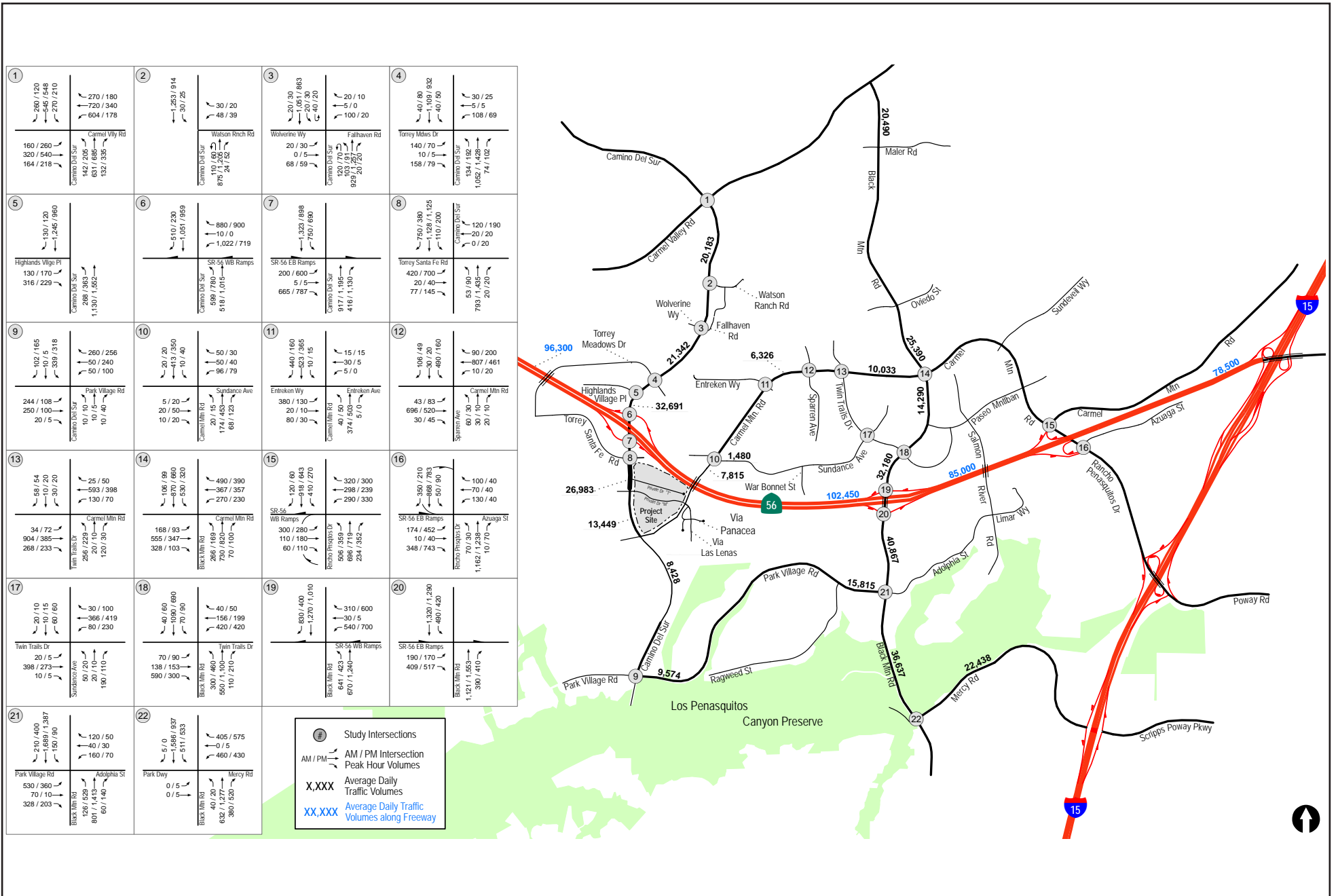


Source: Linscott, Law, and Greenspan 2016

Figure 5.2-7

Existing + Cumulative Projects + Project Traffic Volumes

MERGE 56 DEVELOPMENT PROJECT



Source: Linscott, Law, and Greenspan 2016

Figure 5.2-8

Year 2035 + Project Traffic Volumes

MERGE 56 DEVELOPMENT PROJECT

5.3 BIOLOGICAL RESOURCES

This section of the EIR is based on a number of biological surveys and related investigations including: Biological Technical Report for the Merge 56 Development Project (Alden Environmental, Inc. 2017); Rhodes Crossing Biological Technical Report (HELIX Environmental Planning, Inc. 2003); the U.S. Fish and Wildlife Service (USFWS) Biological Opinion for the Rhodes Crossing Project (USFWS 2012); Clean Water Act permits for Rhodes Crossing (U.S. Army Corps of Engineers [Corps] 2005, 2013; California Regional Water Quality Control Board [RWQCB] 2005, 2013); and the Streambed Alteration Agreement issued for Rhodes Crossing (California Department of Fish and Game 2009, California Department of Fish and Wildlife [CDFW] 2013), among others. The Biological Technical Report for the Merge 56 Development Project, including the Public Roads, is contained in Appendix C1; the Biological Opinion for the Rhodes Crossing Project is contained in Appendix C2.

5.3.1 Existing Conditions

Vegetation Communities

Seventeen vegetation communities (six wetland/riparian and 11 upland) occur in the project area (Figure 5.3-1a, *Sensitive Biological Resources/Impacts* and Figure 5.3-1b, *Development Plan/Impacts*), which includes the project impact footprint plus a minimum 20-foot wide construction buffer to accommodate potential construction equipment access. Both the Darkwood Canyon Trail and Del Mar Mesa Trail connections are considered within the impact footprint for Camino Del Sur in this analysis (Figures 5.3-1a and 5.3-1b).

The following sections describe each vegetation community and summarize the dominant plant species composition. The acreages of these communities in the project impact footprint are provided along with the upland habitat tiers (City 2012), where applicable.

Upland vegetation communities are divided into five tiers of sensitivity (the first includes the most sensitive, the fifth the least sensitive) based on rarity and ecological importance (City 2012). Tier I includes rare uplands. Tier II includes uncommon uplands. Tiers IIIA and IIIB include common uplands. Tier IV includes other uplands. Wetland/riparian communities are not assigned a tier.

Wetland/Riparian Communities

Vernal Pool

Vernal pools are a highly specialized habitat supporting a unique flora and fauna. The physical conditions necessary for vernal pool formation are described in Appendix C1. Vernal pools in a wet year will support a high proportion of native plant species. Some of the native species observed in vernal pools in the study area include pale spikerush (*Eleocharis macrostachya*), toad rush (*Juncus bufonius*), and woolly marbles (*Psilocarphus brevissimus*). During wet years, the exotic, ruderal species characteristic of the non-native grasslands that often surround these pools will not invade them because they are unable to tolerate the physiological conditions. In years of scarce rainfall insufficient to saturate the soil and create a surface pool, the native flora will not germinate, and the pool will be invaded by the exotic species.

There are two vernal pools (0.022 acre) in the Mixed-Use Development impact footprint and six vernal pools (0.016 acre) in the Camino Del Sur impact footprint (Figures 5.3-1a and 5.3-1b). Additionally, there are vernal pools adjacent to the project area (Figure 5.3-1).

Road Pool

Road pools are unvegetated, water-holding basins that, in the project area, support the federal listed endangered San Diego fairy shrimp (*Branchinecta sandiegonensis*). Road pools are distinguished from vernal pools by the absence of vernal pool indicator plant species. Vehicular activity has created or enhanced depressions and compacted the soil, making it very difficult for native vegetation to become established. This compaction allows water to pond readily, even in a dry year when most natural vernal pools remain dry. There are two road pools (0.003 acre) in the Camino Del Sur impact footprint (Figures 5.3-1a and 5.3-1b).

Southern Willow Scrub

Southern willow scrub consists of dense, broad-leaved, winter-deciduous stands of trees dominated by shrubby willows (*Salix* sp.) often in association with mule fat (*Baccharis salicifolia*). This community occurs on loose, sandy, or fine gravely alluvium deposited near stream channels during flood flows. Frequent flooding maintains this early seral community, preventing succession to a riparian woodland or forest (Holland 1986). Plant species observed within this community in the project area include southwestern willow (*Salix gooddingii*), arroyo willow (*Salix lasiolepis*), and red willow (*Salix laevigata*). The herbaceous understory in the project area includes cocklebur (*Xanthium strumarium* var. *canadense*) and western ragweed (*Ambrosia psilostachya*). Southern willow scrub occurs in the Camino Del Sur impact footprint (0.32 acre) and in the Avoidance Area (0.16 acre; Figures 5.3-1a and 5.3-1b).

Mule Fat Scrub

Mule fat scrub is a depauperate, shrubby riparian scrub community dominated by mule fat and sometimes interspersed with small willows. This community occurs along intermittent stream channels with a fairly coarse substrate and moderate depth to the water table. This community in the project area (0.03 acre) is dominated by mule fat and is present in the Camino Del Sur impact footprint (Figures 5.3-1a and 5.3-1b).

Freshwater Marsh

Freshwater marsh is dominated by perennial, emergent monocots, which can reach a height of 12 to 15 feet. This vegetation type occurs along the coast and in coastal valleys near river mouths and around the margins of lakes and springs. These areas are permanently flooded by fresh water yet lack a significant current (Holland 1986). The dominant plant species in this community in the project area is southern cattail (*Typha domingensis*). This community is present in the Camino Del Sur impact footprint (0.15 acre) and in the Avoidance Area (0.18 acre; Figures 5.3-1a and 5.3-1b).

Tamarisk Scrub

Tamarisk scrub is comprised of shrubs and/or small trees of non-native tamarisk species (*Tamarix* spp.) but may also contain willows, and in the desert, salt bushes (*Atriplex* spp.), catclaw acacia (*Acacia greggii*), and salt grass (*Distichlis spicata*). This community occurs along intermittent streams. Tamarisk has a deep root system and high transpiration rate, so it can substantially lower the water table to below the root zone of native species, thereby competitively excluding them. It may also rapidly displace native species within a drainage because it is a prolific seeder (Holland 1986). This community (0.19 acre) is dominated by French tamarisk (*Tamarix ramosissima*) in the project area and is present in the Avoidance Area (Figure 5.3-1a).

Upland Communities

Diegan Coastal Sage Scrub (including -disturbed) and Diegan Coastal Sage Scrub-Southern Mixed Chaparral Ecotone

Coastal sage scrub is one of the two major shrub types that occur in California. This community occupies xeric sites characterized by shallow soils. Sage scrub is dominated by subshrubs whose leaves abscise during drought. This adaptation allows these species to better withstand the prolonged dry period in the summer and fall. Sage scrub species have relatively shallow root systems and open canopies, which may allow for the occurrence of a substantial herbaceous component. Four floristic associations are recognized within coastal sage scrub plant formation, and these occur in distinct geographic areas along the California coast with the Diegan association occupying the area from Orange County to northwestern Baja California, Mexico (O'Leary 1990).

Diegan coastal sage scrub in the project area contains a suite of plant species including California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), lemonade berry (*Rhus integrifolia*), and laurel sumac (*Malosma laurina*). Diegan coastal sage scrub-disturbed contains many of the same shrub species as the undisturbed community but the shrubs are more sparsely distributed, and the community supports a higher proportion of non-native, annual species. Diegan coastal sage scrub (including -disturbed) are Tier II (uncommon upland) communities (City 2012).

The project area also supports Diegan coastal sage scrub-southern mixed chaparral ecotone. This community contains a mix of both sage scrub and southern mixed chaparral plant species (see Southern Mixed Chaparral description below). Diegan coastal sage scrub-southern mixed chaparral ecotone is a Tier II (uncommon upland) community (City 2012).

Diegan coastal sage scrub (including -disturbed) is present in the Mixed-Use Development impact footprint (8.0 acres) and in the Camino Del Sur impact footprint (4.0 acres). It also occurs in the Avoidance Area (2.4 acres; Figures 5.3-1a and 5.3-1b).

Diegan coastal sage scrub-southern mixed chaparral ecotone is present in the Mixed-Use Development impact footprint (1.3 acres) and the Camino Del Sur impact footprint (0.5 acre; Figures 5.3-1a and 5.3-1b).

Scrub Oak Chaparral

Scrub oak chaparral is a dense, evergreen chaparral up to 20 feet tall, dominated by scrub oak (*Quercus* spp.) often with mountain mahogany (*Cercocarpus betuloides*). Scrub oak chaparral occurs in somewhat more mesic areas than many other chaparrals, such as north facing slopes, and recovers more rapidly from fires than other chaparrals due to resprouting capabilities of scrub oak (Holland 1986; Keeley and Keeley 1988). This vegetation community often occurs at slightly higher elevations (to 5,000 feet AMSL), and substantial leaf litter accumulates. Scrub oak chaparral (1.7 acres) is present in the Camino Del Sur impact footprint (Figures 5.3-1a and 5.3-1b) and is dominated by Nuttall's scrub oak (*Quercus dumosa*) in the project area. Scrub oak chaparral is a Tier I (rare upland) community (City 2012).

Southern Mixed Chaparral

Southern mixed chaparral is composed of broad-leaved, sclerophyllous shrubs that grow to approximately 6 to 10 feet tall and form dense, often nearly impenetrable, stands. This community occurs on dry, rocky, often steep, north-facing slopes with little soil. As conditions become more mesic, broad-leaved, sclerophyllous shrubs that resprout from underground root crowns become dominant. Plant species observed within this community in the project area include Ramona lilac (*Ceanothus tomentosus* ssp. *olivaceus*), black sage (*Salvia mellifera*), and chamise (*Adenostoma fasciculatum*).

Southern mixed chaparral is present in the Mixed-Use Development impact footprint (<0.01 acre) and in the Camino Del Sur impact footprint (8.1 acres; Figures 5.3-1a and 5.3-1b). Southern mixed chaparral is a Tier IIIA (common upland) community (City 2012).

Chamise Chaparral (including -disturbed)

Chamise chaparral is dominated by chamise. Chamise chaparral is found from Baja California, Mexico to northern California in pure or mixed stands. Chamise's ubiquitous distribution may be the result of it being the only chaparral species that regenerates after fire from both an underground root crown and from seed (Rundel 1986; Parker 1984). It often dominates at low elevations and on xeric, south-facing slopes with 60 to 90 percent canopy cover. Along its lower elevation limit, chamise intergrades with coastal sage scrub (Rundel 1986). Mission manzanita (*Xylococcus bicolor*) and black sage are minor associates within this community in the project area.

Chamise chaparral (including -disturbed) is present in the Mixed-Use Development impact footprint (5.6 acres), Camino Del Sur impact footprint (7.5 acres), and Carmel Mountain Road impact footprint (2.1 acres). It also occurs in the Avoidance Area (0.1 acre; Figures 5.3-1a and 5.3-1b). Chamise chaparral is a Tier IIIA (common upland) community (City 2012).

Non-native Grassland

Non-native grassland occurs as a dense to sparse cover of non-native grasses, sometimes associated with species of showy-flowered, native, annual forbs. This community characteristically occurs on gradual slopes with deep, fine-textured, usually clay soils. Typical species in non-native grassland in the project area include oats (*Avena* spp.), red brome (*Bromus madritensis* ssp. *rubens*),

ripgut grass (*Bromus diandrus*), ryegrass (*Lolium* sp.), and mustard (*Brassica* sp.). Most of the annual, non-native plants that comprise the majority of species and biomass within non-native grassland originated from the Mediterranean region, an area with a long history of agriculture and a climate similar to California. These two factors, in addition to intensive grazing and agricultural practices in conjunction with severe droughts, contributed to the successful invasion and establishment of these species and the replacement of native grasses with an annual-dominated, non-native grassland (Jackson 1985). These grasslands are common throughout San Diego County and serve as valuable raptor foraging habitat.

Non-native grassland is present in the Mixed-Use Development impact footprint (16.5 acres), Camino Del Sur impact footprint (3.8 acres), and Carmel Mountain Road impact footprint (2.1 acres). It also occurs in the Avoidance Area (0.5 acre; Figures 5.3-1a and 5.3-1b). Non-native grassland is a Tier IIIB (common upland) community (City 2012).

Other Uplands

Ornamental

Ornamental upland is where existing, non-native landscaping has been planted. It occurs in the Mixed-Use Development impact footprint (0.9 acre) and Camino Del Sur impact footprint (<0.01 acre). It also occurs in the Avoidance Area (0.1 acre; Figures 5.3-1a and 5.3-1b). Ornamental is a Tier IV (other upland) community (City 2012).

Disturbed Habitat

Disturbed habitat includes land cleared of vegetation, land containing a preponderance of non-native plant species, or land showing signs of past or present usage that reduces its capability of providing viable wildlife habitat. Some of the non-native species of disturbed habitat in the project area include filaree (*Erodium* sp.), tumbleweed (*Salsola australis*), smooth cat's-ear (*Hypochoeris glabra*), and prickly sow thistle (*Sonchus asper*).

Disturbed habitat is present in the Mixed-Use Development impact footprint (3.3 acres), Camino Del Sur impact footprint (0.9 acre), and Carmel Mountain Road impact footprint (0.1 acre). It also occurs in the Avoidance Area (0.2 acre; Figures 5.3-1a and 5.3-1b). Disturbed habitat is a Tier IV (other upland) community (City 2012).

Developed

Developed land is where permanent structures and/or pavement have been placed, which prevents the growth of vegetation. Developed land is present in the Mixed-Use Development impact footprint (<0.1 acre) and Camino Del Sur impact footprint (0.1 acre; Figures 5.3-1a and 5.3-1b). Developed is not assigned to a tier (City 2012).

Table 5.3-1, *Vegetation Communities Within the Project Impact Footprint*, presents a list of these communities, their locations within the project area, and their respective acreage totals within each of the project components' impact footprints. Table 5.3-1 also lists which communities and acreages are within the MHPA, which is the City's portion of the MSCP-designated regional preserve, and the

acres that would be avoided. The location of the MHPA relative to the project is shown on Figures 5.3-1a and 5.3-1b.

Table 5.3-1 VEGETATION COMMUNITIES WITHIN THE PROJECT IMPACT FOOTPRINT¹				
Vegetation Community	Mixed-Use Development Impacts	Public Roads² Impacts	Impacts to the MHPA³	Avoidance Area³
Wetland/Riparian Vegetation Communities⁴				
Vernal pool	0.022	0.016	-	-
Road pool	-	0.003	-	-
Southern willow scrub	-	0.32	0.02	0.16
Mule fat scrub	-	0.03	-	-
Freshwater marsh	-	0.15	-	0.18
Tamarisk scrub	-	0.00	-	0.19
Subtotal Wetland/Riparian	0.022	0.52	0.02	0.53
Upland Vegetation Communities				
Scrub oak chaparral (Tier I)	-	1.7	-	-
Diegan coastal sage scrub (Tier II)	7.7	3.8	0.3	2.4
Diegan coastal sage scrub-disturbed (Tier II)	0.3	0.2	<0.01	-
Diegan coastal sage scrub-southern mixed chaparral ecotone (Tier II)	1.3	0.5	-	-
Southern mixed chaparral (Tier IIIA)	<0.01	8.1	1.9	-
Chamise chaparral (Tier IIIA)	2.2	7.5	-	0.1
Chamise chaparral-disturbed (Tier IIIA)	3.4	2.1	<0.01	-
Non-native grassland (Tier IIIB)	16.5	5.9	<0.01	0.5
Subtotal Upland	31.4	29.8	2.2	3.0
Other Uplands (Tier IV)				
Ornamental	0.9	<0.01	-	0.1
Disturbed habitat	3.3	1.0	<0.01	0.2
Developed	<0.1	0.1	-	-
Subtotal Other Uplands	4.2	1.1	<0.01	0.3
TOTAL	35.62	31.42	2.22	3.83

¹ Wetland/riparian acreages have been rounded to the nearest one-hundredth of an acre except vernal pools and road pools that have been rounded to the nearest one-thousandth of an acre. Upland acreages have been rounded to the nearest one-tenth of an acre. Subtotals and totals reflect rounding.

² A breakdown of the impacts for each of the roadway segments is provided in Table 2 in Appendix C1. Impacts associated with the Public Roads include 1.89 acres of grading on the mixed-use development parcel to install the public roads and 1.4 acres associated with the Darkwood Canyon trail connection.

³ All MHPA impacts are within the Camino Del Sur impact footprint and are already accounted for in this table within the Public Roads column.

⁴ Wetland/riparian communities are not assigned a tier. Upland vegetation communities are divided into five tiers of sensitivity (the first includes the most sensitive, the fifth the least sensitive) based on rarity and ecological importance (City 2012). Tier I includes rare uplands. Tier II includes uncommon uplands. Tiers IIIA and IIIB include common uplands. Tier IV includes other uplands. Although not a Tier IV upland, developed is included under the category for completeness.

Jurisdictional Areas

Jurisdictional areas include Waters of the U.S. (WUS) under the jurisdiction of the Corps, Waters of the State (WS) under the jurisdiction of the CDFW, and City Wetlands.

Waters of the U.S.

WUS that meet the three Corps wetland criteria in the project area include southern willow scrub, mule fat scrub, freshwater marsh, and tamarisk scrub. Each of these wetland WUS except tamarisk scrub occurs in the Camino Del Sur impact footprint (Figure 5.3-2, *Jurisdictional Delineation/Impacts*).

Non-wetland WUS in the project area include both ephemeral and intermittent streams. Ephemeral streams flow only after precipitation. Runoff from rainfall is the primary source of water for these streams. Intermittent streams flow when smaller upstream waters are flowing and when groundwater provides enough water for stream flow. Runoff from rainfall supplements the flow of intermittent streams. These non-wetland WUS are present in the Mixed-Use Development and Camino Del Sur impact footprints (Figure 5.3-2).

Waters of the State

WS in the project area include southern willow scrub, mule fat scrub, freshwater marsh, tamarisk scrub, and streambeds. WS are based on the presence of riparian vegetation or regular surface flow, and for streambeds, having at least periodic or intermittent flow through a bed or channel with banks. WS include all riparian shrub or tree canopies and may extend beyond the banks of a stream. Southern willow scrub, mule fat scrub, freshwater marsh, and streambed occur in the Camino Del Sur impact footprint. Streambed occurs in the Mixed-Use Development and Camino Del Sur impact footprints (Figure 5.3-2).

City Wetlands

SDMC (Chapter 11, Article 3, Division 1) defines wetlands as areas that are characterized by any of the following (summarized) conditions. The boundaries of City Wetlands were determined following these conditions.

1. All areas persistently or periodically containing naturally occurring wetland vegetation communities;
2. Areas that have hydric soils or wetland hydrology and lack naturally occurring wetland vegetation communities;
3. Areas lacking wetland vegetation communities, hydric soils, and wetland hydrology due to non-permitted filling of previously existing wetlands;
4. Areas mapped as wetlands on Map No. C-713 as shown in Chapter 13, Article 2, Division 6 (Sensitive Coastal Overlay Zone).

In the project area, City Wetland boundaries are the same as those of WUS and WS but also include vernal pools and road pools (Figure 5.3-2). Vernal pools occur in the Mixed-Use Development and Camino Del Sur impact footprints. Road pools occur in the Camino Del Sur impact footprint (Figure 5.3-2).

Sensitive Vegetation Communities

Sensitive vegetation communities are considered rare within the region or sensitive by CDFW (Holland 1986) and/or the City (SDMC Chapter 11, Article 3, Division 1 and City's Biology Guidelines [2012]). These communities in any form are considered sensitive because they have been historically depleted, are naturally uncommon, or support sensitive species. The project area supports 14 sensitive vegetation communities. This includes all of the wetland/riparian communities and upland vegetation communities assigned to Tiers I through IIIB. Tier IV other uplands are not sensitive (Table 5.3-1). The 14 sensitive communities within the project area include:

Sensitive Wetland/Riparian Communities

Vernal pool
Road pool
Southern willow scrub
Mule fat scrub

Freshwater marsh
Tamarisk scrub

Sensitive Upland Communities

Scrub oak chaparral
Diegan coastal sage scrub
Diegan coastal sage scrub-disturbed
Diegan coastal sage scrub-southern mixed chaparral ecotone
Southern mixed chaparral
Chamise chaparral
Chamise chaparral-disturbed
Non-native grassland

Sensitive Plant Species

Sensitive plant species are those that are federal, State of California (State), or California Native Plant Society (CNPS) rare, threatened, or endangered; MSCP Narrow Endemics; or MSCP Covered Species. A species may also be considered sensitive if it is included in the CNPS Inventory of Rare and Endangered Plants (CNPS 2015; see Appendix F of Appendix C1).

Observed

Eight sensitive plant species were found in the project area. Each is listed and described below and shown on Figure 5.3-1a. Sensitivity codes are explained in Appendix F of Appendix C1.

San Diego goldenstar (*Bloomeria [Muilla] clevelandii*)

Sensitivity: CNPS Rare Plant Rank 1B.1; MSCP Covered Species

Distribution: Southwestern San Diego County and northwestern Baja California, Mexico.

Habitat(s): Clay soils on dry mesas and hillsides in coastal sage scrub or chaparral.

Presence in the project area: San Diego goldenstar occurs in two locations (only two individuals were observed) in chamise chaparral in the Carmel Mountain Road impact footprint.

Orcutt's brodiaea (*Brodiaea orcuttii*)

Sensitivity: CNPS Rare Plant Rank 1B.1; MSCP Covered Species

Distribution: Riverside and San Bernardino counties south to Baja California, Mexico.

Habitat(s): Vernal pools and ephemeral streams and seeps.

Presence in the project area: Orcutt's brodiaea was observed in one location (only one individual was observed) in non-native grassland in the Carmel Mountain Road impact footprint.

Nuttall's scrub oak (*Quercus dumosa*)

Sensitivity: CNPS Rare Plant Rank 1B.1

Distribution: Coastal southern California from near Point Conception in Santa Barbara County south into northern Baja California, Mexico.

Habitat(s): Coastal areas with sandy soil or on sandstone substrate, in scrub oak chaparral, southern maritime chaparral, southern mixed chaparral or coastal sage scrub vegetation.

Presence in the project area: Nuttall's scrub oak is the dominant species in scrub oak chaparral in the project area, which occurs in the Camino Del Sur impact footprint. Individual Nuttall's scrub oaks also occur in other vegetation communities in the Camino Del Sur and Mixed-Use Development impact footprints, as well as in the Avoidance Area.

Summer holly (*Comarostaphylis diversifolia* ssp. *diversifolia*)

Sensitivity: CNPS Rare Plant Rank 1B.2

Distribution: Scattered locations below approximately 2,300 feet AMSL from the foothills to the coast in Orange and San Diego counties and south into Baja California, Mexico.

Habitat(s): North-facing slopes and drainages in chaparral.

Presence in the project area: Summer holly primarily occurs in the Camino Del Sur impact footprint. One individual was also observed in the Mixed-Use Development impact footprint.

San Diego barrel cactus (*Ferocactus viridescens*)

Sensitivity: CNPS Rare Plant Rank 2B.1; MSCP Covered Species

Distribution: San Diego County; Baja California, Mexico.

Habitat(s): Diegan coastal sage scrub hillsides, often at the crest of slopes and growing among cobbles. Occasionally found on vernal pool peripheries and mima mound topography.

Presence in the project area: All San Diego barrel cacti were observed in the Camino Del Sur impact footprint.

Spine shrub (*Adolphia californica*)

Sensitivity: CNPS Rare Plant Rank 2B.1

Distribution: Below 1,000 feet AMSL in western San Diego County and northwestern Baja California, Mexico.

Habitat(s): Clay soils in dry canyons and washes in coastal sage scrub and chaparral.

Presence in the project area: Spine shrub primarily occurs in the Camino Del Sur impact footprint. One individual was also observed in the Mixed-Use Development impact footprint.

Western dichondra (*Dichondra occidentalis*)

Sensitivity: CNPS Rare Plant Rank 4.2

Distribution: Santa Barbara County to Baja California, Mexico and on San Miguel Island.

Habitat(s): Dry, sandy banks in coastal sage scrub, chaparral, or southern oak woodland; often proliferates on recently burned slopes.

Presence in the project area: Western dichondra was found in two locations in the Avoidance Area.

Southwestern spiny rush (*Juncus acutus* ssp. *leopoldii*)

Sensitivity: CNPS Rare Plant Rank 4.2

Distribution: Los Angeles, San Bernardino, San Luis Obispo, Ventura, and San Diego counties; Baja California, Mexico.

Habitat(s): Moist, saline, or alkaline soils in coastal salt marshes and riparian marshes.

Presence in the project area: Southwestern spiny rush was found in two locations: one immediately west of the Camino Del Sur impact footprint (in the construction buffer) and one in the Avoidance Area.

Not Observed

Sensitive plant species that were not observed but have potential to occur in the project area are listed in Table 5.3-2, *Sensitive Plant Species with Potential to Occur*, alphabetically by scientific name. Table 5.3-3, *MSCP Narrow Endemic Species with Potential to Occur*, lists MSCP Narrow Endemic species with potential to occur in the project area in alphabetical order by scientific name. Multiple years of surveys have been conducted for all of these species, so it is likely that if they were present they would have been observed. Sensitivity and listing codes are explained in Appendix F of Appendix C1.

Species	Sensitivity	Habitat(s)/ Distribution	Bloom Period	Potential to Occur
Thread-leaved brodiaea (<i>Brodiaea filifolia</i>)	FT SE CNPS Rare Plant Rank 1B.1	Clay soils in vernal moist grasslands and on vernal pool peripheries in interior valley regions of San Diego, Riverside, Orange, and Los Angeles counties.	March to June	Low. Soils have shrink-swell potential like clay and may be appropriate; however, this species was not found (but Orcutt's brodiaea [<i>Brodiaea orcuttii</i>] was). Recent observations of thread-leaved brodiaea within or adjacent to the MHPA, as reported to the California Natural Diversity Database and/or USFWS, occur to the north and northeast of the project area. The nearest location (observation in 2010) is located in Black Mountain Open Space Park more than two miles northeast of the project area.

Table 5.3-2 (cont.) SENSITIVE PLANT SPECIES WITH POTENTIAL TO OCCUR				
Species	Sensitivity	Habitat(s)/ Distribution	Bloom Period	Potential to Occur
Palmer's grapplinghook (<i>Harpagonella palmeri</i>)	CNPS Rare Plant Rank 4.2	Clay soils in annual grasslands and coastal sage scrub below approximately 3,300 feet AMSL in Los Angeles, Orange, Riverside, and San Diego counties; Baja California and Sonora, Mexico; San Clemente Island; Arizona.	March to April	Low. Soils in the project area have shrink-swell potential like clay and may be appropriate, but species was not observed during surveys conducted from 1997 through 2002 and in 2014.
Graceful tarplant (<i>Holocarpus virgatus</i> ssp. <i>elongatus</i>)	CNPS Rare Plant Rank 4.2	Coastal mesas and foothills with grassland habitats in San Diego, Orange, and Riverside counties.	May to November	Low. Was observed off site in the adjacent Rhodes Crossing project area but was not observed on site during surveys conducted from 1997 through 2002 and in 2014.
Little mousetail (<i>Myosurus minimus</i> ssp. <i>apus</i>)	CNPS Rare Plant Rank 3.1	Vernal pools and alkaline marshes in Riverside, San Bernardino, San Diego, and additional central California counties; Oregon; Baja California, Mexico.	March to June	Low. Potential habitat present, but species was not observed on site during surveys conducted from 1997 through 2002 and in 2014.
Golden-rayed pentachaeta (<i>Pentachaeta aurea</i> ssp. <i>aurea</i>)	CNPS Rare Plant Rank 4.2	Mesic montane grasslands and sage scrub in Riverside, San Bernardino, Orange, Los Angeles, and San Diego counties; Baja California, Mexico.	March to July	Low. Has been reported approximately 400 feet west of the northern portion of the southern half of the Camino Del Sur impact footprint but was not observed on site during surveys conducted from 1997 through 2002 and in 2014.
Ashy spike-moss (<i>Selaginella cinerascens</i>)	CNPS Rare Plant Rank 4.1	Flat mesas in coastal sage scrub and chaparral in Orange and San Diego counties; northwestern Baja California, Mexico.	NA	Low. Was observed off site in the adjacent Rhodes Crossing project area but was not observed on site during surveys conducted from 1997 through 2002 and in 2014.

Source: Alden Environmental, Inc. 2017.

**Table 5.3-3
 MSCP NARROW ENDEMIC SPECIES WITH POTENTIAL TO OCCUR**

Species	Listing or Sensitivity	Habitat(s)/ Distribution	Bloom Period	Potential To Occur
San Diego thornmint (<i>Acanthomintha ilicifolia</i>)	FT SE CNPS Rare Plant Rank 1B.1	Occurs on clay lenses in grassy openings in chaparral or sage scrub. Prefers friable or broken, clay soils. Range limited to coastal areas of San Diego County and Baja California, Mexico.	April to June	Low. Soils in the project area have shrink-swell potential like clay, but occupied sites typically have crumbly and/or deeply fissured clay soil. Was not observed during surveys conducted from 1997 through 2002 and in 2014.
Shaw's agave (<i>Agave shawii</i>)	CNPS Rare Plant Rank 2B.1	Coastal sage scrub and coastal bluff scrub. Range limited to coastal areas of San Diego County and Baja California, Mexico.	September to May	Low. Potential habitat present, but this species is a perennial leaf succulent that would have been observed if present during surveys conducted from 1997 through 2002 and in 2014.
San Diego ambrosia (<i>Ambrosia pumila</i>)	FE CNPS Rare Plant Rank 1B.1	Found in disturbed areas within chaparral, coastal sage scrub and grasslands. Range includes San Diego and Riverside counties south to Baja California, Mexico.	June to September	Very low. Not known from project vicinity.
Aphanisma (<i>Aphanisma blitoides</i>)	CNPS Rare Plant Rank 1B.2	Occurs in sandy areas along the coast. Range includes islands off the southern California coast from San Onofre to Imperial Beach in San Diego County.	April to May	Very low. No known populations in MSCP Plan Area (City 1997b).
Coastal dunes milk vetch (<i>Astra galustener</i> var. <i>titi</i>)	FE SE CNPS Rare Plant Rank 1B.1	Occurs in sandy places along the coast, including coastal dunes. Range includes coastal areas of Monterey, Los Angeles, and San Diego counties.	March to May	None. Occurs on coastal dunes, and range does not include the project area.

Table 5.3-3 (cont.) MSCP NARROW ENDEMIC SPECIES WITH POTENTIAL TO OCCUR				
Species	Listing or Sensitivity	Habitat(s)/ Distribution	Bloom Period	Potential To Occur
Encinitas baccharis (<i>Baccharis vanessae</i>)	FT SE CNPS Rare Plant Rank 1B.1	Occurs on sandstone soils in chaparral. Known mainly from the Encinitas area from which it has been nearly extirpated.	August to November	Not expected. Not known from near the project area.
Short-leaved dudleya (<i>Dudleya blochmaniae</i> ssp. <i>brevifolia</i>)	SE CNPS Rare Plant Rank 1B.1	Occurs on Torrey sandstone soils in chaparral and coastal scrub.	April	Not expected due to lack of suitable soils.
Variiegated dudleya (<i>Dudleya variegata</i>)	CNPS Rare Plant Rank 1B.2	Occurs on dry hillside and mesas in chaparral, coastal sage scrub, grasslands and near vernal pools. Ranges from San Diego County south to Baja California, Mexico.	May to June	Low. Would have been observed if present during surveys conducted from 1997 through 2002 and in 2014.
Spreading navarretia (<i>Navarretia fossalis</i>)	FT CNPS Rare Plant Rank 1B.1	Occurs in chenopod scrub, marshes and swamps (assorted freshwater habitats), playas, and vernal pools.	April to June	Low. Would have been observed if present during surveys conducted from 1997 through 2002 and in 2014.
San Diego mesa mint (<i>Pogogyne abramsii</i>)	FE SE CNPS Rare Plant Rank 1B.1	Occurs in vernal pools.	March to July	Low. Observed in vernal pools just outside the project area, but would have been observed on site if present during surveys conducted from 1997 through 2002 and in 2014.

Source: Alden Environmental, Inc. 2017

Sensitive Wildlife Species

Sensitive wildlife species are those that are considered federal or State rare, threatened, or endangered or MSCP Covered Species. It also includes wildlife on CDFW's Special Animals List (CDFW Natural Diversity Database 2015).

Observed

Eight sensitive wildlife species have been observed or detected in the project area (Figure 5.3-1a). These species are listed below first by sensitivity, then by scientific name. Listing and sensitivity codes are explained in Appendix F of Appendix C1.

San Diego fairy shrimp (*Branchinecta sandiegonensis*)

Listing: Federal Listed Endangered

Distribution: San Diego County

Habitat(s): Seasonally astatic pools which occur in tectonic swales or earth slump basins and other areas of shallow, standing water; often in patches of grassland and agriculture interspersed in coastal sage scrub and chaparral.

Presence in the project area: San Diego fairy shrimp was found in the two vernal pools in the Mixed-Use Development impact footprint and in the five vernal pools in the Camino Del Sur impact footprint. The San Diego fairy shrimp in those five latter vernal pools were found during dry sampling. That is, dry sampling identified *Branchinecta* cysts in each of the basins. Since San Diego fairy shrimp have been found in the mixed-use impact footprint and elsewhere in the vicinity of the project area, it is assumed that the cysts identified are also *B. sandiegonensis* (Ecological Restoration Service and Alden Environmental, Inc. 2012). San Diego fairy shrimp were also found in two road pools in the Camino Del Sur impact footprint. USFWS Critical Habitat for the San Diego fairy shrimp has been designated across much of the project area.

Coastal California gnatcatcher (*Polioptila californica californica*)

Listing or sensitivity: Federal Listed Threatened; State Species of Special Concern; MSCP Covered Species

Distribution: Southern Los Angeles, Orange, western Riverside, and San Diego counties south into Baja California, Mexico

Habitat(s): Coastal sage scrub.

Presence in the project area: Two likely breeding pairs of coastal California gnatcatcher were found in Mixed-Use Development impact footprint.

Orange-throated whiptail (*Aspidoscelis hyperythra*)

Sensitivity: State Species of Special Concern; MSCP Covered Species

Distribution: Southern Orange and San Bernardino counties, south to the cape of Baja California, Mexico.

Habitat(s): Coastal sage scrub, chaparral, edges of riparian woodlands and washes. Also found in weedy, disturbed areas adjacent to these habitats. Important habitat requirements include open, sunny areas, shaded areas, and abundant invertebrate prey base, particularly termites (*Reticulitermes* sp.).

Presence in the project area: The orange-throated whiptail was observed in Diegan coastal sage scrub in the Avoidance Area. It is likely that the species occurs in similar habitats throughout the project area.

Coast horned lizard (*Phrynosoma blainvillii*)

Sensitivity: State Species of Special Concern; MSCP Covered Species

Distribution: Southern California, west of the deserts, and south into northern Baja California, Mexico.

Habitat(s): Coastal sage scrub, chaparral, open oak woodlands, and open coniferous forests. Important habitat components include basking sites, adequate scrub cover, areas of loose soil, and an abundance of harvester ants (*Pogonomyrmex* sp.), a primary prey item.

Presence in the project area: The coast horned lizard was observed in non-native grassland in the Mixed-Use Development impact footprint and in Diegan coastal sage scrub and chamise chaparral in the Camino Del Sur impact footprint. It is likely that this species occurs in similar habitats throughout the project area.

San Diego black-tailed jackrabbit (*Lepus californicus bennettii*)

Sensitivity: State Species of Special Concern

Distribution: Southern Santa Barbara County, south on the coastal slope to the vicinity of San Quintin, Baja California, Mexico. Localities on the eastern edge of its range include Jacumba and San Felipe Valley in San Diego County.

Habitat(s): Occurs primarily in open habitats including coastal sage scrub, chaparral, grasslands, croplands and open, disturbed areas if there is at least some shrub cover present.

Presence in the project area: The San Diego black-tailed jackrabbit was observed in non-native grassland in the Mixed-Use Development impact footprint. It is possible that this species occurs elsewhere in the project area, and while no evidence of nesting was detected, the species may nest in the project area as suitable habitat is present.

Western spadefoot (*Spea hammondi*)

Sensitivity: State Species of Special Concern

Distribution: California's Central Valley and San Francisco Bay area south along the coast to northwestern Baja California, Mexico.

Habitat(s): Floodplains, washes, and low hills. Southern California habitats include coastal sage scrub, chaparral and grassland. Important habitat components include temporary pools (which form during winter and spring rains) for breeding and friable soils for burrowing.

Presence in the project area: The western spadefoot was observed in association with one of the vernal pools in the Mixed-Use Development impact footprint.

Two-striped garter snake (*Thamnophis hammondi*)

Sensitivity: State Species of Special Concern

Distribution: Monterey County south through the coastal ranges into northwestern Baja California, Mexico.

Habitat(s): Primarily along permanent creeks and streams but also around vernal pools and along intermittent streams. Occasionally found in chaparral or other habitats relatively far from permanent water.

Presence in the project area: The two-striped garter snake was found in association with one of the vernal pools in the Mixed-Use Development impact footprint.

Cooper's hawk (*Accipiter cooperii*)

Sensitivity: State Watch List; MSCP Covered Species

Distribution: Throughout the continental U.S. (excluding Alaska) and parts of both Montana and the Dakotas. Winters south to Mexico and Honduras.

Habitat(s): In San Diego County, tends to inhabit lowland riparian areas and oak woodlands in proximity to suitable foraging areas such as scrubland or fields.

Presence in the project area: The Cooper's hawk was observed in Diegan coastal sage scrub-disturbed in the Mixed-Use Development impact footprint.

Not Observed

Wildlife species that were not observed or detected in the project area but have potential to occur are listed in Table 5.3-4, *Sensitive Animal Species With Potential to Occur*. Listing and sensitivity codes are explained in Appendix F of Appendix C1.

Table 5.3-4 SENSITIVE ANIMAL SPECIES WITH POTENTIAL TO OCCUR			
Species	Listing or Sensitivity	Habitat(s)/ Distribution	Potential to Occur
INVERTEBRATES			
Riverside fairy shrimp (<i>Streptocephalus woottoni</i>)	FE	Found in moderate to deep (generally ranging from 10 inches to 5-10 feet in depth), longer-lived vernal pools and ephemeral wetlands in southern coastal California and northern Baja California, Mexico. Currently presumed to occupy 60 or fewer pool complexes throughout southern California (USFWS 2011).	Not expected. Was not observed during focused surveys.
Quino checkerspot butterfly (<i>Euphydryas editha quino</i>)	FE	Primary larval host plants in San Diego are dwarf plantain (<i>Plantago erecta</i>) at lower elevations. Owl's clover (<i>Castilleja exserta</i>) may serve as host plant if primary host plants have senesced. Potential habitat includes areas of low-growing and sparse vegetation. Exists only as several, probably isolated, colonies in southwestern Riverside County, southern San Diego County, and northern Baja California, Mexico.	Not expected. Was not observed during focused surveys. The project area is no longer within the recommended survey area for the species (USFWS 2014).
Hermes copper butterfly (<i>Lycaena hermes</i>)	FC	Southern mixed chaparral and coastal sage scrub with mature specimens of its larval host plant, spiny redberry (<i>Rhamnus crocea</i>). Range is San Diego County, south of Fallbrook, to northern Baja California, Mexico.	Not expected. Spiny redberry is not present.

Table 5.3-4 (cont.) SENSITIVE ANIMAL SPECIES WITH POTENTIAL TO OCCUR			
Species	Listing or Sensitivity	Habitat(s)/ Distribution	Potential to Occur
VERTEBRATES			
Reptiles			
Silvery legless lizard (<i>Anniella pulchra pulchra</i>)	SSC	Areas with loose, sandy soil. Generally found in leaf litter, under rocks, logs, or driftwood in oak woodland, chaparral, and desert scrub. Occurs from the Bay Area south through the Coast and Peninsular Ranges to northern Baja California, Mexico.	Low to moderate. Prefers loose, sandy soil including cobbly and gravelly loams and terrace escarpments.
Northern red-diamond rattlesnake (<i>Crotalus ruber</i>)	SSC	Found in chaparral, coastal sage scrub, and along creek banks, particularly among rock outcrops or piles of debris supporting rodents. Ranges from extreme southeastern Los Angeles County (Diamond Bar) into southern San Bernardino County, and south into southern Baja California, Mexico.	Low. Prefers rocky outcroppings within coastal sage scrub or chaparral habitats. Rocky outcroppings are not present in the project area.
Coronado skink (<i>Plestiodon skiltonianus interparietalis</i>)	SSC	Grasslands, coastal sage scrub, open chaparral, pine oak woodland and coniferous forests. Prefers areas where there is abundant leaf litter or low, herbaceous growth. Inland southern California south through the north Pacific coast region of northern Baja California Norte, Mexico.	Moderate to high. Was observed off site in the adjacent Rhodes Crossing project area.
Birds			
Bell's sage sparrow (<i>Amphispiza belli belli</i>)	BCC WL	Chaparral and sage scrub with modest leaf litter. Patchy distribution throughout San Diego County, which often shifts to include partially recovered burned areas.	Moderate in chaparral. Likely would have been observed if present.
Southern California rufous-crowned sparrow (<i>Aimophila ruficeps canescens</i>)	WL MSCP Covered Species	Coastal sage scrub and open chaparral as well as shrubby grasslands. Occur throughout coastal lowlands and foothills of San Diego County	Moderate to high. Reported outside the project area during the coastal California gnatcatcher survey in 2014.
Loggerhead shrike (<i>Lanius ludovicianus</i>)	BCC SSC	Grassland, open sage scrub, chaparral, and desert scrub. Uncommon year-round resident observed in lower elevations of San Diego County.	Low. Would have been observed if present.
Burrowing owl (<i>Athene cunicularia</i>)	BCC SSC MSCP Covered Species	Declining species occurring in grassland or open scrub habitats. In 2003, there were an estimated 25 to 30 resident pairs of in San Diego County located primarily in the southern quarter of the county and on North Island (Lincer and Bloom 2007).	Low. Would have been observed if present.

Table 5.3-4 (cont.) SENSITIVE ANIMAL SPECIES WITH POTENTIAL TO OCCUR			
Species	Listing or Sensitivity	Habitat(s)/ Distribution	Potential to Occur
VERTEBRATES (cont.)			
Birds (cont.)			
Northern harrier (<i>Circus cyaneus</i>)	SSC MSCP Covered Species	Coastal, salt, and freshwater marshlands; grasslands; and prairies. Widespread throughout the temperate regions of North America and Eurasia. Winters and migrates throughout California from below sea level in Death Valley to an elevation of 9,800 feet AMSL. Known breeding areas in San Diego County include Torrey Pines, the Tijuana River Valley, and Camp Pendleton.	Moderate to high. Observed off site on the south side of SR-56.
White-tailed kite (<i>Elanus leucurus</i>)	State Fully Protected	Riparian woodlands and oak or sycamore groves adjacent to grassland on coastal slopes in San Diego County. Nests in the crowns of trees, especially coast live oak (<i>Quercus agrifolia</i>).	High (for foraging; no nesting habitat present). Observed off site during project surveys on the south side of SR-56 hunting in non-native grassland.
California horned lark (<i>Eremophila alpestris actia</i>)	State Watch List	Sandy beaches, agricultural fields, grasslands and open areas on coastal slopes and in lowlands from Sonoma County to northern Baja California, Mexico.	High. Observed off site in the adjacent Rhodes Crossing project area.
Mammals			
San Diego desert woodrat (<i>Neotoma lepida intermedia</i>)	SSC	Open chaparral and coastal sage scrub, often building large, stick nests in rock outcrops or around clumps of cactus or yucca. Occurs along the coastal slope of southern California from San Luis Obispo County south into coastal northwestern Baja California, Mexico	Low. Nests likely would have been observed if present.
Dulzura pocket mouse (<i>Chaetodipus californicus femoralis</i>)	SSC	Primarily associated with mature chaparral. It has, however, been trapped in mule fat scrub and is known to occur in coastal sage scrub. Has been reported from the mouth of the Santa Margarita River south into northern Baja California, Mexico. In San Diego County, it ranges eastward to the desert transition zone.	Moderate. Habitat potentially suitable.
Northwestern San Diego pocket mouse (<i>Chaetodipus fallax fallax</i>)	SSC	Open areas of coastal sage scrub and weedy growth, often on sandy substrates. Ranges from Los Angeles County and southern San Bernardino County south into west-central Baja California, Mexico.	Moderate. Habitat potentially suitable.

Source: Alden Environmental, Inc. 2017

Wildlife Movement Corridors/Linkages

The project is located in the Northern Area of the City's MSCP Subarea. Approximately 2.22 acres of the western edge of the Camino Del Sur impact footprint occurs within the MHPA (Figures 5.3-1a and 5.3-1b). The MHPA continues to the west and includes the Del Mar Mesa Preserve. Goals and objectives for the MHPA in the Northern Area (Section 1.5.8 of the City's MSCP Subarea Plan) consist of providing regional wildlife corridors that link Del Mar Mesa, Los Peñasquitos Canyon Preserve, Los Peñasquitos Lagoon, Torrey Pines State Park, San Dieguito River Valley Regional Park, and the Black Mountain Area.

Within approximately 1.5 miles of the project area, four identified MHPA connections (i.e., undeveloped, naturally vegetated corridors of land) exist between Del Mar Mesa Preserve and Los Peñasquitos Canyon Preserve as identified in the Carmel Mountain and Del Mar Mesa Preserves Resource Management Plan (RMP; Figure 5.3-3, *Wildlife Corridors*; RECON 2011). According to the RMP, the San Diego Tracking Team has been monitoring wildlife movement since 1997 as part of a wildlife corridor study by the Conservation Biology Institute for the MSCP. This study has shown that mule deer (*Odocoileus hemionius*) and other mammals (not including mountain lion [*Puma concolor*]) primarily utilize the San Diego Gas and Electric access roads west of Park Village Road to move between Del Mar Mesa and Los Peñasquitos Canyon Preserve. This location is the westernmost corridor shown on Figure 5.3-3. This corridor does not cross any roads, is approximately 3,750 feet wide, and would not be affected by the construction of the Merge 56 Development Project.

The easternmost connection of the four connections identified on Figure 5.3-3 crosses the Camino Del Sur impact footprint. This connection consists of a finger canyon connecting Del Mar Mesa Preserve and Darkwood Canyon. This connection requires that animals ultimately reach Los Peñasquitos Canyon Preserve by traveling through the southern portion of Darkwood Canyon that is approximately 150 feet wide and bordered by house lots and Park Village Elementary School. To get to Los Peñasquitos Canyon Preserve from Darkwood Canyon, wildlife must pass through the undersized culvert under Park Village Road¹ or cross at grade. Park Village Road is a four-lane roadway with no traffic calming features to slow vehicles and a minimally landscaped median to provide temporary refuge from traffic. This corridor is not conducive to wildlife movement due to its highly constrained condition.

The two corridors west of the connection through the southern portion of Darkwood Canyon are similarly narrow, bordered by house lots, and require crossing Park Village Road. However, where these corridors cross the roadway, the speed limit is 25 miles per hour. Still, neither is conducive to wildlife movement as they are also constrained corridors.

Construction of Camino Del Sur (i.e., the southern portion of the roadway) would require that wildlife cross the new two-lane roadway at grade to enter Darkwood Canyon from Del Mar Mesa Preserve. It should be noted that future planned development on the west side of Camino Del Sur (part of the Rhodes Crossing Project; Figure 5.3-3) along with protected (i.e., fenced) vernal pool preserves (Figure 5.3-1a) would create additional constraints to potential wildlife movement in this already constrained corridor in the future.

¹ The culvert under Park Village Road is five feet shorter than the recommended 12 feet for height, and has a length to width ratio of approximately 13, which is more than six times higher than the recommended ratio, and there are no skylights provided (Ogden Environmental and Energy Services [1992] in City 2006).

The project would, however, provide features as part of the design of Camino Del Sur (south) to reduce vehicle speed and improve conditions for any potential at-grade crossings. First, the roadway has been narrowed to two lanes from four and would have a posted speed limit of 35 miles per hour. Second, there would be ample sight distance of the potential crossing location so that motorists could see wildlife up ahead in the roadway. Third, wildlife experts would be consulted to ensure the vegetation planted within the 10- to 14-foot wide median is not desirable forage for mule deer and other wildlife so as not to attract them to the roadway. The vegetation in the wide median would, however, provide a potential refuge from vehicle traffic if wildlife attempts to cross the roadway.

While Camino Del Sur-South would further constrain wildlife movement through the easternmost corridor, this connection is already constrained by existing development. The Project would not affect the other three connections, particularly the westernmost corridor that provides the widest and most frequently used connection between Del Mar Mesa and Los Peñasquitos Canyon.

Regulatory Setting

Federal

Endangered Species Act

The Federal Endangered Species Act (FESA) designates threatened and endangered animals and plants and provides measures for their protection and recovery. "Take" of listed animal species and of listed plant species in areas under federal jurisdiction is prohibited without obtaining a federal permit. Take is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." Harm includes any act that actually kills or injures fish or wildlife, including significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife. Activities that damage the habitat of (i.e., harm) listed wildlife species require approval from the USFWS for terrestrial species. The FESA also generally requires determination of Critical Habitat for listed species. If a project would involve a federal action potentially affecting Critical Habitat, the federal agency would be required to consult with USFWS. USFWS Critical Habitat for the San Diego fairy shrimp has been designated across much of the project area (Figure 5.3-1a). Specifically, 30.2 acres of Critical Habitat are located in the Mixed-Use Development impact footprint; 12.2 acres are located in the Camino Del Sur impact footprint; 4.4 acres is located in the Carmel Mountain Road impact footprint, and 0.45 acre is located in the proposed Avoidance Area (a total of 47.25 acres within the project area).

FESA Section 7 and Section 10 provide two pathways for obtaining authority to take listed species. Under Section 7 of the FESA, a federal agency that authorizes, funds, or carries out a project that "may affect" a listed species or its Critical Habitat must consult with USFWS. Under Section 10 of the FESA, private parties with no federal nexus (i.e., no federal agency will authorize, fund, or carry out the project) may obtain an Incidental Take Permit (ITP) to harm listed species incidental to the lawful operation of a project.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA; 16 U.S. Code Sections 703-711) includes provisions for protection of migratory birds, including the non-permitted take of migratory birds. The MBTA regulates or prohibits taking, killing, possession of, or harm to migratory bird species listed in Title 50 Code of Federal Regulations Section 10.13. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, and many others (including those that are not sensitive). Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered a “take.” The MBTA is an international treaty for the conservation and management of bird species that migrate through more than one country, and is enforced in the United States by the USFWS. The MBTA was amended in 1972 to include protection for migratory birds of prey (raptors). As a general/standard condition, the Merge 56 Development Project must comply with the MBTA.

Clean Water Act

Under Section 404 of the Clean Water Act (CWA), the Corps is charged with regulating the discharge of dredge and fill materials into jurisdictional WUS. The terms “WUS” and “jurisdictional waters” have a broad meaning that includes special aquatic sites, such as wetlands. WUS, as defined by regulation and refined by case law include: (1) the territorial seas; (2) coastal and inland waters, lakes, rivers, and streams that are navigable WUS, including their adjacent wetlands; (3) tributaries to navigable WUS, including adjacent wetlands; and (4) interstate waters and their tributaries, including adjacent isolated wetlands and lakes, intermittent and ephemeral streams, prairie potholes, and other waters that are not a part of a tributary system to interstate waters or navigable WUS, the degradation or destruction of which could affect interstate commerce.

Section 401 of the CWA requires that any applicant for a federal license or permit to conduct any activity that may result in a discharge to WUS must obtain a Water Quality Certification, or a waiver thereof, from the state in which the discharge originates. In California, the RWQCB issues Water Quality Certifications.

State of California

California Endangered Species Act

The California Endangered Species Act (CESA) established that it is State policy to conserve, protect, restore, and enhance endangered species and their habitats. Under State law, plant and animal species may be formally designated rare, threatened, or endangered by official listing by the California Fish and Game Commission. The CESA authorizes that private entities may “take” plant or wildlife species listed as endangered or threatened under the FESA and CESA, pursuant to a federal ITP if the CDFW certifies that the incidental take is consistent with the CESA (Fish & Game Code Section 2080.1[a]). For State-only listed species, Section 2081 of the CESA authorizes the CDFW to issue an ITP for a State listed threatened or endangered species if specific criteria are met.

Native Plant Protection Act

Sections 1900–1913 of the California Fish and Game Code (CFGC) (Native Plant Protection Act; NPPA) direct the CDFW to carry out the Legislature’s intent to “...preserve, protect and enhance endangered or rare native plants of this state.” The NPPA gives the California Fish and Game Commission the power to designate native plants as “endangered” or “rare” and protect endangered and rare plants from take.

California Fish and Game Code

The CFGC provides specific protection and listing for several types of biological resources. Section 1600 of the CFGC requires a Streambed Alteration Agreement (SAA) for any activity that would alter the flow, change or use any material from the bed, channel, or bank of any perennial, intermittent, or ephemeral river, stream, and/or lake. Typical activities that require a SAA include excavation or fill placed within a channel, vegetation clearing, structures for diversion of water, installation of culverts and bridge supports, cofferdams for construction dewatering, and bank reinforcement. Notification is required prior to any such activities, and CDFW will issue an SAA with any necessary mitigation to ensure protection of the State’s fish and wildlife resources.

Pursuant to CFGC Section 3503, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Raptors and owls and their active nests are protected by CFGC Section 3503.5, which states that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird unless authorized by the CDFW. Section 3513 states that it is unlawful to take or possess any migratory non-game bird as designated in the MBTA. These regulations could require that construction activities (particularly vegetation removal or construction near nests) be reduced or eliminated during critical phases of the nesting cycle unless surveys by a qualified biologist demonstrate that nests, eggs, or nesting birds will not be disturbed, subject to approval by CDFW and/or USFWS. As a general/standard condition, the Merge 56 Development Project must comply with CFGC.

Porter-Cologne Water Quality Control Act of 1970

The Porter-Cologne Water Quality Control Act of 1970 grants the State Water Resources Control Board (SWRCB) and its regional offices power to protect water quality and is the primary vehicle for implementation of the State’s responsibilities under Section 401 of the CWA. The Porter-Cologne Act grants the SWRCB authority and responsibility to adopt plans and policies, regulate discharges to surface and groundwater, regulate waste disposal sites, and require cleanup of discharges of hazardous materials and other pollutants. Typically, the SWRCB and RWQCB act in concert with the Corps under Section 401 of the CWA in relation to permitting fill of WUS.

City of San Diego

Multiple Species Conservation Program (MSCP) Subarea Plan

The City’s MSCP Subarea Plan (City 1997b) was prepared to meet the requirements of the State NCCP Act of 1992. The Subarea Plan is consistent with NCCP and is a stand-alone document that

describes how proposed development projects may be implemented relative to the City's MSCP-designated regional preserve (the MHPA).

Multi-habitat Planning Area (MHPA). The MHPA was developed by the City in cooperation with the USFWS, CDFW, property owners, developers and environmental groups using the Preserve Design Criteria contained in the MSCP Plan, and the City Council-adopted criteria for the creation of the MHPA. MHPA lands are large blocks of native habitat that have the ability to support a diversity of plant and animal life and thus are included within the City's MSCP Subarea Plan for habitat conservation. The MHPA also delineates core biological resource areas and corridors targeted for conservation, as these lands have been determined to provide the necessary habitat quality, quantity, and connectivity to sustain the unique biodiversity of the San Diego region. While MHPA lands are considered by the City to be a sensitive biological resource and intended to be mostly void of development activities, development is allowed in the MHPA subject to the requirements of the MSCP Plan. The MHPA is divided into several areas; the Mixed-Use Development Project is located in the Northern Area. It should be noted that City Circulation Element roadways are permitted within the MHPA (City 2012).

Approximately 2.22 acres of the western edge of the project occur within the MHPA and support southern willow scrub, Diegan coastal sage scrub, Diegan coastal sage scrub-southern mixed chaparral ecotone, southern mixed chaparral, chamise chaparral, and disturbed habitat. The MHPA continues off site to the west (Figures 5.3-1a and 5.3-1b). There is only one specific management recommendation for the MHPA specified in the City's Subarea Plan for the Northern Area that would apply to the project. That management recommendation is to:

*Protect sensitive areas of Del Mar Mesa area from impacts from adjacent development.
Use signage to inform people of the sensitivity of vernal pools and the Del Mar Mesa area in general, and restrict off-road vehicle use of the area.*

To protect the sensitive portions of Del Mar Mesa in the MHPA, the project must conform to the City's MHPA Land Use Adjacency Guidelines; Special Conditions for Covered Species; Environmentally Sensitive Lands Regulations; General Planning and Policies and Design Guidelines; and General Management Directives.

Land Use Adjacency Guidelines. Land uses adjacent to the MHPA are to be managed to ensure that indirect impacts to the MHPA are minimized. The City has published Land Use Adjacency Guidelines, as part of the City's MSCP Subarea Plan, which outline these management requirements and address indirect effects related to drainage and toxics, lighting, noise, public access, invasive plant species, brush management, and grading/land development. An analysis of the project's consistency with the Land Use Adjacency Guidelines is provided in Section 5.1, *Land Use*, of this EIR. The only project component adjacent to the MHPA and subject to the Land Use Adjacency Guidelines is the northern portion of Camino Del Sur which, as a Circulation Element road, is a compatible use within the MHPA.

Special Conditions for MSCP Covered Species. Impacts to most MSCP Covered Species are considered to be mitigable through appropriate habitat preservation within the MHPA. While this is true for species with wide geographic distributions, certain species with very limited geographic ranges require additional conservation measures to assure their long-term survival (City 1997b). These

species are referred to as MSCP Narrow Endemics and have additional conditions placed upon them. No MSCP Narrow Endemic species have been observed in the project area.

Special conditions apply to the 85 MSCP Covered Species. Projects should be designed to avoid impacts to Covered Species in the MHPA where feasible. The Mixed-Use Development Project does not impact any Covered Species in the MHPA as observed in the project area; however, there is potential for the coastal California gnatcatcher to use habitat in the MHPA in the project area.

Outside the MHPA, projects must incorporate measures (i.e., Area Specific Management Directives) for the protection of Covered Species as identified in Appendix A of the City's Subarea Plan. These measures for each Covered Species observed in the project area are listed below under Issue 5 along with an explanation of how the project would comply with them.

General Planning Policies and Design Guidelines. Section 1.4.2 of the City's MSCP Subarea Plan includes general planning policies and design guidelines that should be applied in the review and approval of development projects within or adjacent to the MHPA. These are separate from the MSCP Subarea Plan's Land Use Adjacency Guidelines. A discussion of these general policies and guidelines as they relate to the project can be found in Section 5.1.3.

General Management Directives. Section 1.5.2 of the City's MSCP Subarea Plan includes general management directives for all areas within the boundaries of the City's MSCP Subarea. These directives include, but are not limited to, public access, litter/trash and materials storage, and flood control. A discussion of these directives as they relate to the project can be found in Section 5.1.3.

Environmentally Sensitive Lands (ESL)

Environmentally Sensitive Lands (ESL) include sensitive biological resources, steep hillsides, coastal beaches, sensitive coastal bluffs and 100-year floodplains. Mitigation requirements for sensitive biological resources follow the requirements of the City's Biology Guidelines (2012) as outlined in the SDMC ESL Regulations (Chapter 14, Article 3, Division 1). Impacts to biological resources within the MHPA must comply with the ESL Regulations, which also serve as standards for the determination of biological impacts and mitigation under CEQA in the City. In addition to aiding implementation and interpretation of the ESL Regulations, the City's Biology Guidelines define sensitive biological resources. The assessment of the sensitivity of vegetation communities and plant and animal species presented in this document follows those regulations and guidelines.

The purpose of the ESL Regulations is to "protect, preserve and, where damaged, restore the ESL of San Diego and the viability of the species supported by those lands." The regulations require that development avoid impacts to certain sensitive biological resources as much as possible including all MHPA lands; wetlands and vernal pools in naturally occurring complexes; listed, non-MSCP Covered Species; and MSCP Narrow Endemic species. Furthermore, the ESL Regulations state that wetlands impacts should be avoided, and unavoidable impacts should be minimized to the maximum extent practicable. In addition to protecting the wetlands themselves, the ESL Regulations require that a buffer be maintained around wetlands, as appropriate, to protect associated functions and values.

The project would impact wetlands and would, therefore, require deviations from the ESL Regulations. Deviations to the regulations for development located outside of the Coastal Overlay Zone (where the project lies) shall not be granted unless the development qualifies to be processed as [at least] one of the three options set forth in the following regulations (City SDMC Chapter 14, Article 3, Division 1) and in accordance with the City's Biology Guidelines. The project qualifies under two of the three options: the Essential Public Projects Option for the Public Roads (i.e., Camino Del Sur) and the Biologically Superior Option for the Mixed-Use Development. A summary of each is provided below. See Section 6.1.5, *Impacts to Waters of the U.S., Waters of the State, and City Wetlands*, in Appendix C1 for more details.

Essential Public Projects Option. According to SDMC (Chapter 14, Article 3, Division 1; §143.0150 Deviations from ESL Regulations), "a deviation may only be requested for an EPP [Essential Public Project] where no feasible alternative exists that would avoid impacts to wetlands."

Deviations from ESL Regulations may be granted for Essential Public Projects that include:

- (i) Any public project identified in an adopted land use plan or implementing document and identified on the Essential Public Projects List adopted by Resolution No. R-307377 as Appendix III to the Biology Guidelines; or
- (ii) Linear infrastructure, including but not limited to major roads and land use plan circulation element roads and facilities including bike lanes, water and sewer pipelines including appurtenances, and stormwater conveyance systems including appurtenances; or
- (iii) Maintenance of existing public infrastructure; or
- (iv) State and federally mandated projects.

The project must be an Essential Public Project that will service the community at large and not just a single development project or property. The project must be essential in both location and need (City 2012). The Public Roads improvements, including travel lanes, bike lanes, sidewalks and unpaved pathways, would provide local and regional access to the project, surrounding properties/open space systems, and the local community in accordance with the Circulation Elements of the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan. The roadway extensions are needed to convey traffic volumes and connect critical infrastructure anticipated at buildout of surrounding development areas at acceptable levels of service. Specifically, a 10-inch diameter public sewer line is proposed in the Camino Del Sur right-of-way and beneath the section of Carmel Mountain Road. A 16-inch public water main and 24-inch diameter public recycled water line would be installed in the Camino Del Sur right-of-way to expand the public infrastructure in the project area. In addition, a 16-inch public water main and 8-inch diameter public recycled water line would be constructed within the Carmel Mountain Road right-of-way. The recycled water lines, in particular, would increase the City's ability to meet future water demands in the project area while reducing dependence on imported water. Therefore, the Public Roads improvements and related public utilities are essential in location and need.

The Public Roads improvements would implement City Circulation Elements that have fixed endpoints and must comply with standard road design requirements in the City Street Design Manual; the improvements would create connections between existing road termini where they do not presently exist. The roadways have been designed to meet current engineering safety standards (e.g., vertical elevation, minimum curve radii and roadway slopes), while providing the minimum road capacity necessary to handle future projected traffic. The road footprints have been designed to avoid direct impacts to off-site vernal pool resources and have been minimized, to the extent feasible, by narrowing the roads to two lanes.

As stated above, a deviation may only be requested for an Essential Public Project where no feasible alternative exists that would avoid impacts to wetlands. Three wetland avoidance alternatives, a No Project Alternative, a Wetlands Avoidance Alternative, and a Merge 56 Development Project (project) alternative are addressed under Issue 3 in Section 5.3.3 and in Section 6.1.5, *Impacts to Waters of the U.S., Waters of the State, and City Wetlands*, in Appendix C1. In summary, a No Project Alternative would be infeasible because the City's Circulation Element goals would not be met. Existing site conditions and current engineering safety standards make complete avoidance of wetlands under a Wetlands Avoidance Alternative infeasible. The Merge 56 Development Project, however, meets the City's Circulation Element goals and reduces impacts to wetlands to the maximum extent practicable.

Biologically Superior Option. A deviation from ESL Regulations for wetlands is needed for the Mixed-Use Development component of the project, which would impact two vernal pools with a combined surface area of 966 square feet (0.022 acre).² A deviation may be requested to achieve a superior biological result, which would provide a net increase in quality and viability (functions and value) relative to existing conditions or the project originally proposed by the Applicant, and long-term biological benefit. Deviations from the ESL Regulations for wetlands can be considered under the Biologically Superior Option when a project meets all four of the following criteria listed below.

1. *The CEQA document must fully analyze and describe the rationale for why the Biologically Superior Option (this could be the proposed project) would result in the conservation of a biologically superior resource compared to strict compliance with provisions of the ESL (i.e., no impacts to wetlands).*
2. *The wetland resources being impacted shall be limited to wetlands of low biological quality (based on factors such as use by sensitive species and pool surface area).*
3. *The project and proposed mitigation shall conform to the requirements for a Biologically Superior Option as detailed in Section III B of the Biology Guidelines (e.g., a plan of action is required to reduce significant impacts to below of level of significance).*

² The Mixed-Use Development component of the project has already received agency permits for impacts to jurisdictional drainage and non-vernal pool wetland features; these impacts were analyzed in accordance with ESL Regulations in the Rhodes Crossing EIR (see Figure 5.3-2). These permits do not, however, include impacts to the two isolated vernal pools within the Mixed-Use Development impact footprint. These pools were identified as being preserved in the Rhodes Crossing EIR and agency permits. The Mixed-Use Development component proposes to impact these two isolated vernal pools.

4. *The Wildlife Agencies (USFWS and CDFW) have concurred with the biologically superior project design and analyses (in writing prior to, or during, public review of the CEQA document; lack of unequivocal response is deemed to be concurrence).*

An analysis of the project's compliance with these criteria is provided under Issue 3 in Section 5.3.3 and Section 6.1.5, *Impacts to Waters of the U.S., Waters of the State, and City Wetlands*, of Appendix C1. Additional discussion of the ESL Regulations and their requirements is provided in Section 5.1, *Land Use*.

5.3.2 Impact

Issue 1: Would the proposal result in substantial adverse impacts, either directly or through habitat modifications, to any species identified as a candidate, sensitive or special status species in the MSCP or other local or regional plans, policies or regulations, of by the CDFW or USFWS?

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

Impact Thresholds

Based on the City Significance Determination Thresholds (2011), significant impacts to biological resources are evaluated in several different ways in accordance with the City's Biology Guidelines (2012) and SDMC pertaining to ESL Regulations. Specifically:

- The City's permit to "take" covered species under the MSCP is based on the concept that 90 percent of lands within the MHPA will be preserved. Therefore, any encroachment into the MHPA (in excess of the allowable encroachment by a project) is considered a significant impact and requires that land be added to the MHPA that is at least equivalent to what would be removed.
- Lands containing Tier I, II, IIIA and IIIB habitats and all wetlands are considered sensitive and declining habitats and impacts to these resources may be considered significant. (Lands designated as Tier IV are not considered to have significant habitat value and impacts would not be considered significant).
- Impacts to individual sensitive species, outside of any impacts to habitat, may also be considered significant based upon the rarity and extent of impacts. Impacts to State or federal listed species and all City-defined Narrow Endemics should be considered significant. Certain species covered by the MSCP (as noted in the City's Biology Guidelines) and other species not covered by the MSCP may be considered significant on a case-by case basis taking into consideration all pertinent information regarding distribution, rarity, and the level of habitat conservation afforded by the MSCP. [This may include species in the CNPS' Inventory of Rare and Endangered Plants (CNPS 2015) or on the CDFW's list of Special Animals (CDFW Natural Diversity Database 2015)].

Impacts are either direct or indirect, and may be permanent or temporary. A direct impact is a physical change in the environment that is caused by and immediately related to a project, wherein the primary effect is removal of existing habitat, often replacing it with graded or developed areas. Indirect impacts consist of reasonably foreseeable secondary effects of a project (such as noise or edge effects) that lead to habitat degradation. The magnitude of an indirect impact may be the same as a direct impact; however, the effects from an indirect impact often take longer to become apparent. Permanent impacts are assessed to areas that are permanently altered as a result of developed project features. Temporary impacts are assessed to areas that would be disturbed by construction activities but not ultimately converted to hardscape or landscaping. For purposes of this analysis, all impacts associated with the project are considered permanent.

The biological resources section of the significance thresholds document does not define cumulative impacts but provides several examples of impacts considered cumulatively significant. For example, direct impacts to vernal pools and direct impacts to perennial native grasslands greater than 0.1 acre may be considered cumulatively significant, as would impacts to State or federal listed species not covered by the MSCP, on a case-by-case basis. In general, projects that conform to the MSCP as specified by the City's Subarea Plan and its implementing ordinances are not expected to result in a significant cumulative impact for those biological resources adequately covered by the MSCP, including vegetation communities identified as Tier I through IV. Refer to Section 6.0, *Cumulative Impacts*, for a discussion of the cumulative effects associated with the project.

According to the City's Significance Determination Thresholds, a project would have a significant direct or indirect impact on biological resources if the project would:

- a. Substantially affect an endangered, rare, or threatened species of animal or plant or the habitat of the species; and/or
- b. Substantially diminish important upland or riparian habitat for fish, wildlife or plants.

Additionally, impacts to sensitive nesting birds would be significant.

Impact Analysis

Mixed-Use Development and Public Roads

Sensitive Vegetation Communities

The project would affect approximately 61.74 acres of sensitive vegetation communities, which provide important habitat for endangered, rare, or threatened species. Impacts to these communities would be significant because they are wetlands or Tier I through Tier IIIB habitats. Mitigation would be required.

Of the impacted acreage, approximately 2.2 acres of this impact would occur within the MHPA (to southern willow scrub, Diegan coastal sage scrub (including –disturbed), southern mixed chaparral, chamise chaparral-disturbed, and non-native grassland). The impacts would occur through direct and permanent removal upon implementation of the project (Figures 5.3-1a, 5.3-1b, and 5.3-2). Overall, the impacted communities would include vernal pools, road pools, southern willow scrub,

mule fat scrub, freshwater marsh, scrub oak chaparral, Diegan coastal sage scrub (including - disturbed), Diegan coastal sage scrub-southern mixed chaparral ecotone, southern mixed chaparral, chamise chaparral (including -disturbed), and non-native grassland (Table 5.3-1).

Avoidance of all impacts to wetland/riparian vegetation communities is infeasible for the project due to the location of these communities relative to the Circulation Element roadway alignments that are planned and were approved by the City. Impacts to vernal pools and their watersheds (immediately outside the project impact footprint; Figure 5.3-1a) have been avoided through project design. Project compliance with regulations pertaining to wetlands is provided below under Issue 3.

For vernal and road pools, specifically, direct and permanent impacts would occur to a total of eight vernal pools (1,661 sq ft) and two road pools (114 sq ft) with a combined surface area of approximately 0.041 acre (Figure 5.3-2; Table 5.3-5, *Summary of Impacts to Vernal and Road Pools*). Each impacted pool except one supports the federal listed endangered San Diego fairy shrimp. None of the vernal or road pool impacts would occur within the MHPA.

Pool Type	Total Area (sq ft)	San Diego Fairy Shrimp Present	Project Component
Vernal Pool	382	Yes	Mixed-Use Development
Vernal Pool	584	Yes	Mixed-Use Development
Vernal Pool	319	Yes	Camino Del Sur
Vernal Pool	58	Yes	Camino Del Sur
Vernal Pool	94	Yes	Camino Del Sur
Vernal Pool	62	Yes	Camino Del Sur
Vernal Pool	91	Yes	Camino Del Sur
Vernal Pool	71	No	Camino Del Sur
Road Pool	51	Yes	Camino Del Sur
Road Pool	63	Yes	Camino Del Sur

Source: Alden Environmental, Inc. 2017

The impacted pools are all located on dirt roads, are highly disturbed, and of low quality. Given the location of the pools and the roadway alignment and design constraints, the vernal and road pool impacts are unavoidable. It is not feasible for the project to avoid these pools (or provide 100-foot buffers to them); therefore, impacts to these pools from the project would require deviations from the ESL Regulations. As explained above, the Public Roads portions of the project qualify under the Essential Public Projects Option for a wetland deviation. The Mixed-Use Development component of the project meets all four criteria for the Biologically Superior Option, which means that it also qualifies for a wetland deviation, as explained below under Issue 3.

Sensitive Plant Species

The project would directly impact six sensitive plant species through their removal, as follows (Figure 5.3-1a).

- 23 individual Nuttall's scrub oak (CNPS Rare Plant Rank 1B.1; including 1.7 acres of Nuttall's scrub oak-dominated scrub oak chaparral)
- 1 Orcutt's brodiaea (CNPS Rare Plant Rank 1B.1; MSCP Covered Species)
- 2 San Diego goldenstar (CNPS Rare Plant Rank 1B.1; MSCP Covered Species)
- 68 summer holly (CNPS Rare Plant Rank 1B.2)
- 55 San Diego barrel cactus (CNPS Rare Plant Rank 2B.1; MSCP Covered Species)
- 28 spine shrub (CNPS Rare Plant Rank 2B.1)

Nuttall's Scrub Oak. Due to the number of Nuttall's scrub oak that would be affected and its CNPS Rare Plant Rank of 1B.1, impacts to Nuttall's scrub oak would be significant, and habitat-based mitigation would be required.

Orcutt's Brodiaea and San Diego Goldenstar. Impacts to one Orcutt's brodiaea and two San Diego goldenstar would be less than significant because of the very few numbers of individuals impacted, and they are MSCP Covered Species considered to be adequately protected in the MHPA. No mitigation would be required.

Summer Holly. Due to summer holly's CNPS Rare Plant Rank of 1B.2, and the number of individuals impacted, impacts to the species would be significant, and mitigation would be required.

San Diego Barrel Cactus. Impacts to 55 individual San Diego barrel cacti would be less than significant because it is an MSCP Covered Species considered to be adequately protected in the MHPA. No mitigation would be required. The barrel cacti would, however, be salvaged and transplanted, as feasible, to suitable locations such as the vernal pool preserves.

Spine Shrub. Due to spine shrub's CNPS Rare Plant Rank of 2B.2, impacts to the species would be significant, and mitigation would be required.

Sensitive Wildlife Species

The project would directly impact eight sensitive wildlife species including San Diego fairy shrimp, coastal California gnatcatcher, orange-throated whiptail, coast horned lizard, San Diego black-tailed jackrabbit, western spadefoot, two-striped garter snake, and Cooper's hawk. Impacts to these species would occur as follows. Direct impacts to raptor foraging habitat would also occur as would potential direct impacts to sensitive nesting birds.

San Diego Fairy Shrimp. The project would directly impact seven vernal pools and two road pools that support San Diego fairy shrimp (Table 5.3-5). The project would also directly impact 47.1 acres of designated Critical Habitat for the San Diego fairy shrimp (30.2 acres in the Mixed-Use Development impact footprint and 16.9 acres in the Public Roads footprints (Figure 5.3-1a) through removal. These impacts would occur outside of the MHPA and would be significant because of this species' federal endangered status. Mitigation would be required.

Coastal California Gnatcatcher. The project would impact two pairs of the federal listed threatened coastal California gnatcatcher and its associated habitat. These impacts would occur within the Mixed-Use Development footprint, outside of the MHPA, and would result from the direct removal of habitat and displacement of the birds.

Direct impacts to the coastal California gnatcatcher and its habitat would be considered significant inside the MHPA. Direct impacts to the coastal California gnatcatcher would require mitigation in accordance with the MSCP Subarea Plan.

Direct impacts to the coastal California gnatcatcher and its habitat outside the MHPA are authorized under the City's Subarea Plan and, therefore, are less than significant.

The six other species observed (i.e., orange-throated whiptail, coast horned lizard, San Diego black-tailed jackrabbit, western spadefoot, two-striped garter snake, and Cooper's hawk) are expected to occur throughout the entire project impact footprint in the habitats in which they were observed (and possibly similar habitats). Impacts to these species would occur through direct habitat removal and displacement of individuals. There is no suitable nesting substrate for the Cooper's hawk in the project area; it is expected that it utilizes the project area for foraging only. The orange-throated whiptail, coast horned lizard, San Diego black-tailed jackrabbit, western spadefoot, and two-striped garter snake could also be injured or killed during clearing, grubbing, or grading activities. Impacts to these species except the jackrabbit would be adverse but less than substantial (either because they are MSCP Covered Species or impacts would be limited) and, therefore, less than significant, and no mitigation would be required. It should be noted that mitigation required for impacts to sensitive vegetation communities would help to offset these impacts. Impacts to the San Diego black-tailed jackrabbit would be significant according to Significance Criterion 1 due to the acreage of its potential habitat to be impacted and potential injury and mortality to individuals. Several animal species have moderate to high potential to occur in the project area. Potential impacts to State Species of Special Concern including silvery legless lizard, Coronado skink, Bell's sage sparrow, Dulzura pocket mouse, and northwestern San Diego pocket mouse or the State Watch List California horned lark could be significant depending on the extent of the impacts.

Two species with moderate potential to occur in the project area are MSCP Covered Species (southern California rufous-crowned sparrow and northern harrier). Impacts to Covered Species are permitted with conformance to the City's Subarea Plan. Therefore, mitigation would not be required. It should be noted, however, that mitigation required for other project impacts would help to offset potential direct impacts to these species. Conformance to the Land Use Adjacency Guidelines also would minimize potential indirect project effects on these species should they be present adjacent to the project. Refer to Section 5.1, *Land Use*, for the compliance discussion.

Raptor Foraging Habitat. Direct impacts to non-native grassland through its removal would result in a loss of raptor foraging habitat, which could adversely affect sensitive or MSCP Covered Species of raptors. The Cooper's hawk (MSCP Covered Species) was observed in the project area. Northern harrier (MSCP Covered Species) and white-tailed kite (State Fully Protected; Table 5.3-4) have been observed in grasslands near SR-56 and the project area. Due to the number of raptor species observed in the project area, non-native grasslands in the project area are considered to be

important for raptor foraging. Therefore, impacts to non-native grassland from the project would be significant.

Indirect Impacts

Indirect impacts consist of secondary effects of a project that can occur during construction or from a project once built and affect sensitive vegetation and species. Indirect effects listed in the City's Subarea Plan include those from drainage and toxics, lighting, noise, public access, invasive plant species, brush management, and grading/land development as addressed by the Land Use Adjacency Guidelines specifically for indirect impacts to the MHPA (but also for vernal pool preserves and natural areas that connect to the MHPA), and primarily for built projects. See Section 5.1, *Land Use*, of this EIR for an analysis of the project under the MHPA Land Use Adjacency Guidelines.

Furthermore, indirect impacts to raptor nesting in the MHPA are addressed by the Biology Guidelines (City 2012). Other indirect impacts of a project can also sensitive species and include fugitive dust from construction and roadkill from a built project. The magnitude of an indirect impact can be the same as a direct impact, but the effect usually takes a longer time to become apparent. Indirect impacts to San Diego fairy shrimp, specifically, are addressed under Issue 3 in Section 5.3.3.

Raptor Nesting. Impacts to nesting raptors could occur if construction occurs in or near the MHPA within the breeding season (generally February 1 to September 15). The Biology Guidelines (City 2012) require 300 feet from any Cooper's hawk nesting site and 900 feet from any northern harrier nesting site that occurs in the MHPA. Therefore, if construction occurs during the raptor breeding season, a potentially significant impact would occur.

None of the trees in the project area or within 300 feet of the project area meet the criterion for a potential Cooper's hawk nest site, therefore, it is unlikely that a Cooper's hawk nest would occur within 300 feet of the project. Also, while the northern harrier was observed in grasslands near SR-56 and has some potential to nest in grassland in the project area, none of the grassland is within the MHPA, and no grassland occurs in the MHPA within 900 feet of the project area. Therefore, project construction is not expected to indirectly impact nesting raptors for which avoidance areas are required per the Biology Guidelines.

Fugitive Dust. Fugitive dust produced by construction could disperse onto adjacent sensitive vegetation and into vernal pool preserves that may support sensitive plant and animal species. A continual cover of dust may reduce the overall vigor of individual plants by reducing their photosynthetic capabilities and increasing their susceptibility to pests or disease. This, in turn, could affect animals dependent on these plants (e.g., seed-eating rodents). Fugitive dust also may make plants unsuitable as habitat for insects and birds. Construction of the project would be required to adhere to applicable construction dust control measures prescribed by the City and in agency permits to be obtained by the Applicant. These measures include, for example, reduced driving speeds on unpaved roads and regular watering of dirt surfaces. Therefore, less-than-significant fugitive dust impacts would occur during project construction.

Roadkill. While Camino Del Sur would pass through undeveloped land and would traverse through a wildlife corridor between the Del Mar Mesa Preserve and Los Peñasquitos Canyon, the corridor is highly constrained by topography and development. It has been shown that mule deer and other mammals primarily utilize the San Diego Gas and Electric access roads west of Park Village Road to move between Del Mar Mesa and Los Peñasquitos Canyon Preserve (Recon Environmental, Inc. 2011). The project would provide features to reduce vehicle speeds and improve conditions for any at-grade crossings on Camino Del Sur-South (two lanes, 35 mile-per-hour speed limit, and ample sight distance) and would work with wildlife experts to ensure the vegetation planted within the 10- to 14-foot wide median (which may provide a refuge area for at-grade crossings) is unattractive to mule deer and other wildlife. Therefore, potential roadkill impacts would be minimized on Camino Del Sur. Should roadkill occur, it is anticipated to be limited and to non-sensitive species and, therefore, less than significant.

Significance of Impact

Sensitive Vegetation Communities

Direct impacts to vernal pools, road pools, southern willow scrub, mule fat scrub, freshwater marsh, scrub oak chaparral, Diegan coastal sage scrub (including -disturbed), Diegan coastal sage scrub-southern mixed chaparral ecotone, southern mixed chaparral, chamise chaparral (including -disturbed), and non-native grassland (Table 5.3-1) would be significant because these communities are wetlands or Tier I through Tier IIIB habitats.

Sensitive Plant Species

The project would have 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 higher levels of sensitivity. Mitigation would be required.

Sensitive Wildlife Species

Direct impacts to San Diego fairy shrimp would be significant and, therefore, require mitigation that would be addressed through a Section 7 Consultation between the Corps and USFWS as part of obtaining project permits.

Direct impacts to the coastal California gnatcatcher and its habitat would be considered significant inside the MHPA and would require mitigation in accordance with the MSCP Subarea Plan. Direct impacts to the species and its habitat outside the MHPA are authorized under the City's Subarea Plan and are, therefore, are less than significant. No mitigation would be required.

Direct impacts to orange-throated whiptail, coast horned lizard, western spadefoot, two-striped garter snake, and Cooper's hawk would be less than significant because they are MSCP Covered Species or impacts would be limited, and no mitigation would be required. Impacts to the San Diego black-tailed jackrabbit would be significant due to the acreage of its potential habitat to be impacted and potential injury and mortality to individuals. Mitigation would be required.

Potential impacts to sensitive animal species with moderate to high potential to occur including silvery legless lizard, Coronado skink, Bell's sage sparrow, California horned lark, Dulzura pocket mouse, and northwestern San Diego pocket mouse could be significant depending on the extent of the impacts, and mitigation would be required.

Impacts to MSCP Covered Species with moderate potential to occur (i.e., southern California rufous-crowned sparrow and northern harrier) would be less than significant because impacts to populations of these species would not be substantial. No species-specific mitigation would be required. It should be noted, however, that mitigation required for sensitive vegetation communities would 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. This would be offset by habitat-based mitigation.

Indirect impacts to sensitive species from drainage and toxics, lighting, noise, public access, invasive plant species, brush management, and grading/land development are addressed in Section 5.1, *Land Use*, of this EIR. Indirect impacts to raptor nesting are not expected, and no mitigation would be required. Indirect impacts from fugitive dust and roadkill would be less than significant because construction activities would be required to adhere to applicable construction dust control measures prescribed by the City, and wildlife movement through the project area is limited, and features would be provided to minimize potential roadkill impacts; no mitigation would be required.

Mitigation, Monitoring and Reporting

The following mitigation shall be implemented by the Applicant and is required consistent with the City's MSCP Subarea Plan and Biology Guidelines (2012) to reduce the project's direct and indirect impacts to sensitive vegetation communities and sensitive plant and wildlife species to below a level of significance. Mitigation for indirect impacts related to MHPA Land Use Adjacency is specifically addressed in Section 5.1, *Land Use*, of this EIR.

General Mitigation

Bio-1 Biological Resource Protection During Construction

I. Prior to Construction

- A. Biologist Verification:** The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination section stating that a Project Biologist (Qualified Biologist), as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. Pre-construction Meeting:** The Qualified Biologist shall attend a pre-construction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.

- C. Biological Documents:** The Qualified Biologist shall submit all required documentation to Mitigation Monitoring Coordination verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, MSCP, ESL Ordinance, project permit conditions; CEQA; endangered species acts; and/or other local, State or federal requirements.
- D. Biological Construction Mitigation/Monitoring Exhibit:** The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit which includes the biological documents in C, above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements, avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City Assistant Deputy Director/Mitigation Monitoring Coordination. The Biological Construction Mitigation/Monitoring Exhibit shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The Biological Construction Mitigation/Monitoring Exhibit shall be approved by Mitigation Monitoring Coordination and referenced in the construction documents.
- E. Resource Delineation:** Prior to construction activities including the erection of any permanent fencing (e.g., around the vernal pool preserves adjacent to the project), the Qualified Biologist shall supervise the placement of silt and orange construction fencing or equivalent along the limits of disturbance and verify compliance with any other project conditions as shown on the Biological Construction Mitigation/Monitoring Exhibit. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora and fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site. Temporary construction fencing shall be removed upon construction completion.
- F. Education:** Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

II. During Construction

- A. Monitoring:** All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the Biological Construction Mitigation/Monitoring Exhibit. The Qualified Biologist shall monitor construction activities as

needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record. The Consultant Site Visit Record shall be e-mailed to Mitigation Monitoring Coordination on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery. The Qualified Biologist shall monitor, as is feasible, for the presence of sensitive animals species and shall, if practicable, direct or move these animals out of harm's way (i.e., to a location of suitable habitat outside the impact footprint).

- B. Subsequent Resource Identification:** The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna on site (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, State or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction

- A.** In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL Ordinance and MSCP, CEQA, and other applicable local, State and federal laws. The Qualified Biologist shall submit a final Biological Construction Mitigation/Monitoring Exhibit/report to the satisfaction of the City Assistant Deputy Director/Mitigation Monitoring Coordination within 30 days of construction completion.

Sensitive Vegetation Communities

Bio-2 Sensitive Natural Communities

Vernal Pools and Road Pools

Prior to the issuance of the first construction and/or grading permit, impacts to vernal pools and road pools shall be mitigated through off-site creation of vernal pool habitat in accordance with a vernal pool mitigation plan approved by the City, USFWS, and CDFW. The mitigation shall occur at a 3:1 ratio. Vernal/road pool impacts and their associated mitigation requirements for both the Mixed-Use Development and Public Road project components are presented together in Table 5.3-6, *Mitigation for Impacts to Vernal/Road Pools*. The mitigation for the Mixed-Use vernal pool impacts and the Public Road vernal pool and road pool impacts is proposed to occur at a City-owned parcel on Del Mar Mesa (see Figure 7, *Vernal Pool Mitigation Site*, in Appendix C1). In total, the project requires 0.123 acre of vernal pool mitigation. The proposed effort on the City-owned parcel would, however, provide 0.193 acre of created vernal pool habitat. This would leave approximately 0.070 acre of surplus vernal pool surface area that could be used by the City as mitigation for other City projects. Additionally, the Applicant will enhance an existing vernal pool (0.021 acre) as part of the overall effort on the City-owned parcel. The creation of surplus vernal pool habitat and enhancement of the

existing vernal pool are being conducted to compensate for the use of City-owned land for private (i.e., the Mixed-Use) mitigation. The final mitigation, however, shall be determined through consultation with the City and USFWS, and a final vernal pool mitigation plan shall be submitted to the USFWS for approval within 120 days of the Applicant receiving the final Biological Opinion.

Location and Pool Type	Impacts (acre)	Mitigation	
		Ratio	Required (acre)
Mixed-Use Development			
Vernal Pool	0.022	3:1	0.066
Subtotal	0.022	-	0.066
Public Roads¹			
Vernal Pool	0.016	3:1	0.048
Road Pool	0.003	3:1	0.009
Subtotal	0.019	-	0.057
TOTAL	0.041		0.123

Source: Alden Environmental, Inc. 2017

¹ There would be no impacts to vernal/road pools from the construction of Carmel Mountain Road.

Upon completion of the mitigation, there shall be a five-year maintenance and monitoring period to ensure successful habitat creation followed by implementation of a long-term habitat management plan approved by the City. The mitigation shall, at a minimum, replace the functions and services lost through impacts to vernal and road pools from the project. All of the pools also shall support reproducing populations of San Diego fairy shrimp. With the completed mitigation, it is expected that functions and services (water filtration, sensitive wildlife and plant habitat, etc.) would be greater in the created pools than in the impacted pools by the end of the five-year mitigation effort. This realization of target functions and values shall be documented by conducting quantitative and qualitative analyses throughout the five-year monitoring period.

Long-term management (after the five-year maintenance and monitoring period) and funding of the City roadway portion of the vernal pool mitigation area would be the responsibility of the City. Long-term management and funding of the Mixed-Use vernal pool mitigation area would be the responsibility of owner/permittee to prepare a Property Analysis Record and provide an endowment to ensure adequate long-term funding for the Mixed-Use vernal pool mitigation component. Long-term management and funding of the surplus pools would be determined through consultation between the City and owner/permittee. Actual management activities would be implemented by the City and/or a third-party entity approved and authorized by the City. All mitigation for impacts to vernal pools and road pools (and San Diego fairy shrimp) shall occur as defined in the final permits/authorizations to be issued by the Corps, USFWS, and City prior to issuance of grading permits.

Other Wetland/Riparian Areas

The northern portion of Camino Del Sur would impact a total of 0.5 acre of wetland/riparian habitat (other than vernal pools, i.e., southern willow scrub, mule fat scrub, and freshwater marsh; Table

5.3-1). Prior to the issuance of the first construction and/or grading permit, mitigation for these impacts shall be met through off-site creation of wetland habitat at a 3:1 ratio (1.5 acres of mitigation for these impacts). The proposed mitigation site is located along the creek in McGonigle Canyon approximately 1.5 miles northwest of the project (See Figure 8, *Off-Site Wetland/Riparian Mitigation Site*, in Appendix C1). The mitigation site supports existing wetland habitat along the creek and is located within the MHPA. The mitigation shall include widening the creek to the south in an area that has been filled and used for agricultural purposes. The mitigation area shall be constructed specifically for the Camino Del Sur portion of the City's roadway project component and shall not be a part of any current or proposed future mitigation banking agreement. The total acreage to be created at this location is 1.58 acres, which includes the 1.5 acres required for this wetland/riparian habitat mitigation plus an additional 0.08 acre required for impacts to non-wetland streambeds as described in Mitigation Measure Bio-8, *Jurisdictional Areas*.

Wetland/riparian habitat shall be created by expanding the width of the existing creek and creating a mosaic of site-appropriate wetland/riparian associated habitats through the installation of a broad species mix. The habitats to become established are anticipated to range from freshwater marsh adjacent to the central portions of the channel that experience steady water flows, to riparian scrub and forest habitats along the periphery of the wetland mitigation area. As with the vernal pool mitigation discussed above, the wetland mitigation effort shall include a five-year maintenance and monitoring period, a long-term HMP, and an endowment to provide long-term management funding. See Section 7.1.2, *Mitigation for Impacts to Other Jurisdictional/Wetland Areas*, in Appendix C1 for additional details.

All mitigation for the impacts shall occur as defined in the final permits/authorizations to be issued by the Corps, CDFW, USFWS, and City prior to issuance of grading permits.

Bio-3 Upland Vegetation Communities

Prior to the issuance of the first construction and/or grading permit, mitigation for direct impacts to 61.2 acres of sensitive upland vegetation communities and Nuttall's scrub oak shall be accomplished through preservation of a minimum of 51.8 acres of suitable habitat/mitigation credit. The impacts and potential mitigation ratios and acreages are presented in Table 5.3-7, *Mitigation for Impacts to Sensitive Upland Vegetation Communities from the Mixed-Use Development*, and Table 5.3-8, *Mitigation for Impacts to Sensitive Upland Vegetation Communities from the Public Roads* and are based on Table 3, Upland Mitigation Ratios, of the City's Biology Guidelines (and the Torrey Highlands Subarea Plan [THSP] for impacts on the Mixed-Use Development site).

The following acquisition and preservation of mitigation in the THSP MHPA and/or purchase of credits from mitigation banks shall be provided for project impacts to upland habitats in accordance with the City's Biology Guidelines.

Table 5.3-7 MITIGATION FOR IMPACTS TO SENSITIVE UPLAND VEGETATION COMMUNITIES FROM THE MIXED-USE DEVELOPMENT (acres)				
Vegetation Community	Impacts¹ (acres)	Mitigation¹		
		Mitigation Ratio (acre)	Required Mitigation Acreage	Avoided
Tier II				
Diegan coastal sage scrub	7.7	2:1 ²	15.4	2.4
Diegan coastal sage scrub-disturbed	0.3	2:1 ²	0.6	-
Diegan coastal sage scrub-southern mixed chaparral ecotone	1.3	2:1 ²	2.6	-
Subtotal	9.3	-	18.6	2.4
Tier IIIA				
Southern mixed chaparral	<0.1	0.5:1	0.1	0.1
Chamise chaparral	2.2	0.5:1	1.1	-
Chamise chaparral-disturbed	3.4	0.5:1	1.7	-
Subtotal	5.6	-	2.9	0.1
Tier IIIB				
Non-native grassland	16.5	0.5:1	8.3	0.5
Subtotal	16.5	-	11.2	0.5
TOTAL	31.4	--	32.7	3.0

Source: Alden Environmental, Inc. 2017

¹Impact is outside the MHPA, and mitigation is within the MHPA.

²Since the project proposes to mitigate for impacts to Diegan coastal sage scrub communities outside the THSP MHPA, the ratio has been doubled to 2:1.

- The Applicant shall meet the 32.7-acre upland mitigation requirement for the Mixed-Use Development through the assignment of credits in the Deer Canyon Mitigation Bank ~~and/or the purchase of credits in the City's Marron Valley Cornerstone Lands Mitigation Bank~~ and/or the acquisition of land available at the Crescent Heights site owned by Pardee Homes ~~and/or the acquisition of land available in the East Elliot community~~. Any MHPA land acquired from Pardee Homes ~~or others~~ for project mitigation would be dedicated in fee title to the City of San Diego. Conveyance of any land in fee title to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director. Final mitigation compliance may be a combination of these three options; would be dependent upon credit/land availability; and would be subject to City and wildlife agency approval prior to issuance of the first grading permit.
- Mitigation for Camino Del Sur impacts to scrub oak chaparral (a Tier I habitat) shall be met through use of 1.7 acre of credits in the Deer Canyon Mitigation Bank in the MHPA west of the project that have been allocated by Mr. Keith Rhodes for the "Rhodes Crossing Project." The Deer Canyon Mitigation Bank has 13.81 acres of remaining Tier I mitigation credits that were previously allocated and currently owned by Mr. Keith Rhodes.

Table 5.3-8 MITIGATION FOR IMPACTS TO SENSITIVE UPLAND VEGETATION COMMUNITIES FROM THE PUBLIC ROADS					
Vegetation Community¹	Impacts		Mitigation		
	Camino Del Sur	Carmel Mountain Road	Total Impact (acre)	Ratio² (acre)	Required Mitigation
Tier I					
Scrub oak chaparral	1.7	-	1.7	1:1	1.7 ³
Subtotal	1.7	-	1.7	-	1.7
Tier II					
Diegan coastal sage scrub	3.5	-	3.5	1:1	3.5
Diegan coastal sage scrub-within MHPA	0.3	-	0.3	1:1	0.3
Diegan coastal sage scrub-disturbed	0.2	-	0.2	1:1	0.2
Diegan coastal sage scrub-southern mixed chaparral ecotone	0.4	-	0.4	1:1	0.4
Diegan coastal sage scrub-southern mixed chaparral ecotone-within MHPA	0.1	-	0.1	1:1	0.1
Subtotal	4.5	-	4.5	-	4.5
Tier IIIA					
Southern mixed chaparral	6.2	-	6.2	0.5:1	3.1
Southern mixed chaparral-within MHPA	1.8	-	1.8	1:1	1.8
Chamise chaparral	6.3	1.1	7.4	0.5:1	3.7
Chamise chaparral-within MHPA	0.2	-	0.2	1:1	0.2
Chamise chaparral-disturbed	1.1	1.0	2.1	0.5:1	1.1
Subtotal	15.6	2.1	17.7	-	9.9
Tier IIIB					
Non-native grassland	3.8	2.1	5.9	0.5:1	3.0
Subtotal	3.8	2.1	5.9	-	3.0
TOTAL	25.6	4.2	29.8	--	19.1

Source: Alden Environmental, Inc. 2017

¹Impact is outside the MHPA unless otherwise stated.

²The ratios are for mitigation inside the MHPA.

³Habitat mitigation would also compensate for impacts to Nuttall's scrub oak.

- The remaining 17.4 acres of mitigation for Camino Del Sur and Carmel Mountain Road impacts to Tier II and Tier III habitats shall occur at the Anderprizes mitigation site (in the City of San Diego) in accordance with the Conservation Credit Agreement among SANDAG and other signatories for regional transportation projects and local streets and roads (SANDAG et al. 2014). The Anderprizes mitigation site has 5.76 acres of Tier I and 24.88 acres of Tiers II and III mitigation credits available (SANDAG et al. 2014).

Sensitive Plant Species

Direct impacts to Nuttall's scrub oak, summer holly, and spine shrub shall be mitigated through preservation of habitat prescribed in Mitigation Measure Bio-3. The Deer Canyon Mitigation Bank supports Nuttall's scrub oak, summer holly and spine shrub (Recon Environmental, Inc. 2015; CNDDDB 2015).

Sensitive Wildlife Species

Bio-4 San Diego Fairy Shrimp

Prior to the issuance of the first construction and/or grading permit, mitigation for direct impacts to San Diego fairy shrimp and direct impacts to San Diego fairy shrimp designated Critical Habitat shall be determined through consultation with the USFWS through a Section 7 Consultation with the Corps and addressed in an amended and/or new Biological Opinion.

Mitigation for impacts to the San Diego fairy shrimp shall be met through vernal pool habitat creation in the off-site mitigation identified in Mitigation Measure Bio-2, *Sensitive Natural Communities*. All of the created pools shall support reproducing populations of San Diego fairy shrimp as part of the vernal pool mitigation effort. The mitigation shall be conducted in accordance with a mitigation plan to be approved by the USFWS and City prior to issuance of grading permits.

The following measures shall also be implemented to protect San Diego fairy shrimp and its habitat in the off-site vernal pool preserves adjacent to the project. Additional measures to protect San Diego fairy shrimp and its habitat in the off-site vernal pool preserves adjacent to the project are listed below in Mitigation Measure Bio-8, *Jurisdictional Areas*.

- A Biological Monitor shall be on site full time during initial grading near the vernal pool preserves and throughout the remaining grading/excavation activities at a minimum frequency of three times per week to ensure that grading limits are observed.
- The Biological Monitor will periodically monitor the vernal pool preserves and adjacent habitats for excessive amounts of dust (i.e., if a visible film of dust is observed on the surface or on adjacent plants) and will recommend remedial measures to address dust control if necessary.
- No staging/storage areas for equipment and materials shall be located within or adjacent to the vernal pool preserves; no equipment maintenance shall be conducted within or near the vernal pool preserves.

- Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or installation of sediment traps shall be used to control erosion and deter drainage during construction activities into the vernal pool preserves.
- No trash, oil, parking, or other construction-related activities shall be allowed outside the established limits of grading. All construction-related debris shall be removed off site to an approved disposal facility.
- The Applicant shall submit documentation to the USFWS prior to the initiation of project construction demonstrating that the distribution of San Diego fairy shrimp has not changed from the baseline (i.e., the number and distribution of pools occupied by San Diego fairy shrimp has not changed ~~since the most recent survey completed for the project~~from the condition described in the amended or new Biological Opinion). Pools already occupied do not need to be re-surveyed; however, pools and project areas supporting suitable habitat conditions shall be re-assessed and re-surveyed to protocol standards.
- A Qualified Biologist approved by the USFWS and the City shall oversee installation of fencing and erosion control measures within or up-slope of off-site vernal pool preserves a minimum of once per week and daily during all rain events to ensure that any breaks in the fence or erosion control measures are repaired immediately.
- The Applicant shall submit to the USFWS for approval, at least 30 days prior to initiating project grading, the final plans for initial clearing and grubbing of sensitive habitat and project construction. These final plans shall include photographs that show the fenced limits of impacts and the fenced limits of all areas to be avoided. If work occurs beyond the fenced or demarcated limits of impact, all work will cease until the problem has been remedied to the satisfaction of the USFWS.
- The Qualified Biologist shall be on the project site during clearing and grubbing of suitable habitat for the San Diego fairy shrimp, including all Critical Habitat, and any occupied habitat within 200 feet of the grading limits. The Qualified Biologist shall conduct weekly site visits during rough grading to ensure that the grading limits have been respected and compliance with all mitigation has been achieved. The Qualified Biologist shall be knowledgeable of vernal pool species. The Applicant shall submit the Qualified Biologist's name, address, telephone number, and work schedule on the project to the USFWS and the City at least seven days prior to initiating impacts.
- The Qualified Biologist shall halt work, if necessary, and confer with the USFWS to ensure the proper implementation of San Diego fairy shrimp and habitat protection measures. The Qualified Biologist shall also report any violation to the USFWS within 24 hours of its occurrence.
- The Qualified Biologist shall implement a contractor training program to ensure compliance with the mitigation measures to avoid and minimize incidental take of San Diego fairy shrimp.

- The Qualified Biologist shall submit:
 - Monthly letter reports (including photographs of impacted areas) to the USFWS during project construction within 200 feet of avoided San Diego fairy shrimp habitat. The monthly reports shall document that authorized impacts were not exceeded, and general compliance with all conditions was met.
 - A final report to the USFWS within 60 days of project completion that includes as-built construction drawings with an overlay of pools that were impacted or remain off site, photographs of the off-site pools, and other relevant information documenting that incidental take was not exceeded and that general compliance with the project, including all mitigation measures, was achieved.

Bio-5 Coastal California Gnatcatcher

Prior to the issuance of the first construction and/or grading permit, direct impacts to the coastal California gnatcatcher shall be mitigated through acquisition and preservation of Diegan coastal sage scrub habitat in accordance with Mitigation Measure Bio-3. Potential indirect impacts to the coastal California gnatcatcher from noise shall be mitigated through the implementation of Mitigation Measure LU-1.

Bio-6 San Diego Black-tailed Jackrabbit and Sensitive Animal Species with Moderate to High Potential to Occur

Potential direct impacts to the San Diego black-tailed jackrabbit, silvery legless lizard, Coronado skink, Bell's sage sparrow, California horned lark, Dulzura pocket mouse, and northwestern San Diego pocket mouse shall be mitigated through protection during construction required by Mitigation Measure Bio-1 and acquisition and preservation of habitat in accordance with Mitigation Measure Bio-3.

Additionally, all steep-walled trenches or excavations created during project construction shall be covered, except when being actively used, to prevent entrapment of wildlife (e.g., reptiles and small mammals). If trenches cannot be covered, exclusion fencing shall be installed around the trench or excavation. Open trenches or other excavations shall be inspected by a qualified biologist a minimum of three times per day and immediately before backfilling. Any entrapped wildlife shall be removed and relocated to a safe location by the qualified biologist. Also, if any native, vertebrate species is found in the path of construction, the biologist shall make every effort to relocate it to a safe location. Exclusionary devices, as necessary, shall be erected to prevent the migration into or the return of the species into the work area.

Bio-7 Raptor Foraging Habitat

Prior to the issuance of the first construction and/or grading permit, impacts to raptor foraging habitat shall be mitigated through acquisition and preservation of non-native grassland, in accordance with Mitigation Measure Bio-3.

5.3.3 Impact

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

Impact Thresholds

Based on the City Significance Determination Thresholds (2011), the project would have a significant impact to biological resources if the project would:

- Result in a substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pool, riparian, etc.) through direct removal, filling, hydrological interruption, or other means.

Impact Analysis

Mixed-Use Development and Public Roads

Direct impacts to WUS and WS would encompass 0.50 acre of wetlands and 0.13 acre of non-wetlands (Figure 5.3-2; Table 5.3-9, *Impacts to Waters of the U.S. and Waters of the State*). The project would avoid 0.53 acre of wetland WUS.

Jurisdictional Area	Mixed-Use Development	Camino Del Sur	Carmel Mountain Road	Entire Project	Avoided
Wetlands					
Southern willow scrub	-	0.32	-	0.32	0.16
Mule fat scrub	-	0.03	-	0.03	-
Freshwater marsh	-	0.15	-	0.15	0.18
Tamarisk scrub	-	-	-	-	0.19
Subtotal Wetlands	-	0.50	-	0.50	0.53
Non-wetland WUS/WS					
Stream/streambed	0.04	0.09	-	0.13	-
Subtotal Non-wetland WUS/WS	0.04	0.09	-	0.13	-
TOTAL	0.04	0.59	-	0.63	0.53

Source: Alden Environmental, Inc. 2017

Direct impacts to City Wetlands includes all wetland WUS and wetland WS plus vernal and road pools. In total, impacts to City Wetlands would encompass 0.54 acre (Figure 5.3-2; Table 5.3-10, *Impacts to City Wetlands*). Table 5.3-10 also shows the acreages of City Wetlands (0.53 acre total) that would be avoided.

Table 5.3-10 IMPACTS TO CITY WETLANDS (acres)					
Habitat	Mixed-Use Development	Camino Del Sur	Carmel Mountain Road	Entire Project	Avoided
<i>Wetlands</i>					
Vernal pools	0.022	0.016	-	0.038	-
Road pools	-	0.003	-	0.003	-
Southern willow scrub	-	0.32	-	0.32	0.16
Mule fat scrub	-	0.03	-	0.03	-
Freshwater marsh	-	0.15	-	0.15	0.18
Tamarisk scrub	-	-	-	-	0.19
TOTAL	0.022	0.52	-	0.54	0.53

Source: Alden Environmental, Inc. 2017

As stated previously, impacts to wetlands from the project would require deviations from the ESL Regulations. The project qualifies for deviations under two of the options in the ESL Regulations: the Essential Public Projects Option for the Public Roads and the Biologically Superior Option for the private, Mixed-Use Development. In addition, the project will be heard by the City's Wetlands Advisory Board under the Biologically Superior Option. A description of the project's compliance with the wetland deviations criteria is provided below.

Essential Public Projects Option

According to City Municipal Code (Chapter 14, Article 3, Division 1; §143.0150 Deviations from ESL Regulations), "a deviation may only be requested for an EPP [Essential Public Projects Option] where no feasible alternative exists that would avoid impacts to wetlands." The following three wetland avoidance alternatives for the Public Roads (i.e., Camino Del Sur) are addressed below, accordance with the ESL Regulations: No Project Alternative, Wetlands Avoidance Alternative, and Merge 56 Development Project (project). The alternatives discussed below are solely focused on how deviations could be avoided.

No Project Alternative. The roadway improvements would provide local and regional access and critical public infrastructure to the project, surrounding properties, and the local community, and the roadway extensions are needed to convey traffic volumes anticipated at buildout of surrounding development areas at acceptable levels of service. Additionally, the roadway connection would provide an additional emergency access route from Los Peñasquitos Canyon. Without the roadway extension, this community would remain unserved, and the City's Circulation Element goals would not be met. Therefore, a No Project Alternative is infeasible.

Wetlands Avoidance Alternative. The northern and southern termini of Camino Del Sur are fixed by existing road segments constructed by others, and the interconnecting roadway alignment could not be altered to avoid impacts to the City Wetlands and still meet design standard requirements contained in the City's Street Design Manual. Vernal pools occur directly in the center of the proposed roadway alignment making their avoidance infeasible. The other City Wetland impacts occur in the far northern portion of the project area where Camino Del Sur would cross two drainages.

Given that the alignment could not be altered to completely avoid wetland impacts, the project engineers evaluated several design options to reduce impacts to City Wetland features associated with road construction. These options included reducing the roadway width, reducing the roadway elevation, and incorporating steeper slopes and retaining walls along the roadway; however, none of these alternatives was feasible. See Section 6.1.5, *Impacts to Waters of the U.S., Waters of the State, and City Wetlands*, of Appendix C1 for more detail. The current roadway design meets the vehicular demand and Community Plan road capacity requirements. The criteria incorporated into the design include the proximity of existing intersection and resulting turn movements, parkway widths to meet City standards for pedestrians, landscaping, and the added City requirement to accommodate the continuation of a trail path alongside Camino Del Sur. At the northern terminus of Camino Del Sur the roadway also was designed to connect with the existing road section that was built by others and provides access to the SR-56/Camino Del Sur interchange.

Merge 56 Development Project. As noted above, the northern and southern termini of Camino Del Sur are fixed by existing road segments constructed by others and the interconnecting roadway alignment could not be altered to avoid impacts to the City Wetlands and still meet design standard requirements contained in the City's Street Design Manual. Vernal pools occur directly in the center of the proposed roadway alignment, making their avoidance infeasible. The other City Wetland impacts occur in the far northwestern portion of the project area where Camino Del Sur would cross two drainages. Complete avoidance of City wetland impacts is not feasible for the same reasons noted above under the Wetland Avoidance Alternative. Because direct impacts cannot be avoided, indirect impacts to off-site and avoided on-site City Wetlands and the project's ability to achieve ESL deviation findings are summarily addressed below.

The following indirect effects to the functions and values of the off-site vernal pool preserves and avoided on-site City Wetlands are addressed: 1) changes to hydrology and water quality, erosion, and sedimentation, 2) invasion of non-native vegetation, 3) general edge effects associated with increased human activity, and 4) isolation and habitat fragmentation. Based on the buffer goals contained in the ESL Regulations, any City Wetland located in proximity to the project would likely be subject to indirect impacts. See Section 6.1.5, *Impacts to Waters of the U.S., Waters of the State, and City Wetlands*, in Appendix C1 for more information about these potential indirect impacts.

Hydrology/Water Quality. The Merge 56 Development Project incorporates design features to avoid/minimize impacts to the drainage and water quality within the off-site vernal pool preserves. Specifically, the project grading plan was developed to place the roads well below grade of the vernal pool preserves, thus directing all runoff from project hardscape away and ensuring that no runoff or contaminated water would flow into the areas. To prevent "leakage" from the vernal pool substrate, the project design contains non-permeable barriers that would be installed as vertical elements into cut slopes along the adjacent roads. Despite these project features, however, the potential exists that staging/storage areas, trash/oil, parking, or other construction-related activities and erosion could impact the hydrology and water quality of the adjacent vernal pool preserves and avoided on-site City Wetlands during project construction. These would be considered potentially significant indirect impacts to the hydrology/water quality of City Wetlands in proximity to the project.

Structural and non-structural Best Management Practices (BMPs), Best Available Technology, and use of sediment catchment devices downstream of paving activities would be required under the City stormwater regulations. Erosion control techniques would also be required during construction in accordance with City stormwater regulations. No trash, oil, parking, or other construction/development-related material/activities would be allowed outside any approved construction limits as required by the Land Use Adjacency Guidelines. In addition, Mitigation Measure Bio-1 requires a biological monitor to be present during and after grading operations to observe construction activities and ensure the integrity of the perimeter silt fencing and erosion control measures that would be installed to protect the vernal pool preserves. With project design features, compliance with City regulations, and mitigation measures in place, potentially significant hydrology/water quality impacts to the functions and values of the City Wetlands within the buffer zone would be less than significant, and no further mitigation would be required.

Invasive Plants. The project incorporates design features to avoid/minimize impacts associated with invasive plants. For example, the landscape plant palette for the project excludes invasive plant species that could spread into adjacent undeveloped areas. Therefore, the built project would not be a source of introduced invasive species in the project area. In addition, all brush management would be accomplished within the impact footprint; there would be no need to remove or thin native vegetation, thus preventing disturbance where invasive plant species could colonize. Given these project design features, the buffer proposed between the project and City Wetlands would be sufficient to prevent indirect impacts from invasive plants from the built project.

During construction, however, invasive, non-native plants could colonize areas disturbed by construction, and those species could potentially spread into the avoided on-site City Wetlands and off-site vernal pool preserves. Invasion by non-native plants caused by construction would be considered a significant impact; however, no invasive non-native plant species would be allowed into areas within or adjacent to the MHPA, vernal pool preserves, or any natural area per the Land Use Adjacency Guidelines. With project design features, compliance with City regulations, and mitigation measures in place, potentially significant invasive plant impacts to the functions and values of the City Wetlands within the buffer zone would be less than significant, and no further mitigation would be required.

Fugitive Dust. Fugitive dust produced by construction could disperse and settle into adjacent City Wetlands. A continual cover of dust may reduce the overall vigor of individual plants by reducing their photosynthetic capabilities and increasing their susceptibility to pests or disease. Fugitive dust can settle in vernal pools and alter water temperatures required by the San Diego fairy shrimp adversely affecting its ability to mature and reproduce (USFWS 2012). Construction of the Project will adhere to applicable construction dust control measures prescribed by the City and in agency permits. These measures include, for example, reduced driving speeds on unpaved roads and regular watering of dirt surfaces. Therefore, potential impacts from fugitive dust to the functions and values of City Wetlands within the provided buffer zone would be less than significant would be less than significant, and no mitigation would be required.

General Edge Effects. Edge effects are often expected where urban development interfaces with biologically sensitive areas. General edge effects can include unauthorized dumping, human and pet intrusion, trampling, vandalism, plant and animal collection and increased off-road vehicle and bicycle activity.

The project has the potential to increase unauthorized dumping, human intrusion, trampling and vandalism in City Wetlands due to the proximity of proposed development to those resources. However, the project would reduce the amount of unauthorized off-road vehicle and bicycle activity in the area by removing informal trails and constructing public roads with bike lanes, sidewalks, and authorized trails that would direct people through the project area, around sensitive resources, and to existing established roads and trails. Potentially significant impacts related to human intrusion, trampling, and vandalism within City Wetlands would be further avoided through the installation of permanent fencing to protect the vernal pool preserves from public access, and the Mixed-Use Development would be separated from avoided on-site City Wetlands by steep slopes and retaining walls. The potential, however, exists for human intrusion during project construction, which would be considered a potentially significant impact. Mitigation Measure Bio-1 requires a biologist to monitor construction activities, as needed, to ensure that construction activities do not encroach into biologically sensitive areas on site or cause other similar damage to off-site areas. With the project design features and mitigation, indirect impacts from edge effects would be less than significant, and no mitigation would be required.

Isolation and Habitat Fragmentation. Isolation and habitat fragmentation can threaten important ecological processes that link vernal pools together and to the surrounding uplands. Surrounding uplands influence vernal pool hydrology, species composition, and interactions between the species that inhabit the pools (USFWS 2012).

The project would be constructed adjacent to off-site vernal pool preserves. Construction of the project would remove uplands adjacent to these preserves. In addition, the project would contribute to general edge effects (described above) that can degrade the quality of the adjacent upland habitat. As such, the project in conjunction with adjacent development that is occurring and has occurred in the project area, would contribute to the isolation and fragmentation of these City Wetlands and be considered a cumulatively significant indirect impact.

Mitigation for these isolation/habitat fragmentation impacts consists of vernal pool restoration (within vernal pool preserves adjacent to Carmel Mountain Road) to offset direct impacts to jurisdictional features on the Mixed-Use Development site (except for vernal pool resources; Figure 5.3-2) and upland habitat enhancement to offset indirect effects to isolated vernal pools from the implementation of the Rhodes Crossing project, including the Mixed-Use Development component of the Merge 56 Development Project. The vernal pools being restored support federal and State endangered species. Implementation of the *Rhodes Crossing Project Mitigation Plan* (in Appendix C1) and the *Rhodes Crossing Habitat Management Plan* (HELIX Environmental Planning, Inc. 2010b) would ensure the project's contribution to these indirect impacts would be mitigated to less-than-significant levels, and no further mitigation would be required.

The Merge 56 Development Project would qualify for deviations under the Essential Public Projects Option because it meets the criteria specified in the ESL Regulations, and all direct and indirect impacts would be minimized, to the extent feasible, through project design features, compliance with City regulations, and/or mitigated through measures identified in this report.

Biologically Superior Option

Deviations from the ESL Regulations for wetlands can also be considered under the Biologically Superior Option when a project meets all four of the following criteria listed below. The Mixed-Use Development component of the project has already received agency permits for impacts to jurisdictional drainage and wetland features; these impacts were analyzed in accordance with ESL Regulations in the Rhodes Crossing EIR (City 2006). The existing permits do not, however, include impacts to the two isolated vernal pools within the Mixed-Use Development component's impact footprint (Figure 5.3-2). These pools were identified as being preserved in the Rhodes Crossing EIR and existing agency permits. The current project proposes to impact these two pools and would require new or amended permits; therefore, the four criteria analyzed below are related only to the new impacts to two vernal pools proposed by the project design described in this EIR.

1. *The CEQA document must fully analyze and describe the rationale for why the Biologically Superior Option (this could be the proposed project) would result in the conservation of a biologically superior resource compared to strict compliance with provisions of the ESL (i.e., no impacts to wetlands).*

No Project Alternative. A No Project Alternative would result in no project-related impacts to the two vernal pools and strict compliance with ESL Regulations on wetlands. The pools would not be formally preserved or protected, however. Furthermore, no mitigation for direct or indirect impacts to vernal pools would be required since the pools would not be impacted. Therefore, the opportunity for restoration and enhancement of an existing, protected vernal pool preserve elsewhere would be lost.

Wetland Avoidance Alternative. An alternative that would reduce or eliminate impacts to the two vernal pools on the Mixed-Use Development site would not be considered biologically superior to the project. If avoided, these two pools would be completely isolated and surrounded by development. As described in the Biological Opinion issued by the USFWS (Appendix C2), if avoided, these two pools would be surrounded by development, have little to no habitat buffers, and be subjected to a full range of indirect effects such as changes in hydrology/water quality, isolation/fragmentation, and general edge effects. Even with project design features and mitigation measures in place, those indirect effects would be significant and unavoidable for the two isolated pools on site. While any alternative that would reduce or eliminate impacts to the two pools on the Mixed-Use Development site might result in some protection for the pools, the City and USFWS (2012; Appendix C2) have acknowledged that these two isolated vernal pools are of little conservation value. The City also has excluded these two pools from the proposed vernal pool preserve in the Draft Vernal Pool Habitat Conservation Plan.

If the two vernal pools were to be impacted by the Mixed-Use Development component of the project, mitigation would be required. Mitigation for the project is currently proposed to occur at an off-site location in the form of vernal pool creation at a 3:1 ratio. Avoidance of the two pools would eliminate the need for mitigation, and this additional vernal pool habitat would not be created.

Merge 56 Development Project. With the project design described in Section 3.0, *Project Description*, the two isolated pools would be directly impacted, and mitigation would be required. These impacts would be mitigated through vernal pool creation at a 3:1 ratio, as described in Mitigation Measure Bio-2. This would result in a net increase of viable, preserved, and managed vernal pool habitat in the vicinity. Once successfully completed, the vernal pool mitigation site would be of higher biological quality and long-term viability than the area of the two pools on the Mixed-Use Development site. Therefore, a biologically superior resource would exist compared to leaving them intact on site and surrounded by development.

2. *The wetland resources being impacted shall be limited to wetlands of low biological quality (based on factors such as use by sensitive species and pool surface area).*

As stated above, the City and USFWS have acknowledged that the two isolated vernal pools are of little conservation value. The two pools are located along a dirt road within an area previously used for agriculture, and they are subject to off-highway vehicle and pedestrian use. While the two pools support a federal listed species (i.e., San Diego fairy shrimp), and one pool was found to support sensitive two-striped garter snake and western spadefoot, both pools are still considered of low biological quality.

The pools are geographically isolated from other vernal pool complexes (i.e., vernal pools in the vernal pool preserves shown on Figures 5.3-1a and 5.3-2) that contain many more pools of much greater surface area and that support more listed species. Those listed species include San Diego fairy shrimp, San Diego mesa mint (federal and State endangered), and San Diego button-celery (*Eryngium aristulatum* var. *parishii*; federal and State endangered). The vernal pool mitigation that is proposed would provide a superior biological result to preserving the two isolated pools in place. This mitigation would provide long-term biological benefit and a net increase in quality and viability (functions and value) of vernal pool habitat at the mitigation site compared to existing conditions on the Mixed-Use Development site.

3. *The project and proposed mitigation shall conform to the requirements for a Biologically Superior Option as detailed in Section III B of the Biology Guidelines (e.g., a plan of action is required to reduce significant impacts to below of level of significance).*

Mitigation for project impacts to the two vernal pools would occur at a ratio of 3:1. This is within the mitigation range for vernal pools, as stated in Table 2A in Section III B of the City's Biology Guidelines for projects qualifying under the Biologically Superior Option. As stated above, the resulting mitigation would provide a superior biological result and long-term benefit for vernal pool resources at the mitigation site.

4. *The Wildlife Agencies (USFWS and CDFW) have concurred with the biologically superior project design and analyses (in writing prior to, or during, public review of the CEQA document; lack of unequivocal response is deemed to be concurrence).*

The USFWS has noted that the preservation of these two isolated pools was not desirable, and that it would be preferable to impact the pools and provide mitigation elsewhere

(USFWS 2012). The USFWS and CDFW provided concurrence with the biologically superior design and analysis for impacts to wetland resources on October 20, 2016.

Significance of Impact

The project would result in substantial adverse impacts on WUS, WS, and City Wetlands through direct removal, filling, hydrological interruption, or other means. The project would qualify for ESL Regulations Deviations for these impacts based on criteria outlined in the City Biology Guidelines as described above. Impacts to vernal pools and their watersheds outside the project impact footprint (Figures 5.3-1a and 5.3-2) have been avoided to the maximum extent practicable through project design, and permanent fencing would be installed as part of the project to protect the immediately adjacent vernal pool preserves. Impacts to wetland and jurisdictional resources would be considered significant, and mitigation would be required.

Mitigation, Monitoring and Reporting

Mitigation for impacts to jurisdictional streambeds on the Mixed-Use Development site that were addressed in the Corps, CDFW, and Regional Water Quality Control Board permits (Appendices B and C in Appendix C1) and the Biological Opinion for the Rhodes Crossing Project (Appendix C2) would occur in accordance with the *Rhodes Crossing Project Mitigation Plan* (in Appendix C1) in the vernal pool preserves adjacent to Carmel Mountain Road (Figures 5.3-1a and 5.3.2). No additional (non-vernal pool) mitigation would be required for the Mixed-Use Development project component.

The following mitigation shall be implemented by the owner/permittee and is required consistent with the City's MSCP Subarea Plan and Biology Guidelines to reduce direct impacts to jurisdictional areas from the Public Roads (Camino Del Sur) to below a level of significance. Implementation of Mitigation Measure Bio-2 *Sensitive Natural Communities* shall be required to mitigate for impacts to vernal pools, road pools, and wetland/riparian areas. Mitigation Measures Bio-1, Bio-4 and Bio-9 shall also be implemented to avoid or minimize potential indirect impacts to off-site vernal pool preserves, consistent with a new or amended Biological Opinion issued for the project. Additional measures contained in the Land Use Adjacency Guidelines to protect the adjacent MHPA from indirect edge effects would also provide protection for these off-site vernal pool preserves (refer to Section 5.1.4 of the Final EIR).

The following mitigation is also required to mitigate for impacts to non-wetland, jurisdictional streambeds.

Bio-8 Jurisdictional Areas

Prior to the issuance of the first construction and/or grading permit, impacts to 0.05 acre of non-wetland, federal and State jurisdictional streambeds (non-City jurisdictional) from the southern portion of Camino Del Sur shall be mitigated through the use of credits at the El Cuervo Norte Wetland Mitigation Site in Los Peñasquitos Canyon Preserve. The City pursued and completed the El Cuervo Norte habitat restoration effort in order to meet agency jurisdictional mitigation requirements for several City projects, including Camino Del Sur. A total of 0.08 acre of creation credits and 0.01 acre of enhancement credit was set aside for Camino Del Sur (south) impacts (i.e., from Carmel Mountain Road to 1,600 feet North of Park Village Road, which is the same area

analyzed in this report). The acreage set aside was based on the impacts from Camino Del Sur (four lanes; 0.07 acre) analyzed in the Final EIR for Camino Del Sur (City 2005). The proposed southern extension of Camino Del Sur as part of the project would be two lanes. The mitigation site received final sign-off from the Corps on July 7, 2010 following the five-year maintenance and monitoring period.

Given that the El Cuervo project has been completed well in advance of the project impacts (no temporal loss), and that the current project impacts (0.05 acre) are reduced from those approved previously (0.07 acre), a 1:1 mitigation ratio is considered appropriate. The 0.03 acre of surplus creation credit and 0.01 acre of remaining enhancement credit available at El Cuervo Norte would be available for other City projects (e.g., Camino Del Sur [north]). The suitability of this previously completed mitigation effort shall be determined and verified by the Corps, CDFW, and RWQCB as part of the jurisdictional permit process.

Camino Del Sur (north) would impact 0.04 acre of non-wetland, federal and State jurisdictional streambed (non-City jurisdictional). Mitigation for this impact shall occur at a 2:1 ratio (0.08 acre) through off-site creation of wetland/riparian habitat along the creek in McGonigle Canyon as described in Mitigation Measure Bio-2. A total of 1.58 acres of wetland habitat shall be created at this location for Camino Del Sur (north) impacts to wetlands (1.5 acres created; see Mitigation Measure Bio-2) and non-wetland streambeds (0.08 acre created per this measure, Mitigation Measure Bio-98).

~~Mitigation Measure Bio-4 shall also be implemented to avoid or minimize potential indirect impacts to off-site vernal pool preserves. Additional measures contained in the Land Use Adjacency Guidelines to protect the adjacent MHPA from indirect edge effects would also provide protection for these off-site vernal pool preserves.~~

The following measure is also required.

- Prior to any construction-related activities that would impact jurisdictional areas (including earthwork and fencing), the Applicant shall schedule a pre-construction meeting with Mitigation Monitoring Coordination and submit to the Development Services Department written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the pre-construction meeting for that phase of work. The Applicant shall provide evidence³ of the following to the City Manager:
 - A. Compliance with the Corps Section 404 permit;
 - B. Compliance with the Regional Water Quality Control Board Section 401 Water Quality certification; and,
 - C. Compliance with the CDFW Section 1601-1603 SAA.

³ Evidence shall include either copies of permits issued, letter of resolutions issued by the responsible agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the City Manager.

Bio-9 Vernal Pool Protection During and After Construction

Construction monitoring shall be conducted throughout the rainy season by a Qualified Biologist during grading of the public roads in the vicinity of the off-site vernal pool preserves and for the three years following road construction. Monitoring shall consist of observing the hydrological characteristics (i.e., ponding) of the off-site vernal pool preserves during and post-construction. In the event that sufficient rainfall to demonstrate adequate ponding does not occur during the three years following project construction, monitoring shall continue in 1-year increments, to a maximum of five years after the completion of road construction. A monitoring report shall be submitted to the USFWS by September 1 following each monitoring season. If monitoring within the prescribed monitoring period detects impacts to the ponding of the off-site vernal pools from construction and/or operation of the project, the project applicant shall implement remedial measures to eliminate and repair observed hydrologic changes, to the satisfaction of the USFWS and CDFW.

5.3.4 Impact

Issue 4: Would the proposal interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP Plan, or impede the use of native wildlife nursery sites?

Impact Thresholds

Based on the City Significance Determination Thresholds (2011), the project would have a significant impact to biological resources if the project would:

- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP Plan, or impede the use of native wildlife nursery sites.

Impact Analysis

Public Roads

The corridor between the Del Mar Mesa Preserve and Los Peñasquitos Canyon that crosses the project area is highly constrained. The project would provide features to reduce vehicle speeds and improve conditions for any at-grade crossings of Camino Del Sur. Wildlife experts would be consulted to ensure the vegetation planted within the 10- to 14-foot wide median is unattractive to mule deer and other wildlife to minimize roadkill potential. Therefore, the proposed two-lane roadway component of Camino Del Sur would not interfere substantially with the movement of wildlife, and no mitigation would be required.

Significance of Impact

The extension of the two-lane, southern portion of Camino Del Sur would not interfere substantially with the movement of wildlife in what is already a highly constrained corridor. The impact, therefore, would be less than significant impact, and no mitigation would be required.

Mitigation, Monitoring and Reporting

Impacts to wildlife movement would be less than significant; therefore, no mitigation would be required.

5.3.5 Impact

Issue 5: Would the proposal result in a conflict with the provisions of an adopted Habitat HCP, NCCP, or other approved local, regional, or State HCP, either within the MSCP plan area or in the surrounding region?

Impact Thresholds

Based on the City Significance Determination Thresholds (2011), the project would have a significant impact to biological resources if the project would:

- Conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or State HCP, either within the MSCP plan area or in the surrounding region.

Impact Analysis

Approximately 2.22 acres of the MHPA would be impacted by the Camino Del Sur component of the project (Figures 5.3-1a and 5.3-1b; Table 5.3-1). Grading and construction for the rest of the project would occur outside the MHPA. The impact to the MHPA would be unavoidable as the roadway is a Circulation Element road approved by the City (LDR No. 41-0248; SCH NO. 2001121109). Its alignment has been set at each of its ends, and right-of-way has been acquired. It should be noted that City Circulation Element roadways are permitted within the MHPA (City 2012). With regard to the project's consistency with the MSCP Subarea Plan's Area Specific Management Policies and Directives, the following analysis is provided. See Section 5.1, *Land Use*, of this EIR for an analysis of the project under the MHPA Land Use Adjacency Guidelines.

Project Compliance with MSCP Area Specific Management Policies and Directives

San Diego Goldenstar. Area Specific Management Directives must include monitoring of transplanted populations and specific measures to protect against detrimental edge effects to this species. The project does not propose to transplant the two individual San Diego goldenstar that would be impacted, so there would be no transplanted population to monitor. The project would be required to be consistent with the MSCP Subarea Plan's Land Use Adjacency Guidelines to protect against edge effects for any adjacent populations, as described in Section 5.1, *Land Use*, of this EIR.

Orcutt's Brodiaea. Area Specific Management Directives must include specific measures to protect against detrimental edge effects to this species. The project does not propose to transplant the individual Orcutt's brodiaea that would be impacted, so there would be no transplanted population to monitor. The project would be required to comply with the Land Use Adjacency Guidelines to protect against edge effects for any adjacent populations, as described in Section 5.1, *Land Use*, of this EIR.

San Diego Barrel Cactus. Area Specific Management Directives must include measures to protect this species from edge effects, unauthorized collection, and must include appropriate fire management/control practices to protect against a too-frequent fire cycle. The project would be required to follow the Land Use Adjacency Guidelines to protect against edge effects for any adjacent populations, as described in Section 5.1, *Land Use*, of this EIR.

San Diego Fairy Shrimp. Area Specific Management Directives must include specific measures to protect against detrimental edge effects to this species. The project would be required to comply with the Land Use Adjacency Guidelines to protect against edge effects for any adjacent San Diego fairy shrimp, as described in Section 5.1, *Land Use*, of this EIR. The project would fence adjacent vernal pool preserves (Figure 5.3-1a).

Coastal California Gnatcatcher. Area Specific Management Directives must include specific measures to reduce edge effects and minimize disturbance during the nesting period, fire protection measures to reduce the potential for habitat degradation due to unplanned fire, and management measures to maintain or improve habitat quality including vegetation structure.

The coastal California gnatcatcher had not been historically observed (during surveys going back to 1997) in the project area (and the larger Rhodes Crossing study area), except in the Mixed-Use Development footprint where the species was observed in 2013/2014. Nonetheless, there is potential for the gnatcatcher to use habitat in the northern portion of the roadways impact footprint inside and outside the MHPA, as well as in the MHPA farther to the west (although the habitat is mostly chaparral and may not be entirely suitable for the species).

The Mixed-Use Development and northern portion of Camino Del Sur would remove coastal California gnatcatcher habitat and displace the two pair of gnatcatchers present. However, the removal of habitat is allowed outside the MHPA because the gnatcatcher is an MSCP Covered Species, and impacts to its habitat, Diegan coastal sage scrub (including -disturbed), would be mitigated in accordance with City MSCP Subarea Plan requirements. Also, the project would be required to follow the Land Use Adjacency Guidelines to protect the species from edge effects, as described in Section 5.1, *Land Use*, of this EIR.

Area Specific Management Directives for the gnatcatcher require that no clearing, grubbing, grading, or other construction activities occur within 500 feet of the MHPA between March 1 and August 15 unless certain conditions are met. Should the gnatcatcher be found present during the required pre-construction survey, the project would be required to comply with this restriction. Mitigation measures for impacts to the species within the MHPA are provided in Section 5.1, *Land Use*, of this EIR.

Orange-throated Whiptail. Area Specific Management Directives must address edge effects to this species. The project would be required to follow the Land Use Adjacency Guidelines to protect against edge effects to the species, as described in Section 5.1, *Land Use*, of this EIR.

Coast Horned Lizard. Area Specific Management Directives must include specific measures to maintain native ant species, discourage the Argentine ant, and protect against detrimental edge effects to this species. The project would be required to follow the Land Use Adjacency Guidelines to

protect against edge effects to the species, as described in Section 5.1, *Land Use*, of this EIR. The project's landscaping would not use plants that require intensive irrigation, which may help discourage the Argentine ant as it prefers year-round moisture.

Cooper's Hawk. Area Specific Management Directives must include a 300-foot impact avoidance area around active nests for any development inside the MHPA (in the case of the proposed project, this requirement would pertain to the Camino Del Sur improvements). Development of the project will be required to provide the required avoidance area during construction should an active nest be present. Cooper's hawks typically nest in trees located on flat ground, and the nest is often placed approximately two-thirds of the way up the tree in a crotch or on a horizontal branch. The nest height is typically 25 to 50 feet above the ground (The Cornell Lab of Ornithology 2014); therefore, the nest tree would need to be a minimum of approximately 37.5 feet high. None of the trees in the project area or within 300 feet of the project area meet this criterion, so it is unlikely that a Cooper's hawk nest would occur within 300 feet of the project.

Significance of Impact

The City's ESL Regulations require that development avoid impacts as much as possible to MHPA lands. As stated above, the impacts to the MHPA are unavoidable, and City Circulation Element roadways are permitted within the MHPA. These impacts, therefore, do not conflict with the MSCP or its policies. Impacts to the sensitive vegetation communities within MHPA, however, (see Table 5.3-1) would still be significant (see Impact 5.3.2, Issue 2 and Impact 5.3.3, Issue 3), and mitigation would be required. Impacts to disturbed habitat in the MHPA would be less than significant per Table 3 of the City's Biology Guidelines, and no mitigation would be required. The project would also be consistent with the Area Specific Management Directives of the MSCP.

Mitigation, Monitoring and Reporting

Implementation of Mitigation Measures Bio-1 through Bio-8 would be 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.

5.3.6 Impact

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

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

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

Impact Thresholds

Based on the City Significance Determination Thresholds (2011), the project would have a significant impact to biological resources if the project would:

- Introduce land uses within an area adjacent to the MHPA that would result in adverse edge effects.
- Conflict with any local policies or ordinances protecting biological resources.
- Introduce invasive species of plants into a natural open space area.

Impact Analysis

The impacts discussed in this section generally refer to indirect effects of a project or direct effects that occur outside the proposed area of disturbance. Those impacts may include adverse effects from drainage and toxics, lighting, noise, public access, invasive plant species, brush management, and grading/land development (as addressed by the City's Land Use Adjacency Guidelines).

Issues 6 through 8 in relation to the MHPA Land Use Adjacency Guidelines are addressed in Section 5.1, *Land Use*, Issue 3 of this EIR. Other indirect impacts not addressed by the Land Use Adjacency Guidelines that have potential to indirectly impact the MHPA, vernal pool preserves, or other undeveloped or preserved habitat near the project, or sensitive species are addressed under Issues 1 and 2. These may include impacts from fugitive dust, roadkill, and impacts to raptor nesting.

As for conflict with local policies or ordinances protecting biological resources, the City's ESL Regulations require avoidance of MHPA lands, wetlands, vernal pools in naturally occurring complexes, MSCP Covered Species, and MSCP Narrow Endemics (no Narrow Endemic species have been observed in the project area). The regulations also state that wetland impacts should be avoided, and unavoidable impacts should be minimized to the maximum extent practicable. The project would not conflict with the ESL Regulations as addressed above under Issues 1 through 5.

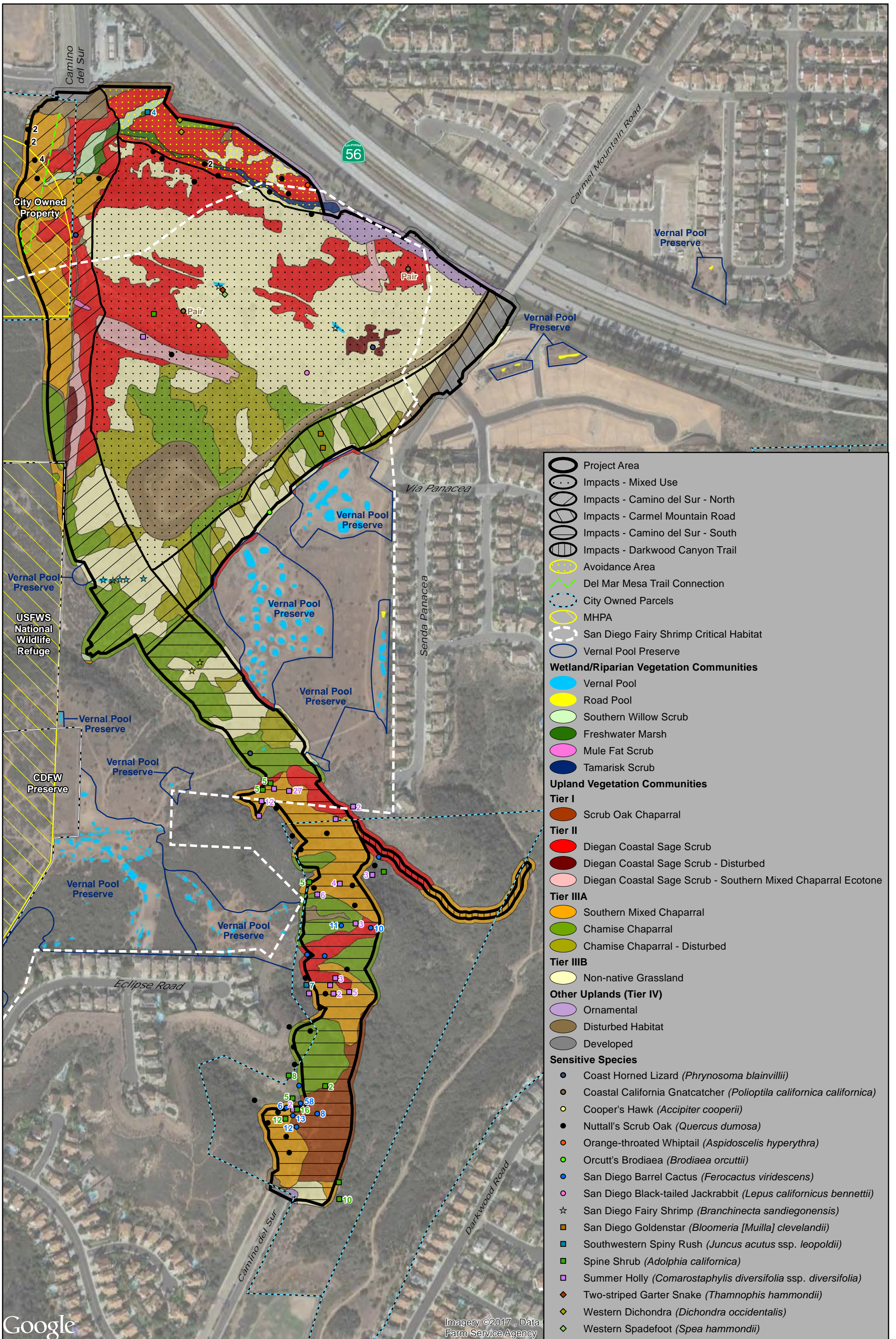
Significance of Impact

As discussed in Section 5.1, *Land Use*, the project would comply with the City's Land Use Adjacency Guidelines related to Public Access, Invasive Plant Species, and Brush Management to reduce potential impacts to less-than-significant levels; mitigation would be required for Grading/Land Development, Drainage and Toxics, Lighting and Noise as discussed in the land use policy analysis. There would be no mitigation required for the less-than-significant impacts from Fugitive Dust, Raptor Nesting, and Roadkill.

Mitigation, Monitoring and Reporting

Impacts from edge effects associated with Grading/Land Development, Drainage and Toxics, Lighting and Noise would be mitigated by Mitigation Measure LU-1 which requires compliance with applicable requirements in the Land Use Adjacency Guidelines. No additional measures are required.

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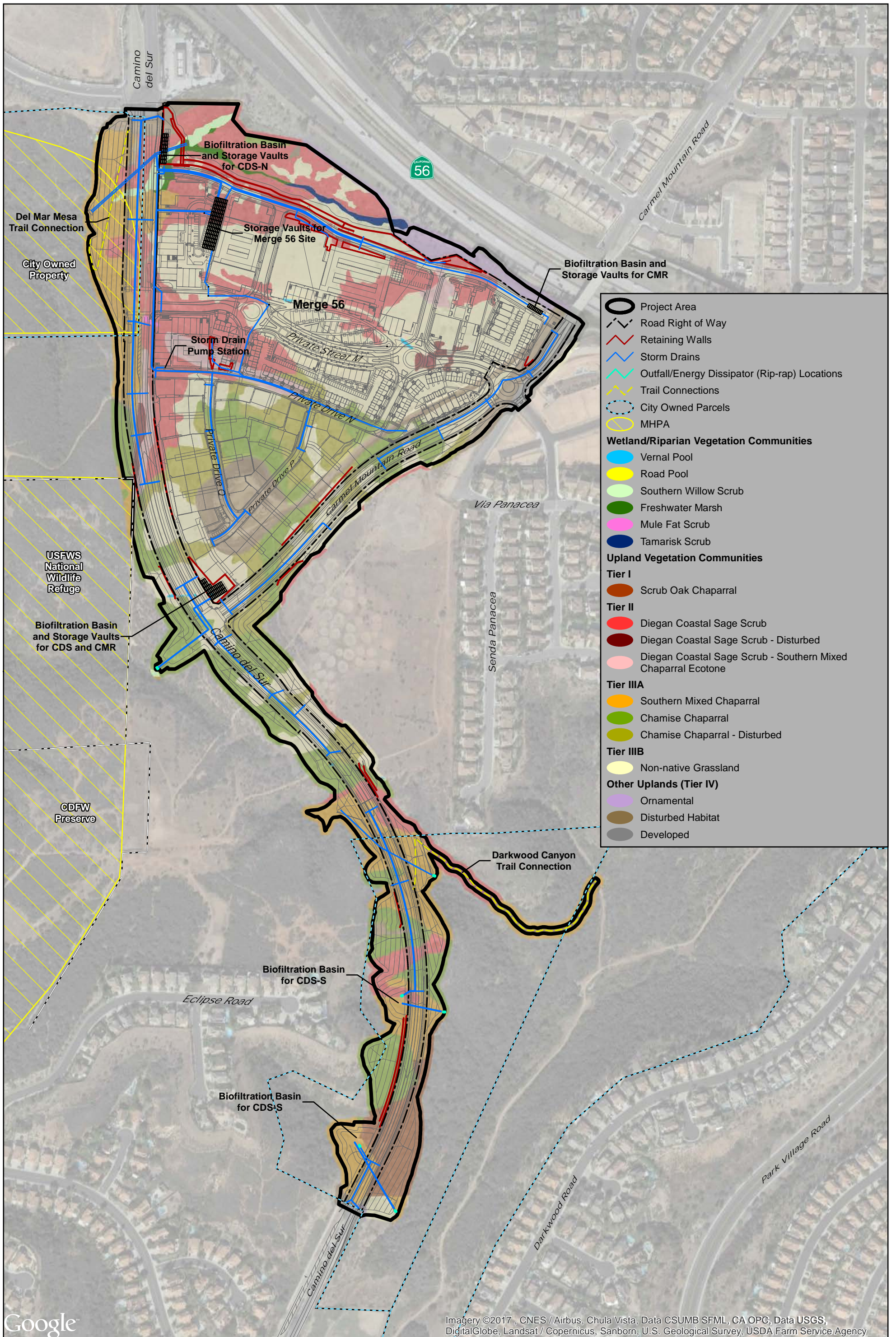
Source: Alden Environmental 2016; Google

Figure 5.3-1a

Sensitive Biological Resources/Impacts

MERGE 56 DEVELOPMENT PROJECT





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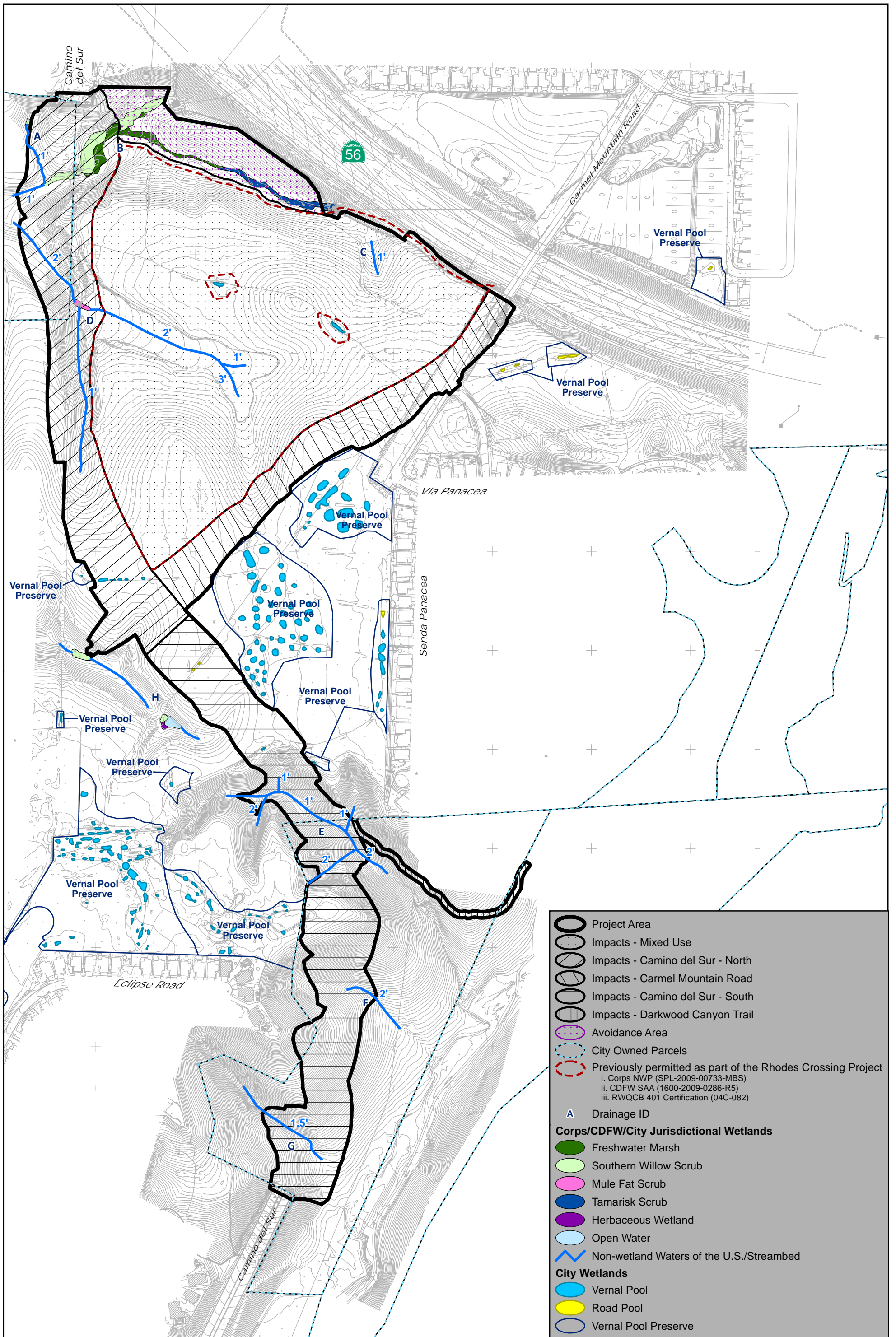
Source: Alden Environmental 2016; Google

Figure 5.3-1b

Development Plan/Impacts

MERGE 56 DEVELOPMENT PROJECT





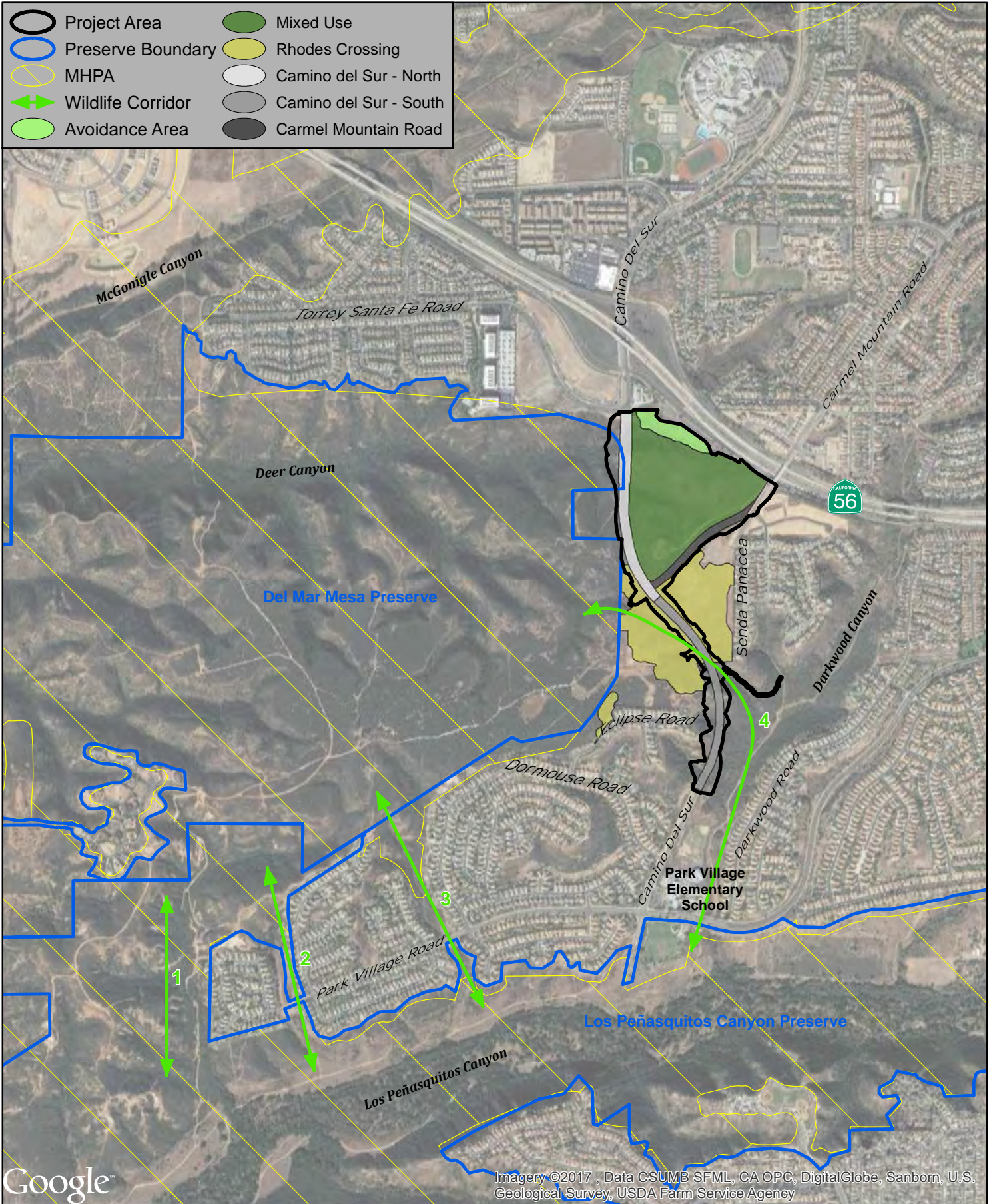
Source: Aiden Environmental 2016

Figure 5.3-2

Jurisdictional Delineation/Impacts

MERGE 56 DEVELOPMENT PROJECT





Source: Carmel Mountain and Del Mar Mesa Preserves Resource Management Plan (RECON 2011); Alden Environmental 2016; Google

Figure 5.3-3

Wildlife Corridors



5.4 HISTORICAL RESOURCES

A cultural resource survey report on the project site and a report amendment addressing the eastern trail extension were prepared by ASM Affiliates, Inc. (ASM; July 2014, February 2015.) In addition, the City conducted written contacts to 18 Native American organizations in 2013, as part of the Senate Bill (SB) 18 consultation process required by the CPA. The results of these listed investigations are summarized below, with related documentation included in Appendices D1, D2 and D3.

5.4.1 Existing Conditions

Site Conditions

The project location lies within the coastal plains province of San Diego County. Geologically, the project area is underlain by pre-Cretaceous rock, which outcrops as granite and gneiss (similar to granite), other patches of exposed quartz diorite and granodiorite (Strand 1962). Much of the surrounding area contains Mesozoic granitic rocks. Metamorphic and granitic rocks provided material for milling tools used by the prehistoric inhabitants of the region, and quartz dikes within the granitic rocks provided a local material for manufacturing flaked stone tools. The region's prime source of material for flaked stone tools was the metavolcanic rock of the Santiago Peak formation, which is available in streambeds in low-lying areas approximately 20 km to the southwest. The valley floor is composed of Quaternary non-marine alluvium characterized by coarse loamy sand derived from granodiorite.

The predominant natural vegetation community of the region is chaparral, although perhaps mixed with coastal sage scrub (Pryde 2004). Riparian species are associated with drainages. Mammals, birds, and reptiles within these communities provided potential food resources to prehistoric inhabitants. Much of the natural vegetation in low-lying areas has been displaced by modern land uses for grazing and orchards. However, the steep mountain slopes harbor relatively intact, dense chaparral and oak communities. These vegetation communities have been in place since the early Holocene, by at least 7500 B.P., when the climate became noticeably warmer and drier (Axelrod 1978).

Cultural Setting

Evidence for continuous human occupation in the San Diego region spans the last 10,000 years. Various attempts to parse out variability in archaeological assemblages over this broad time frame have led to the development of several cultural chronologies; some of these are based on geologic time, most are based on temporal trends in archaeological assemblages, and others are interpretive reconstructions. Each of these reconstructions describes essentially similar trends in assemblage composition in more or less detail. This research employs a common set of generalized terms used to describe chronological trends in assemblage composition: Paleoindian (pre-5500 B.C.), Archaic (8000 B.C.-A.D. 500), Late Prehistoric (A.D. 500-1750), Ethnohistoric (post-A.D. 1750) and Historic (post-A.D. 1542). Detailed descriptions of the cultural setting of these periods are provided in Appendix D1.

Records Search

An updated records search request was conducted at the South Coastal Information Center (SCIC) for the project area and a 1-mile radius surrounding it on May 9, 2014 (ASM 2014). The search involved a review of recorded cultural resources, previous cultural resources survey report boundaries, historic addresses, and a historic maps database. The records search did not identify any newly recorded sites since 2010 (Willis et al. 2010) when ASM completed an earlier inventory. The previous report noted six previously recorded sites (SDI-6043, SDI-6044, SDI-6046, SDI-13077H, SDI-13078, SDI-13080) within the project area, and 55 previously recorded sites within a 1-mile radius of the project area.

Survey Results

Several previous cultural resources studies (e.g., Gallegos et al. 2000 and 2003, Willis et al. 2010; Daniels et al. 2012) have been completed for the entire project area, including the Merge 56 Development Project site, as well as the roads and trail improvements, but an updated inventory and site condition assessment was required due to the amount of time elapsed since the previous investigations. To this end, ASM conducted a cultural resources inventory of the project area to identify cultural resources that are eligible for listing on the City of San Diego Historical Resources Register (CSDHR), the California Register of Historical Resources (CRHR), or National Register of Historic Places (NRHP) under CEQA or Section 106 of the National Historic Preservation Act (NHPA). This inventory included an intensive pedestrian survey of the project area, including the two main project components and the eastern trail alignment, and a records search update at the SCIC for a one-mile radius around the project area. The primary intent of these updated cultural resources studies was to provide up to date and accurate mapping of all archaeological sites for review by the State Historic Preservation Officer (SHPO).

During the pedestrian survey of the primary project area two cultural resources were encountered, and four of the six previously recorded sites could no longer be relocated. The reason for this varies, but in several cases it appears that development projects have destroyed the sites. There are currently two cultural resources present within the project area: SDI-13077H and SDI-13078. The two sites that were relocated were found to be in similar condition as described in the most recent studies (Daniels et al. 2012).

During the supplemental survey of the eastern trail alignment, the field crew consisted of an ASM archaeologist and a Native American monitor from the La Posta Band of Mission Indians. The project area was surveyed in east to west transects; ground visibility was poor due to the dense chaparral vegetation and steep slopes. No cultural resources sites were identified during the survey (ASM 2015).

SDI-13077H

This site was originally recorded in 1993 by Gallegos and Associates as an historic site made up of three cobble stone features and three artifacts. This site covers an approximate 20 x 20-meter (m) area. The three features were described as being the remains of what appeared to be a cistern, a barbeque pit, and a foundation. The artifacts at the site consisted of two hole in cap cans and one square cut nail. This site was subsequently evaluated by Schaefer (1998) who recommended the site

as potentially eligible for CRHR listing but that it required a detailed evaluation. A detailed evaluation was conducted by ASM (Daniels et al. 2012) to determine eligibility for both CRHR and the NRHP. The evaluation determined that the resource was interesting but did not meet the necessary and sufficient conditions for being historically significant. During the 2014 field survey, the site was relocated and found to be in the same condition as when last updated.

SDI-13078

This site was originally recorded by Walker (1978), relocated by Kyle (2002), updated by Gallegos and Associates (1993), and tested by Pigniolo (1996). Several different types of artifacts were recovered by Pigniolo's (1996) evaluation, including millingstones, a scraper plane, a point midsection, hammerstones, cores, various groundstone implements, lithic tools and thousands of pieces of debitage. One radiocarbon assessment yielded a radiocarbon date of 1880+/-90 radiocarbon years before present (rybp). These results, combined with hydration rind readings of two pieces of Coso obsidian and identification of a dart point, suggest that the site was occupied during the Archaic period. The testing resulted in the determination that a portion of the site was significant, while the remainder was not. A data recovery was conducted by ASM (Daniels et al. 2012) to exhaust the research potential of the site. The results of this data recovery corroborated the earlier evaluation findings that SDI-13078 is a Middle-to-Late Archaic period habitation site that focused on the seasonal exploitation of local resources and functioned as a food processing center for these local resources. The additional information gathered during the Daniels et al. (2012) investigation varied little from that presented by Pigniolo et al. (1996), other than narrowing down the area of intensive occupation and activities and providing better chronological control. Additional evidence for a terrestrial-based subsistence strategy was recovered in the midden area, which supports the hypothesis that the site was seasonally occupied.

Had the site been occupied year-round, it is expected that subsistence remains, along with the artifact assemblage, would have been more diverse and evenly distributed. However, the presence of the midden soils suggests the area was repeatedly occupied over a long period of time, generating soils rich in organic residues left over from daily economic activities and general habitation. Overall, the artifact assemblage indicates that the occupants employed a strategy of expedient tool manufacture from locally available raw materials for the exploitation of locally available foods. It was determined that it was unlikely that any additional work at the site would yield data that would provide any substantially different information regarding the site's function or contribution to the prehistory of the region. The data recovery efforts thus had fulfilled the scientific research potential of the cultural deposit, and no further data recovery work is required to achieve research goals. During the current survey the site was relocated, but no additional artifacts were visible on the surface. Dense grass at the time of the current survey made it difficult to examine the site thoroughly. It is likely that most surface artifacts were already collected during the data recovery.

Letters were also sent out by the City to 18 Native American organizations in October 2013 (Appendix D3) requesting input on the potential occurrence of sacred uses or other concerns in the project vicinity, in accordance with SB 18 requirements. In response to the City's outreach, one letter was received from the Viejas Tribal Government indicating that the site has ties to the Viejas and requesting that a Native American monitor be present during initial ground disturbing activities (Viejas Tribal Government 2014).

5.4.2 **Impact**

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

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

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

Impact Thresholds

Based on the current City of San Diego's Significance Determination Thresholds (2011), historical resource impacts may be significant if the project would affect any of the following:

- A resource listed in, eligible, or potentially eligible for the National Register of Historic Places.
- A resource listed in, or determined to be eligible by, the State Historical Resources Commission, for listing in the California Register of Historical Resources (Public Resources Code, §5024.1).
- A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code, or identified as significant in an historical resource survey meeting the requirements of §5024.1(g) of the Public Resources Code.
- Any object, building, structure, site, area, place, record, or manuscript which a Lead Agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the Lead Agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the Lead Agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Public Resources Code, §5024.1), including the following criteria:
 - a. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
 - b. Is associated with the lives of persons important in our past;
 - c. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - d. Has yielded, or may be likely to yield, information important in prehistory or history.
- An archaeological site consisting of at least three associated artifacts/ecofacts (within a 40-square meter area) or a single feature.

- A “traditional cultural property”, defined to include any locale that;

...has been, and often continues to be of religious, mythological, cultural, economic and/or social importance to an identified ethnic group. This includes sacred areas where religious ceremonies have been or currently are practiced or which are central to a group’s origins as a people. Also included are areas where plants or other materials have been or currently are gathered for food, medicine or other economic purposes...Traditional cultural properties may also include neighborhoods which have been modified over time by ethnic or folk group use in such a way that the physical and cultural manifestations of the ethnic or folk culture are still distinguishable today. Cultural expressions shared within familial, ethnic, occupational, or religious groups include but are not limited to; technical skill, language, music, oral history, ritual, pageantry, and handicraft traditions which are learned orally, by limitation or in performance, and are generally maintained without benefit of formal instruction or institutional direction. Physical features may include: distinctive landscape and settlement patterns, architectural topologies, materials and methods of construction, and ornamental detail.

A site would be considered to possess ethnic significance if it is associated with a burial or cemetery; religious, social or traditional activities of a discrete ethnic population; an important person or event as defined by a discrete ethnic population; or the belief system of a discrete ethnic population.

The determination of significance of impacts on historical and unique archaeological resources is based on the criteria found in Section 15064.5 of the State CEQA Guidelines. Section 15064.5 clarifies the definition of a substantial adverse change in the significance of a historical resource as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.”

Impact Analysis

As noted above, SDI-13077H is a historical archaeological site that was found to be not historically significant by Daniels et al. (2012), while SDI-13078 is a prehistoric habitation site that was recommended CRHR eligible by Pignoli (1996), with the research potential exhausted by a data recovery conducted by ASM (Daniels et al. 2012).

Mixed-Use Development

The 2014 ASM cultural resources survey and supplemental survey in 2015 of the project footprints did not identify any historical resources that would require additional testing, or related investigation or mitigation of: (1) prehistoric or historic buildings, structures, objects or sites; (2) religious or sacred sites/uses; or (3) human remains. The November 2011 data recovery conducted on SDI-13078 exhausted the research potential of the site, and the site was re-examined during the 2014 study with the findings confirming the earlier assessment. Implementation of the development proposal would, therefore, not result in significant impacts to previously recorded sites. However, a potential for unknown subsurface resources exists in this area and results in a conservative identification of potentially significant impacts based on the potential location of

currently unknown resources during construction. Construction monitoring by an archaeologist and Native American representative is recommended to ensure that any unanticipated finds are handled in a proper and timely manner.

Public Roads

SDI-13077H, a historic period site, was identified in the project area but outside the limits of grading defined for the roads (i.e., Camino Del Sur). Implementation of the public roads component of the project would, therefore, not result in direct significant impacts to previously recorded sites. Similarly, implementation of the eastern trail connection from Camino Del Sur would not cause direct impacts to any known sites. However, a potential for indirect and/or unknown subsurface resources exists in the vicinity of the Camino Del Sur right-of-way (ROW) and results in a conservative identification of potentially significant impacts based on the potential location of currently unknown resources during construction. Construction monitoring by an archaeologist with assistance from a Native American monitor is recommended to ensure that any unanticipated finds are handled in a proper and timely manner.

Significance of Impact

Mixed-Use Development

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. Accordingly, no significant impacts to historical resources would result. However, the potential was noted for the occurrence of unknown subsurface archaeological resources. Accordingly, a potentially significant impact to historical resources is identified, and associated mitigation is specified below.

Public Roads

The construction of public roads and related trail connections 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. Accordingly, no significant impacts to historical resources would result. However, the potential was noted for the occurrence of unknown subsurface historic resources in the vicinity of one recorded and documented site in the vicinity of the Camino Del Sur extension and eastern trail connection. Accordingly, a potentially significant impact to historical resources is identified, and associated mitigation is specified below.

Mitigation, Monitoring and Reporting

Mixed-Use Development and Public Roads

The following mitigation measure would avoid or reduce potentially significant impacts to unknown subsurface resources on the project site to below a level of significance.

Hist-1 Unknown Subsurface Resources

The following measures shall be implemented prior to issuance of construction permits, prior to the start of construction, during construction and after construction within 100 feet of the two previously recorded sites (i.e., SDI-13078 and SDI-13077H) on the Merge 56 Development project site, within the right-of-way for Camino Del Sur and within the eastern trail alignment to Darkwood Canyon:

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 Archaeological Monitoring and Native American 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 archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must 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 (¼ mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, 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.

3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

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 Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological 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
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME 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 site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor(s) Shall be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that

information to the PI and MMC. **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 PMEAME.**

2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.
34. The archaeological and Native American consultant/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 Archaeological 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.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resources, specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.

- 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.
- b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP), which has been reviewed by the Native American consultant/monitor, 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, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.

2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
 3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with the California Public Resource and Health & Safety Codes.
 4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
 5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.
- D. If Human Remains are **NOT** Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).

3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man.

V. 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 CSV and submit to MMC via fax by 8 a.m. of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.
 - 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 of 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 and/or weekend 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.

VI. 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 Historical Resources Guidelines (Appendix C/D) which

describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.

- a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
- b. Recording Sites with State of California Department of Parks and Recreation

The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center 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 Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
3. The cost for curation is the responsibility of the property owner.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. **THIS WOULD ALSO REQUIRE THE INCLUSION OF ALL PRIOR ARCHAEOLOGICAL WORK CONDUCTED WHERE MATERIALS WERE COLLECTED IN 1996 BY PIGNIOLO, AND 2003 BY BFS AND 2012 BY ASM. REFER TO HISTORICAL RESOURCES (CULTURAL RESOURCES/CURATION AND FINAL REPORT PREPARATION OF PREVIOUS ARCHAEOLOGICAL WORK CONDUCTED MMRP CONDITION).** This shall

be completed in consultation with MMC and the Native American representative, as applicable.

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 one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy 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 and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC, which includes the Acceptance Verification from the curation institution.

5.5 PALEONTOLOGICAL RESOURCES

5.5.1 Existing Conditions

Paleontology is the science dealing with pre-historic plant and non-human animal life. Paleontological resources (or fossils) typically encompass the remains or traces of hard and resistant materials such as bones, teeth or shells, although plant materials and occasionally less resistant remains (e.g., tissue or feathers) can also be preserved. The formation of fossils typically involves the rapid burial of plant or animal remains and the formation of casts, molds or impressions in the associated sediment (which subsequently becomes sedimentary bedrock). Because of this, the potential for fossil remains in a given geologic formation can be predicted based on known fossil occurrences from similar (or correlated) geologic formations in other locations.

Section 7.1.4, *Geologic Conditions*, describes the geologic units and geologic condition of the study area. Geologic formations observed during the geologic reconnaissance of the project site and off-site roads include Quaternary-age Lindavista Formation and Terrace Deposits and Eocene sedimentary units consisting of Stadium Conglomerate/Friars Formation (undifferentiated) and Stadium Conglomerate/Mission Valley Formation (undifferentiated) (Geocon 1998, Geocon 2001, Geocon 2014a). These formations have been evaluated for paleontological resource potential and assigned a moderate to high paleontological resource sensitivity by the City of San Diego (2011), based on known occurrences of important fossils (including numerous vertebrates) (refer to Table 5.5-1, *Project Site Paleontological Resources Potential*). While fossil occurrences in Pleistocene terrace deposits are generally uncommon in San Diego County, important discoveries (including vertebrates) have been encountered in several locations, with these materials assigned a moderate potential in the project site vicinity by the City (2008). A description of the various geologic formations relative to their fossil potential is provided below.

Geologic Formation	Sensitivity Rating
Quaternary Deposits	Low
Linda Vista Formation	Moderate
Mission Valley Formation	High
Stadium Conglomerate	High
Friars Formation	High

Source: City General Plan EIR (2008b)

Quaternary Deposits– Fossils have been collected from Quaternary Terrace Deposits at several locations in coastal San Diego. These sites have yielded well-preserved remains of pond turtle, horse, passenger pigeon, hawk and rodents, as well as "Ice Age" mammals such as ground sloth, shrew, mole, mouse, wolf, camel, deer, horse, mastodon and mammoth. Although this formation consists of coarse-grained materials and known resource occurrence is rare, important vertebrate remains have been collected from several river terrace sites within this formation. Quaternary Terrace Deposits in this portion of the City are considered to have low paleontological resource sensitivity.

Linda Vista Formation– The Lindavista Formation represents a marine and/or non-marine terrace deposit of early Pleistocene age. Fossil localities are rare in the Lindavista Formation and have only

been recorded from a few areas. Fossils collected consist of the remains of nearshore marine invertebrates including clams, scallops, snails, barnacles and sand dollars, as well as sparse remains of sharks and baleen whales. Based on the sparsity of fossils reported from this rock unit, the Lindavista Formation is considered to have moderate paleontological resource sensitivity.

Mission Valley Formation– The Mission Valley Formation (found on site in undifferentiated deposits with Stadium Conglomerate Formation) consists of marine sandstone. The marine strata of the Mission Valley Formation have produced abundant and generally well-preserved remains of marine microfossils, macroinvertebrates (e.g., clams, snails, crustaceans and sea urchins) and vertebrates (e.g., sharks, rays and bony fish). Fluvial strata of the Mission Valley Formation have produced well-preserved examples of petrified wood and fairly large and diverse assemblages of fossil land mammals including opossums, insectivores, bats, primates and rodents. The co-occurrence in this formation of land and marine fossils is extremely important as it allows for the direct correlation of terrestrial and marine faunal time scales; the Mission Valley Formation represents one of the few instances in North America where such comparisons are possible. This formation is, therefore, considered to have high paleontological resource sensitivity.

Stadium Conglomerate– The Stadium Conglomerate has yielded abundant and diverse assemblages of fossil land mammals from several districts, including Rancho Peñasquitos. These assemblages are represented by well-preserved remains including those of opossums, insectivores, bats, primates, rodents, carnivores and tapirs. This formation is considered by the City to have high paleontological resource sensitivity.

Friars Formation– The Friars Formation is almost entirely fluvial in origin, although occasional marine facies occur toward the western end of its outcrop area. This formation is rich in vertebrate fossils, especially terrestrial mammals such as opossums, insectivores, primates and rodents. Also reported from the Friars Formation are well-preserved remains of marine microfossils, macro-invertebrates and fossil leaves. Based on the recovery of diverse and well-preserved fossil assemblages of both marine invertebrates and terrestrial vertebrates, the Friars Formation is considered to have high paleontological resource sensitivity.

5.5.2 **Impact**

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

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

Impact Threshold

The City of San Diego Significance Determination Thresholds (2011) assess potential impacts to moderate and high sensitivity geologic formations as follows: (1) significant impacts to high sensitivity geologic formations would occur if proposed grading involves more than 1,000 cubic yards (cy) of material and extends to depths of 10 feet or more; and (2) significant impacts to moderate sensitivity geologic formations would occur if proposed grading involves more than 2,000 cy of material and extends to depths of 10 feet or more.

Mixed-Use Development

Implementation of the development project would require 272,000 cy of cut at a maximum cut depth of 31 feet, as well as trenching for utilities systems (i.e., sewer and water). Accordingly, the previously noted City Significance Determination Threshold for moderate and high sensitivity geologic formations could potentially be exceeded, resulting in significant impacts to associated buried paleontological resources.

Public Roads

Grading activities for the Circulation Element roads would also require more than 1,000 or 2,000 cy of excavation at depths of greater than 10 feet. Specifically, project grading of approximately 32 acres associated with implementation of the proposed roads would be required at up to 52 feet of cut, along with trenching for associated utilities (including sewer and water lines), which has the potential to impact important paleontological resources. Accordingly, these activities would have the potential to exceed the noted City thresholds for moderate and high sensitivity formations, and significant impacts would result.

Significance of Impacts

Due to the presence of fossiliferous formations with moderate to high resource sensitivity beneath the Merge 56 Development Project site, implementation of the project would have the potential to result in significant impacts to paleontological resources. Accordingly, the associated City Significance Determination Thresholds for moderate to high sensitivity geologic formations could potentially be exceeded at the project site, resulting in significant impacts to paleontological resources. Associated mitigation in the form of monitoring and (if applicable) resource recovery (per standard City paleontological mitigation requirements) would therefore be required, as outlined below.

Mitigation, Monitoring and Reporting

Mixed-Use Development and Public Roads

Paleo-1 Moderate to High Sensitivity Formations

The following mitigation measures contain project conditions that have been developed by the City to reduce potential paleontological impacts to below a level of significance. These requirements comprise a comprehensive program to address potential impacts to moderate to high-sensitivity paleontological resources associated with the Linda Vista Formation, Mission Valley Formation, Stadium Conglomerate and Friars Formation, and are consistent with standard programs employed at other sites in the City. Implementation of these mitigation measures would allow preservation and future scientific study of any important paleontological resources encountered, thereby reducing impacts to below a level of significance.

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 (CSV). The CSV'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 CSV and submit to MMC via fax by 8 a.m. 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.

5.6 NOISE

This section evaluates potential noise impacts associated with the project. The following discussion is based on the project Noise Study that was prepared by Ldn Consulting, Inc. (Ldn) in 2015. The study is included in its entirety in Appendix E.

5.6.1 Existing Conditions

Noise Descriptors

Noise is defined as unwanted or annoying sound which interferes with or disrupts normal activities. Exposure to high noise levels has been demonstrated to cause hearing loss. The individual human response to environmental noise is based on the sensitivity of that individual, the type of noise that occurs and when the noise occurs.

Sound is measured on a logarithmic scale consisting of sound pressure levels known as a decibel (dB). The sounds heard by humans typically do not consist of a single frequency but of a broadband of frequencies having different sound pressure levels. The method for evaluating all the frequencies of the sound is to apply an A-weighting to reflect how the human ear responds to the different sound levels at different frequencies. The A-weighted sound level adequately describes the instantaneous noise whereas the equivalent sound level depicted as L_{EQ} represents a steady sound level containing the same total acoustical energy as the actual fluctuating sound level over a given time interval.

The Community Noise Equivalent Level (CNEL) is the 24-hour A-weighted average for sound, with corrections for evening and nighttime hours. The corrections require an addition of 5 decibels to sound levels in the evening hours between 7 p.m. and 10 p.m. and an addition of 10 decibels to sound levels at nighttime hours between 10 p.m. and 7 a.m. These additions are made to account for the increased sensitivity during the evening and nighttime hours when sound appears louder.

Because mobile/traffic noise levels are calculated on a logarithmic scale, a doubling of the traffic noise or acoustical energy results in a noise level increase of 3 dBA. Therefore, the doubling of the traffic volume, without changing the vehicle speeds or mix ratio, results in a noise increase of 3 dBA. Mobile noise levels radiate in an almost oblique fashion from the source and drop off at a rate of 3 dBA for each doubling of distance under hard site conditions and at a rate of 4.5 dBA for soft site conditions. Hard site conditions consist of concrete, asphalt and hard pack dirt while soft site conditions exist in areas having slight grade changes, landscaped areas and vegetation. In addition, fixed/point sources radiate outward uniformly as they travel away from the source. Their sound levels attenuate or drop off at a rate of 6 dBA for each doubling of distance.

Noise Sensitive Land Uses

Noise sensitive receptors or receivers are land uses associated with indoor and/or outdoor activities that may be subject to stress and/or significant interference from noise. They typically include residential dwellings, dormitories, mobile homes, hotels, motels, hospitals, nursing homes, educational facilities (i.e., classrooms), passive recreation areas, daycare facilities, and libraries. In the vicinity of the project site, including the road rights-of-way, the primary noise-sensitive land uses

are existing residential dwellings. An elementary school, Park Village Elementary School, occurs off-site east of the Camino Del Sur intersection with Park Village Road (Figure 2-2).

Applicable Plans and Policies

City of San Diego General Plan

The Noise Element in the City of San Diego (City) General Plan sets forth community noise and land use compatibility guidelines as shown in Table 5.6-1, *General Plan Land Use – Noise Compatibility Guidelines*.

Table 5.6-1 GENERAL PLAN LAND USE – NOISE COMPATIBILITY GUIDELINES					
Land Use Category	Exterior Noise Exposure (dBA CNEL)				
	<60	60-65	65-70	70-75	>75
Open Space and Parks and Recreational					
Community & Neighborhood Parks; Passive Recreation					
Regional Parks; Outdoor Spectator Sports, Golf Courses; Athletic Fields; Outdoor, Spectator Sports, Water Recreational Facilities; Horse Stables; Park Maintenance Facilities					
Agricultural					
Crop Raising & Farming; Aquaculture, Dairies; Horticulture Nurseries & Greenhouses; Animal Raising, Maintain & Keeping; Commercial Stables					
Residential					
Single Units; Mobile Homes; Senior Housing		45			
Multiple Units; Mixed-Use Commercial/Residential; Live Work; Group Living Accommodations		45	45		
Institutional					
Hospitals; Nursing Facilities; Intermediate Care Facilities; Kindergarten through Grade 12 Educational Facilities; Libraries; Museums; Places of Worship; Child Care Facilities		45			
Vocational or Professional Educational Facilities; Higher Education Institution Facilities (Community or Junior Colleges, Colleges, or Universities)		45	45		
Cemeteries					
Sales					
Building Supplies/Equipment; Food, Beverages & Groceries; Pets & Pet Supplies; Sundries, Pharmaceutical, & Convenience Sales; Wearing Apparel & Accessories			50	50	

Table 5.6-1 (cont.) GENERAL PLAN LAND USE - NOISE COMPATIBILITY GUIDELINES							
Land Use Category			Exterior Noise Exposure (dBA CNEL)				
			<60	60-65	65-70	70-75	>75
Commercial Services							
Building Services; Business Support; Eating & Drinking; Financial Institutions; Assembly & Entertainment; Radio & Television Studios; Golf Course Support					50	50	
Visitor Accommodations				45	45	45	
Offices							
Business & Professional; Government; Medical, Dental & Health Practitioner; Regional & Corporate Headquarters					50	50	
Vehicle and Vehicular Equipment Sales and Services Use							
Commercial or Personal Vehicle Repair & Maintenance; Commercial or Personal Vehicle Sales & Rentals; Vehicle Equipment & Supplies Sales & Rentals; Vehicle Parking							
Wholesale, Distribution, Storage Use Category							
Equipment & Materials Storage Yards; Moving & Storage Facilities; Warehouse; Wholesale Distribution							
Industrial							
Heavy Manufacturing; Light Manufacturing; Marine Industry; Trucking & Transportation Terminals; Mining & Extractive Industries							
Research & Development						50	
	Compatible	Indoor Uses	Standard construction methods should attenuate exterior noise to an acceptable indoor noise level.				
		Outdoor Uses	Activities associated with the land use may be carried out.				
	Conditionally Compatible	Indoor Uses	Building structure must attenuate exterior noise to the indoor noise level indicated by the number for occupied areas.				
		Outdoor Uses	Feasible noise mitigate techniques should be analyzed and incorporated to make the outdoor activities acceptable.				
	Incompatible	Indoor Uses	New construction should not be undertaken.				
		Outdoor Uses	Severe noise interference makes outdoor activities unacceptable.				

Source: City of San Diego 2008

The City of San Diego as part of its noise guidelines also states, consistent with Title 24 of the California Code of Regulations (CCR), a project is required to perform an interior assessment on the portions of a project site where building façade noise levels are above the normally compatible noise level in order to ensure that acceptable interior noise levels can be achieved. The City of San Diego's Noise Compatibility Guidelines require interior noise levels in residential structures to be reduced to 45 dBA CNEL and office buildings be reduced to 50 dBA CNEL (Table 5.6-1).

City of San Diego Noise Abatement and Control Ordinance

The City's Noise Abatement and Control Ordinance regulates noise produced by construction activities. Construction activities are prohibited between the hours of 7 p.m. and 7 a.m. and on Sundays and legal holidays, except in case of emergency. Construction noise must not exceed an average sound level of 75 dBA at the property line of any property zoned for residential use during the 12-hour period from 7 a.m. to 7 p.m. pursuant to the SDMC, Section 59.5.0404(b).

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. The noise limits for various land uses are depicted in Table 5.6-2, *City of San Diego Noise Ordinance Limits*. The sound level limit applies at any point on or beyond the boundary of the property on which the sound is produced. The sound level limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits for the two zones (SDMC Section 59.5.0401[b]).

Land Use Zone ¹	Time of Day	One-hour Average Sound Level (dBA)
Single-family Residential	7:00 a.m. to 7:00 p.m.	50
	7:00 p.m. to 10:00 p.m.	45
	10:00 p.m. to 7:00 a.m.	40
Multi-family Residential (Up to a maximum density of 1/2000)	7:00 a.m. to 7:00 p.m.	55
	7:00 p.m. to 10:00 p.m.	50
	10:00 p.m. to 7:00 a.m.	45
All other Residential	7:00 a.m. to 7:00 p.m.	60
	7:00 p.m. to 10:00 p.m.	55
	10:00 p.m. to 7:00 a.m.	50
Commercial	7:00 a.m. to 7:00 p.m.	65
	7:00 p.m. to 10:00 p.m.	60
	10:00 p.m. to 7:00 a.m.	60
Manufacturing and all other industrial, including Agricultural and Extractive Industry	Any time	75

Source: City of San Diego Noise Ordinance SDMC Section 59.5.0401

¹ The sound level limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits for the two districts.

Noise Sources

The primary noise source in the vicinity of the project site results from vehicular traffic along SR-56. Aircraft activities associated with MCAS Miramar, located approximately five miles south of the project area, produce noise levels less than 60 dB CNEL in the project area (SDCRAA 2011). Additional minor sources of noise in the vicinity of the project site include traffic along Park Village Road, Camino Del Sur (between Park Village and Dormouse roads) and several residential roads, as well as class bells/announcements/children playing outside at Park Village Elementary School.

Ambient Noise Measurements

Noise measurements were taken in July 2014 at two locations on the project site using a Larson-Davis Model LxT Type 1 precision sound level meter. Monitoring location 1 (M1) was located roughly 400 feet from the northern property line and approximately 500 feet from the existing segment of Carmel Mountain Road. Monitoring location 2 (M2) was located towards the southern property line of the project approximately 1,200 feet from M1. The results of the noise level measurements are presented in Table 5.6-3, *Measured Ambient Noise Levels*. The noise measurements were both collected for a time period of 15 minutes. The existing noise levels in the project area are primarily influenced by traffic along SR-56. The ambient L_{EQ} noise levels measured in the area of the project during the morning hour were found to be between 36 dBA L_{EQ} and 51 dBA L_{EQ} . The statistical indicators L_{MAX} , L_{MIN} , L10, L50 and L90 are given for both monitoring locations. As can be seen from the L90 data, 90 percent of the time ambient noise levels are between 34 and 48 dBA. The noise monitoring locations are provided graphically in Figure 4-1 in Appendix E.

Measure Identification	Description	Time	Noise Levels (in dBA)					
			L_{EQ}	L_{MAX}	L_{MIN}	L10	L50	L90
M1	Northern property line	7:15-7:30 AM	50.4	54.9	43.4	52.2	50.0	48.0
M2	Southern property line	7:30-7:45 AM	36.6	47.9	32.9	37.8	36.6	34.6

Source: Ldn Consulting 2015.

5.6.2 Impact

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

Issue 2: Would the proposal result in the exposure of people to noise levels created by the project which exceed the City's adopted noise ordinance or the City's Significance Determination Thresholds?

Impact Thresholds

A project would have a significant noise impact if it would result in:

- Exposure of people to noise levels that exceed the City's adopted construction noise ordinance (i.e., 75 dBA at the affected property line); and/or
- Exposure of people to noise levels that exceed the City's adopted Noise Ordinance (Table 5.6-2).

Impact Analysis

The following analysis is an assessment of construction-related and operational noise effects of the project on ambient and future conditions. For proposed operational noise sources, the Noise Study

addresses delivery trucks and roof-top mounted mechanical ventilation (HVAC) associated with the commercial uses proposed on site. It is important to note that the projected noise levels presented in the Noise Study assume the worst-case noise environment with the delivery trucks and roof-top mounted HVAC all operating at the same time. In reality, these noise sources would not overlap but instead would vary throughout the day as the mechanical ventilation would likely operate during nighttime hours and the delivery trucks would likely arrive during early evening or morning hours. Therefore, the stationary noise analysis in the Noise Study is a conservative assessment of operational noise sources.

Construction Noise

Mixed-Use Development

Construction noise represents a short-term impact on the ambient noise levels. Noise generated by construction equipment including haul trucks, water trucks, graders, dozers, loaders and scrapers can reach relatively high levels. Grading activities typically represent one of the highest potential sources for noise impacts. 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 U.S. Environmental Protection Agency (USEPA) has compiled data regarding the noise-generating characteristics of specific types of construction equipment. Noise levels generated by heavy construction equipment can range from 60 dBA to in excess of 100 dBA when measured at 50 feet. However, these noise levels diminish rapidly with distance from the construction site at a rate of approximately 6 dBA per doubling of distance. For example, a noise level of 75 dBA measured at 50 feet from the noise source to the receptor would be reduced to 69 dBA at 100 feet from the source to the receptor, and reduced to 63 dBA at 200 feet from the source.

Based on the USEPA noise emissions, empirical data and the amount of equipment needed, worst-case noise levels from the construction equipment operations would occur during the base operations (grading and commercial construction). The grading of the project would occur in a single phase, with the entire site prepared for building construction all at once. Road construction would be scheduled in conjunction with the development area. Construction of the commercial buildings and parking structures could occur during or after the residential units are occupied. Therefore, the grading activities and commercial building construction are analyzed separately below.

With the equipment working closely together the cumulative noise level during project grading activities would be 72 dBA at the nearest property line located 250 feet from the construction activities over a 12-hour period. Therefore, the construction activities would be expected to comply with the City's 75 dBA L_{EQ} 12-hour standard at the property lines, and no impacts are anticipated. The grading activities would be short-term only, lasting approximately six months. Refer to Table

7-1 in the Noise Study (Appendix E) for additional details on the construction equipment noise. Therefore, construction noise impacts associated with the mixed-use component of the project would be less than significant.

Under a worst-case scenario, the commercial buildings and parking structures construction may occur after the residential units across Private Drive M (i.e., proposed townhomes) 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 construction activities within the mixed-use component of the project would be expected to comply with the City's 75 dBA L_{EQ} 12-hour standard at the property lines, and less than significant impacts would occur.

Public Roads

Temporary construction noise impacts would occur during road construction as well. Noise generated by construction equipment would occur with varying intensities and durations during the different phases of construction: clearing and grubbing, earthwork, base preparation, paving and cleanup. In total, road construction should take approximately three months. The roadway construction activities for the extension of Camino Del Sur are anticipated to require one motor grader, two scrapers, one skip loader, a vibratory roller, an excavator and a 2,000-gallon water truck. During asphalt paving and construction of the street improvements, construction equipment would consist of one paving machine, one skip loader, and two rollers. Based on the USEPA noise emissions, empirical data and the amount of equipment needed, worst case noise impacts from this construction equipment for roadway operations would occur during the base operations (grading). According to the Noise Study, with the construction equipment all working together, the cumulative noise levels would be 80.3 dBA at 50 feet from the center of the roadway construction over a 12-hour period (Ldn Consulting 2015). The average distances from the centerline of the proposed roadway extension to the existing residences would be 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 combination of a dozer and grader would be 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 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 are anticipated.

Operational Noise

Operational noise impacts due to project implementation are divided into land use noise and transportation noise. These two types of noise are analyzed using different methodologies and significance thresholds. Operational noise impacts could occur on site, as well as in the surrounding area. Impacts from the project to surrounding sensitive noise receptors could occur as a result of increased on- and off-site traffic. The project would introduce several new noise sources, depending on the land use. Operational noise sources, such as delivery trucks and mechanical ventilation

systems (HVAC), are the primary sources of stationary noise that would be created by the proposed project. These stationary sources of land use noise are addressed below. Transportation noise levels attributable to the project are addressed below under Issue 2.

Mixed-Use Development

It should be noted that with respect to stationary noise, the most sensitive property line to the operational noise sources, by distance and orientation, is the property line at the proposed townhomes south of Private Drive M. The Noise Study analyzed the property line to determine the worst-case noise levels. 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. In order to evaluate the delivery truck noise impacts from the loading dock proposed in the commercial center, the Noise Study utilized noise level measurements taken at an Albertson's Shopping Center in San Diego California for reference (Ldn Consulting 2015). The measurements included truck drive-by noise, truck loading/unloading and truck engine noise. The unmitigated exterior noise levels for truck drive-by noise and truck engine noise were measured at 66.5 dBA L_{EQ} at a distance of 25 feet from the loading dock. There is one loading dock proposed at the grocery facility approximately 350 feet from the closest residential property line. Noise levels drop 3 decibels each time the duration of the source is reduced by half. Therefore, hourly truck noise levels over a 15-minute period would be reduced 6 decibels to 60.5 dBA at a distance of 25 feet based on the limited time of operation. The noise level reduction due to distance between the loading dock and the nearest residential use would be -22.9dBA, resulting in an unshielded noise level of 37.6 dBA L_{EQ} which is well below the 50.0 dBA L_{EQ} property line standard required by the City Noise Ordinance.

Air Conditioning Units. Rooftop mechanical ventilation units (HVAC) will be installed on the proposed buildings. In order to evaluate the HVAC noise impacts, the analysis utilized reference noise level measurements taken at a Vons Shopping Center in Murrieta, California (Ldn Consulting 2015). The unshielded noise levels for the HVAC units were measured at 65.9 dBA L_{EQ} at a distance of 6 feet. The grocery is proposed with one large 18-ton unit and one smaller unit having a reference noise level of 76 dBA at 3 feet. To predict the worst-case future noise environment, a continuous reference noise level of 65.9 dBA at 6 feet was used to represent the roof-top mechanical ventilation system for office and retail space, and a reference noise level of 76.0 dBA at 3 feet (or 70 dBA at 6 feet) for the grocery, cinema, and fitness center. Even though the mechanical ventilation systems would cycle on and off throughout the day, this approach presents the worst-case noise condition. In addition, these units are designed to provide cooling during the peak summer daytime periods, and it is unlikely that all the units would be operating continuously. The noise levels associated with the roof-top mechanical ventilation system would be limited by the proposed parapet walls on each building that would vary in height but be roughly 1 foot higher than the HVAC units to shield them both visually and acoustically. The parapet wall would block the line-of-sight from the adjacent residential units. Taking into account distance and the noise reduction from the parapet walls, the proposed HVAC operational noise levels would be 38.0 dBA or less, and therefore 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} . Therefore, cumulatively the proposed commercial development related operational noise levels would comply with the daytime and nighttime noise standards at the closest residences to the southwest, and less than significant impacts would occur.

Significance of Impact

In compliance with the City Noise Ordinance, construction activities would be 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) would be less than significant per the Noise Ordinance and City noise thresholds.

Mitigation, Monitoring and Reporting

No significant impacts to noise-sensitive land uses are identified; therefore, no mitigation measures are required.

5.6.3 Impact

Issue 3: Would the proposal result in the exposure of people to future transportation noise levels which exceed standards established in the Noise Element of the General Plan or an adopted airport Comprehensive Land Use Plan?

Impact Thresholds

General Plan Land Use - Noise Compatibility Guidelines

The City uses the Land Use - Noise Compatibility Guidelines as shown on Table NE-3 in the Noise Element of the General Plan (provided as Table 5.6-1) for evaluating land use noise compatibility when reviewing proposed land use development projects. A "compatible" land use indicates that standard construction methods will attenuate exterior noise to an acceptable indoor noise level and people can perform outdoor activities with minimal noise interference. Evaluation of land use that falls into the "conditionally compatible" noise environment should have an acoustical study prepared. The acoustical study should include consideration of the type of noise source, the sensitivity of the noise receptor, and the degree to which the noise source may interfere with speech, sleep, or other activities characteristic of the land use. For land uses indicated as "conditionally compatible," structures must be capable of attenuating exterior noise to the indoor noise level as shown in Table 5.6-1. For land uses indicated as "incompatible," new construction should generally not be undertaken.

Table K-2 of the City's Significance Determination Thresholds (2011) outlines traffic noise thresholds based on structure or proposed use as outlined below. Based on those City's thresholds, transportation noise impacts may be significant if the project would:

- Expose single-family or multi-family housing, schools, libraries, hospitals, day care, hotels, motels, parks or convalescent homes to exterior traffic noise levels that exceed 65 dBA CNEL at exterior useable areas, and 45 dBA CNEL at interior areas;
- Expose office, church, business, or professional uses to exterior traffic noise levels that exceed 70 dBA CNEL at exterior useable areas and 50 dBA CNEL at interior areas;
- Expose commercial, retail, industrial, or outdoor spectator sport uses to exterior traffic noise levels that exceed 75 dBA CNEL at exterior useable areas;
- Uses that are incompatible with noise exposure levels as defined in Table NE-3 in the Noise Element of the General Plan or in an airport land use plan as adopted by the ALUC; and/or
- Increase noise levels by at least 3 dBA where noise levels currently are at or exceed the traffic noise thresholds in Table K-2.

Impact Analysis

Transportation noise exposure from project traffic would have the potential to create noise impacts to noise-sensitive land uses in the project vicinity, as well as noise impacts due to the extension of public roads. The project Noise Study addressed these transportation noise impacts and the findings are summarized below.

Mixed-Use Development and Public Roads

Post-construction noise levels along Camino Del Sur would increase ambient conditions as existing and future traffic uses the newly-constructed road. The project-related roadway segment noise levels projected in the Noise Study were calculated using the methods in the Highway Noise Model published by the Federal Highway Administration (FHWA Highway Traffic Noise Prediction Model, FHWA-RD-77-108, December 1978). To determine if off-site noise level increases associated with the Merge 56 Development Project (including the extension of Camino Del Sur to the south of the project site) would significantly increase ambient noise, the noise levels for the future conditions were compared with the noise level increase from when the project once fully built. Utilizing daily trip information from the project's Traffic Impact Assessment (TIA; LLG 2016), noise contours were developed for the southerly segment of Camino Del Sur for the following traffic scenarios:

Roadway Extension: Existing traffic at the time the roadway would open without project traffic.

Roadway Extension With Project: Projected near-term noise conditions plus the added noise from project-related traffic.

Roadway Extension vs. Roadway Extension With Project: Comparison between the existing conditions without the project and near-term conditions with the project.

The noise levels and reference distances to the 65 dBA CNEL contour for the southern extension of Camino Del Sur are given in Table 5.6-4, *Future Transportation Noise Levels Along Camino Del Sur*, for all three transportation scenarios listed above. As can be seen in Table 5.6-3, 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 contour would occur within the ROW. Therefore, the project's direct contributions to off-site roadway noise increases would not cause any significant impacts to any 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 are identified.

Table 5.6-4 FUTURE TRANSPORTATION NOISE LEVELS ALONG CAMINO DEL SUR (in dBA CNEL)					
Roadway Segment	Existing Conditions¹		Near-term Plus Project Conditions		With and Without Project Comparison
	Noise Level at 50 Feet	Distance in Feet to 65 dBA CNEL Contour	Noise Level at 50 Feet	Distance in Feet to 65 dBA CNEL Contour	Direct Noise Level Increase
Carmel Mountain Road to Park Village Road	65.3	53	66.1	65	0.8

Source: Ldn Consulting 2015.

Notes:

¹ Existing noise conditions represents the placement of existing traffic along the new segment of road.

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), 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.

Significance of Impact

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

Mitigation, Monitoring and Reporting

No significant impacts to noise-sensitive land uses are identified; therefore, no mitigation measures are required.

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5.7 GREENHOUSE GAS EMISSIONS

This section provides an evaluation of potential climate change impacts associated with the proposed project's generation of greenhouse gas (GHG) emissions. The following discussion is based on the Climate Action Plan Consistency Checklist prepared for the project and contained in Appendix F.

5.7.1 Existing Conditions

Greenhouse Gas Background

Global Climate Change (GCC) refers to changes in average climatic conditions on Earth as a whole, including temperature, wind patterns, precipitation and storms. GCC may result from natural factors, natural processes, and/or human activities that change the composition of the atmosphere and alter the surface and features of land. Historical records indicate that global climate changes have occurred in the past due to natural phenomena (such as during previous ice ages). Some data indicate that the current global conditions differ from past climate changes in rate and magnitude.

Global temperatures are moderated by naturally occurring atmospheric gases, including water vapor, carbon dioxide (CO₂), methane (CH₄) and nitrous oxide (N₂O), which are known as greenhouse gases (GHGs). These gases allow solar radiation (sunlight) into the Earth's atmosphere, but prevent radiative heat from escaping, thus warming the Earth's atmosphere, much like a greenhouse. GHGs are emitted by both natural processes and human activities. Without these natural GHGs, the Earth's temperature would be about 61° Fahrenheit cooler (California Environmental Protection Agency 2006). Emissions from human activities, such as electricity production and vehicle use, have elevated the concentration of these gases in the atmosphere. For example, data from ice cores indicate that CO₂ concentrations remained steady prior to the current period for approximately 10,000 years; however, concentrations of CO₂ have increased in the atmosphere since the industrial revolution.

GCC and GHGs have been at the center of a widely contested political, economic, and scientific debate. Although the conceptual existence of GCC is generally accepted, the extent to which GHGs generally and anthropogenic-induced GHGs (mainly CO₂, CH₄ and N₂O) contribute to it remains a source of debate. The State of California has been at the forefront of developing solutions to address GCC.

The United Nations Intergovernmental Panel on Climate Change (IPCC) constructed several emission trajectories of GHGs needed to stabilize global temperatures and climate change impacts. The IPCC concluded that a stabilization of GHGs at 400 to 450 ppm CO₂ equivalent concentration is required to keep global mean warming below 3.6° Fahrenheit (2° Celsius), which is assumed to be necessary to avoid dangerous climate change (Association of Environmental Professionals 2007).

State law defines greenhouse gases as any of the following compounds: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆), and nitrogen trifluoride (NF₃) (California Health and Safety Code Section 38505(g).) CO₂, followed by CH₄ and N₂O, are the most common GHGs that result from human activity.

Sources and Global Warming Potential of GHGs

Anthropogenic sources of CO₂ include combustion of fossil fuels (coal, oil, natural gas, gasoline and wood). CH₄ is the main component of natural gas and also arises naturally from anaerobic decay of organic matter. Accordingly, anthropogenic sources of CH₄ include landfills, fermentation of manure and cattle farming. Anthropogenic sources of N₂O include combustion of fossil fuels and industrial processes such as nylon production and production of nitric acid. Other GHGs are present in trace amounts in the atmosphere and are generated from various industrial or other uses.

GHGs have varying global warming potential (GWP). The GWP is the potential of a gas or aerosol to trap heat in the atmosphere; it is the “cumulative radiative forcing effect of a gas over a specified time horizon resulting from the emission of a unit mass of gas relative to a reference gas” (USEPA 2006). The reference gas for GWP is CO₂; therefore, CO₂ has a GWP of 1. The other main greenhouse gases that have been attributed to human activity include CH₄, which has a GWP of 28, and N₂O, which has a GWP of 265. Table 5.7-1, *Global Warming Potentials and Atmospheric Lifetimes of GHGs*, presents the GWP and atmospheric lifetimes of common GHGs. In order to account for each GHG's respective GWP, all types of GHG emissions are expressed in terms of CO₂ equivalents (CO₂e) and are typically quantified in metric tons (MT) or millions of metric tons (MMT).

GHG	Formula	100-Year Global Warming Potential	Atmospheric Lifetime (Years)
Carbon Dioxide	CO ₂	1	Variable
Methane	CH ₄	28	12
Nitrous Oxide	N ₂ O	265	121
Sulfur Hexafluoride	SF ₆	23,500	3,200
Hydrofluorocarbons	HFCs	100 to 12,000	1 to 100
Perfluorocarbons	PFCs	7,000 to 11,000	3,000 to 50,000
Nitrogen Trifluoride	NF ₃	16,100	500

Source: ARB 2014

The California Air Resources Board (ARB) compiled a statewide inventory of anthropogenic GHG emissions and sinks that includes estimates for CO₂, CH₄, N₂O, SF₆, HFCs, and PFCs. The current inventory covers the years 1990 to 2012, and is summarized in Table 5.7-2, *State of California GHG Emissions by Sector*. Data sources used to calculate this GHG inventory include California and federal agencies, international organizations, and industry associations. The calculation methodologies are consistent with guidance from the IPCC. The 1990 emissions level is the sum total of sources and sinks from all sectors and categories in the inventory. The inventory is divided into seven broad sectors and categories in the inventory. These sectors include: Agriculture; Commercial; Electricity Generation; Forestry; Industrial; Residential; and Transportation.

**Table 5.7-2
 STATE OF CALIFORNIA GHG EMISSIONS BY SECTOR**

Sector	Total 1990 Emissions (MMTCO₂e)	Percent of Total 1990 Emissions	Total 2012 Emissions (MMTCO₂e)	Percent of Total 2012 Emissions
Agriculture	23.4	5%	37.86	8%
Commercial	14.4	3%	14.20	3%
Electricity Generation	110.6	26%	95.09	21%
Forestry (excluding sinks)	0.2	<1%		
Industrial	103.0	24%	89.16	19%
Residential	29.7	7%	28.09	6%
Transportation	150.7	35%	167.38	36%
Recycling and Waste			8.49	2%
High GWP Gases			18.41	4%
Forestry Sinks	(6.7)			

Source: ARB 2007

In addition to the statewide GHG inventory prepared by the ARB, a GHG inventory was prepared by the University of San Diego School of Law Energy Policy Initiative Center (EPIC) for the San Diego region (University of San Diego 2008). The San Diego County Greenhouse Gas Inventory (SDCGHGI) takes into account the unique characteristics of the region when estimating emissions, and estimated emissions for years 1990, 2006, and 2020. Based on this inventory and the emission projections for the region, EPIC found that GHG emissions must be reduced by 33 percent below “business as usual” conditions for Year 2020 in order for San Diego County to return to 1990 emission levels. “Business as usual” is defined as the emissions that would occur without any greenhouse gas reduction measures (ARB 2015). For example, construction of buildings using 2005 Title 24 building standards, and not subsequently enacted more rigorous standards, would create “business as usual” emissions. The Merge 56 Development project would be required to comply with the Title 24 building standards in place at the time building permits are requested (most likely 2016 Title 24, effectively January 1, 2017).

Areas where feasible reductions could occur and the strategies for achieving those reductions are outlined in the SDCGHGI. A summary of the various sectors that contribute GHG emissions in San Diego County for Year 2006 is provided in Table 5.7-3, *San Diego County 2006 GHG Emissions by Category*. Total GHGs in San Diego County are estimated at 34 MMTCO₂e.

Sector	Total Emissions (MMTCO₂e)	Percent of Total Emissions
On-Road Transportation	16	46%
Electricity	9	25%
Natural Gas Consumption	3	9%
Civil Aviation	1.7	5%
Industrial Processes & Products	1.6	5%
Other Fuels/Other	1.1	4%
Off-Road Equipment & Vehicles	1.3	4%
Waste	0.7	2%
Agriculture/Forestry/Land Use	0.7	2%
Rail	0.3	1%
Water-Born Navigation	0.13	0.4%

Source: USD 2008

According to the SDCGHGI, a majority of the region’s emissions are attributable to on-road transportation, with the next largest source of GHG emissions attributable to electricity generation. The SDCGHGI states that emission reductions from on-road transportation will be achieved in a variety of ways, including through regulations aimed at increasing fuel efficiency standards and decreasing vehicle emissions. These regulations are outside the control of project applicants for land use development. The SDCGHGI also indicates that emission reductions from electricity generation will be achieved in a variety of ways, including through a 10 percent reduction in electricity consumption, implementation of the renewable portfolio standard (RPS), cleaner electricity purchases by San Diego Gas & Electric, replacement of the Boardman Contract (which allows the purchase of electricity from coal-fired power plants), and implementation of 400 megawatts (MW) of photovoltaics. Many of these measures are also outside the control of project applicants.

In its Climate Action Plan (CAP), the City identified the 2010 baseline for GHG emissions of 12,984,993 MT CO₂e. Based on the community-wide emissions inventory, 55 percent of the baseline emissions are attributable to transportation, 24 percent are attributable to electricity use, 16 percent are attributable to natural gas use, 3 percent are attributable to solid waste and wastewater handling and treatment, and 2 percent are attributable to water use (City 2015).

In 2012, region-wide emissions totaled 35,000,000 MT CO₂e, according to the GHG inventory prepared for SANDAG’s Sustainable Communities Strategy (SCS). The 2012 estimate was an 18.7 percent increase over 1990 emissions levels for the San Diego region (SANDAG 2015). As shown in other inventories, transportation is the largest source of GHG in the region, followed by electricity and natural gas. SANDAG’s SB 375 target is to reduce regional GHGs from cars and light trucks by 7 percent per capita by 2020 and by 13 percent per capita by 2035, as compared to the 2005 baseline. Based on programs and incentives contained in the Regional Plan (encompassing the Regional Transportation Plan and SCS), the region is projected to realize a 15 percent reduction in GHG emissions by 2020 and a 21 percent reduction by 2035 (SANDAG 2015).

The project site is unoccupied and undeveloped and is not currently a source of GHG emissions within the City or San Diego region.

Regulatory Setting

All levels of government have some responsibility for the protection of air quality, and each level (Federal, State, and regional/local) has specific responsibilities relating to air quality regulation. The following is a summary of relevant federal, state, regional, and local GHG legislation and policies pertaining to global climate change, in general, and GHG emissions in particular.

International and Federal Actions

In 1988, the United Nations and the World Meteorological Organization established the Intergovernmental Panel on Climate Change (IPCC) to assess the scientific, technical, and socioeconomic information relevant to understanding the scientific basis for human-induced climate change, its potential impacts, and options for adaptation and mitigation. The most recent reports of the IPCC have emphasized the scientific consensus that real and measurable changes to the climate are occurring, that they are caused by human activity, and that significant adverse impacts on the environment, the economy, and human health and welfare are unavoidable.

On March 21, 1994, the United States joined a number of countries around the world in signing the United Nations Framework Convention on Climate Change (UNFCCC). Under the Convention, governments agreed to gather and share information on GHG emissions, national policies, and best practices; launch national strategies for addressing GHG emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries; and cooperate in preparing for adaptation to the impacts of global climate change. The U.S. Supreme Court rules in *Massachusetts v. Environmental Protection Agency*, 549 U.S. 497 (2007), that USEPA has the ability to regulate GHG emissions.

In late 2015, the 2015 United Nations Climate Change Conference, Conference of the Parties (COP 21) was held in Paris, France; the United States was a participating country at COP 21. It was the 21st yearly session of the COP to the 1992 UNFCCC and the 11th session of the Meeting of the Parties to the 1997 Kyoto Protocol. The conference negotiated the Paris Agreement, a global agreement on the reduction of climate change, the text of which represented a consensus of the representatives of the 196 parties attending it. The agreement will become legally binding if joined by at least 55 countries which together represent at least 55 percent of global greenhouse emissions. The expected key result was an agreement to set a goal of limiting global warming to less than 2 degrees Celsius (°C) compared to pre-industrial levels (UNFCCC 2015).

On December 7, 2009, the USEPA Administrator signed two distinct findings regarding GHGs under Section 202(a) of the federal Clean Air Act (CAA):

Endangerment Finding: USEPA found that the current and projected concentrations of the six key well-mixed GHGs (CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆) in the atmosphere threaten the public health and welfare of current and future generations.

Cause or Contribute Finding: USEPA found that the combined emissions of these well-mixed GHGs from new motor vehicles and new motor vehicle engines contribute to the GHG pollution which threatens public health and welfare.

These findings do not themselves impose any requirements on industry or other entities. However, this action was a prerequisite to finalizing the EPA's proposed greenhouse gas emission standards for light-duty vehicles, which were jointly proposed by EPA and the Department of Transportation's National Highway Safety Administration on September 15, 2009 and adopted on April 1, 2010. As finalized in April 2010, the emissions standards rule for vehicles will improve average fuel economy standards to 35.5 miles per gallon by 2016. In addition, the rule will require model year 2016 vehicles to meet an estimated combined average emission level of 250 grams of carbon dioxide per mile.

Mandatory GHG Reporting Rule. On March 10, 2009, in response to the FY2008 Consolidated Appropriations Act (H.R. 2764; Public Law 110-161), the EPA proposed a rule that requires mandatory reporting of greenhouse gas (GHG) emissions from large sources in the United States. On September 22, 2009, the Final Mandatory Reporting of Greenhouse Gases Rule was signed, and was published in the Federal Register on October 30, 2009. The rule became effective on December 29, 2009. The rule will collect accurate and comprehensive emissions data to inform future policy decisions.

The EPA is requiring suppliers of fossil fuels or industrial greenhouse gases, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons (MT) or more per year of GHG emissions to submit annual reports to EPA. The gases covered by the proposed rule are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFC), perfluorocarbons (PFC), sulfur hexafluoride (SF₆), and other fluorinated gases, including nitrogen trifluoride (NF₃) and hydrofluorinated ethers (HFE).

California Legislation

The following describe a selection of regulations, standards, and Executive Orders that have been adopted by the State of California to address GCC issues.

Legislation and Standards

Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006. In September 2006, Governor Schwarzenegger signed AB 32 into law. AB 32 directed the ARB to do the following:

- Make publicly available a list of discrete early action GHG emission reduction measures that can be implemented prior to the adoption of the statewide GHG limit and the measures required to achieve compliance with the statewide limit.
- Make publicly available a GHG inventory for the year 1990 and determine target levels for 2020.
- On or before January 1, 2010, adopt regulations to implement the early action GHG emission reduction measures.
- On or before January 1, 2011, adopt quantifiable, verifiable, and enforceable emission reduction measures by regulation that will achieve the statewide GHG emissions limit by

2020, to become operative on January 1, 2012, at the latest. The emission reduction measures may include direct emission reduction measures, alternative compliance mechanisms, and potential monetary and non-monetary incentives that reduce GHG emissions from any sources or categories of sources that ARB finds necessary to achieve the statewide GHG emissions limit.

- Monitor compliance with and enforce any emission reduction measure adopted pursuant to AB 32.

AB 32 required that, by January 1, 2008, the ARB determine what the statewide GHG emissions level was in 1990, and approve a statewide GHG emissions limit that is equivalent to that level, to be achieved by 2020. The ARB adopted its Scoping Plan in December 2008 (ARB 2008a), which provided estimates of the 1990 GHG emissions level and identified sectors for the reduction of GHG emissions. The ARB estimated that the 1990 GHG emissions level was 427 MMT net CO₂e (ARB 2007). The ARB estimates that a reduction of 173 MMT net CO₂e emissions below business-as-usual would be required by 2020 to meet the 1990 levels. This amounts to roughly a 28.35 percent reduction from projected business-as-usual levels in 2020. In 2011, the ARB developed a supplement to the AB 32 Scoping Plan (ARB 2011). The supplement updated the emissions inventory based on current projections for “business as usual” emissions to 506.8 metric tons of CO₂e. The updated projection included adopted measures (i.e., Pavley 1 fuel efficiency standards and 20 percent Renewable Portfolio Standard [RPS] requirement), and estimated that 16 percent reduction below the estimated “business as usual” levels would be necessary to return to 1990 levels by 2020.

In 2014, the ARB published its First Update to the Climate Change Scoping Plan (ARB 2014). The update indicates that the State is on target to meet the goal of reducing GHG emissions to 1990 level by 2020. The First Update tracks progress in achieving the goals of AB 32, and lays out a new set of actions that will move the State further along the path to achieving the 2050 goal of reducing emissions to 80 percent below 1990 levels. While the Update discusses setting a mid-term target, the plan does not yet set a quantifiable target toward meeting the 2050 goal. However, ARB is moving forward with a second update to the Scoping Plan to reflect the 2030 target established in Executive Order B-30-15.

Senate Bill (SB) 1078, Senate Bill 107, and Executive Order S-14-08. SB 1078, enacted in 2002, initially set a target of 20 percent of energy to be sold from renewable sources by the year 2017. The schedule for implementation of the RPS was accelerated in 2006 with the Governor’s signing of SB 107 on September 26, 2006, which accelerated the 20 percent RPS goal from 2017 to 2010. On November 17, 2008, the Governor signed Executive Order S-14-08, which requires all retail sellers of electricity to serve 33 percent of their load with renewable energy by 2020. The Governor signed Executive Order S-21-09 on September 15, 2009, which directed ARB to implement a regulation consistent with the 2020 33 percent renewable energy target by July 31, 2010. The 33 percent RPS was adopted in 2010.

Senate Bill 1. California’s Million Solar Roofs plan is enhanced by Public Utilities Commission (PUC) and California Energy Commissions (CEC’s) adoption of the California Solar Initiative. SB1 directs PUC and CEC to expand this program to more customers, and requiring the state’s municipal utilities to create their own solar rebate programs. Beginning January 1, 2011, this bill requires a seller of new

homes to offer the option of a solar energy system to all customers negotiating to purchase a new home constructed on land meeting certain criteria and to disclose certain information.

Senate Bill 97. Senate Bill (SB) 97, enacted in 2007, amends the CEQA statute to clearly establish that GHG emissions and the effects of GHG emissions are appropriate subjects for CEQA analysis. SB 97 directed the Governor's Office of Planning and Research (OPR) to develop draft CEQA guidelines "for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions" by July 1, 2009, and directed the California Natural Resources Agency (CNRA) to certify and adopt the CEQA guidelines by January 1, 2010.

OPR published a technical advisory on CEQA and climate change on June 19, 2008. The guidance did not include a suggested threshold, but stated that the OPR had asked the ARB to "recommend a method for setting thresholds which will encourage consistency and uniformity in the CEQA analysis of greenhouse gas emissions throughout the state." The OPR technical advisory does recommend that CEQA analyses include the following components:

- Identification of greenhouse gas emissions;
- Determination of significance; and
- Mitigation of impacts, as needed and as feasible.

On December 31, 2009, the CNRA adopted the proposed amendments to the State CEQA Guidelines. These amendments became effective on March 18, 2010.

Senate Bill 375. The Sustainable Communities & Climate Protection Act, SB 375, enacted on September 30, 2008, requires Air Resources Board to develop regional greenhouse gas emission reduction targets for passenger vehicles. SB 375 finds that GHG from autos and light trucks can be substantially reduced by new vehicle technology, but even so "it will be necessary to achieve significant additional greenhouse gas reductions from changed land use patterns and improved transportation. Without improved land use and transportation policy, California will not be able to achieve the goals of AB 32." Therefore, SB 375 requires that regions with metropolitan planning organizations adopt sustainable communities strategies (SCS), as part of their regional transportation plans, which are designed to achieve certain goals for the reduction of GHG emissions from mobile sources. In the case of San Diego region, it is San Diego Association of Government's (SANDAGs) responsibility to prepare and adopt a SB 375-compliant SCS.

SB 375 also includes CEQA streamlining provisions for "transit priority projects" that are consistent with an adopted sustainable communities strategy, as well as mixed-use projects with 75 percent residential use. As defined in SB 375, a "transit priority project" shall: (1) contain at least 50 percent residential use, based on total building square footage and, if the project contains between 26 and 50 percent nonresidential uses, a floor area ratio of not less than 0.75; (2) provide a maximum net density of at least 20 dwelling units per acre; and (3) be within 0.5 mile of a major transit stop or high quality transit corridor.

Senate Bill X1-2. Governor Edmund G. Brown, Jr. signed Senate Bill X1-2 into law on April 12, 2011 to codify the ambitious goal of providing 33 percent of the state's electricity from renewable resources by 2020. SBX1-2 directs California Public Utilities Commission's Renewable Energy Resources Program to increase the amount of electricity generated from eligible renewable energy

resources per year to an amount that equals at least 20 percent of the total electricity sold to retail customers in California per year by December 31, 2013, 25 percent by December 31, 2016 and 33 percent by December 31, 2020. The RPS goals apply to all electricity retailers in the state including publicly owned utilities (POUs), investor-owned utilities, electricity service providers, and community choice aggregators. This new RPS preempts the California Air Resources Boards' 33 percent Renewable Electricity Standard.

Assembly Bill 1092. AB 1092, enacted on September 28, 2013, addresses building standards for electric vehicle charging infrastructure. AB 1092 requires the Building Standards Commission to adopt mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces in multifamily dwellings and nonresidential development.

Senate Bill 350. SB 350 is the Clean Energy and Pollution Reduction Act of 2015. Enacted on October 7, 2015, SB350 establishes targets to increase retail sales of renewable electricity to 50 percent by 2030 and double the energy efficiency savings in electricity and natural gas end uses by 2030.

California Code of Regulations (CCR) Title 24. Although not originally intended to reduce GHG emissions, Title 24 of the CCR, Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, were first established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated every three years to allow for the consideration and possible incorporation of new energy efficiency technologies and methods. Energy efficient buildings require less electricity, natural gas, and other fuels. Electricity production from fossil fuels and on-site fuel combustion (typically for water heating) results in greenhouse gas emissions. Therefore, increased energy efficiency results in decreased greenhouse gas emissions. The current Title 24 standards were put into place in 2013. The 2016 Standards will go into effect on January 1, 2017 and will continue to improve upon the 2013 standards for new construction of, and additions and alterations to, residential and nonresidential buildings.

State Standards Addressing Vehicular Emissions. California Assembly Bill 1493 (Pavley) enacted on July 22, 2002, required the ARB to develop and adopt regulations that reduce greenhouse gases emitted by passenger vehicles and light duty trucks. Regulations adopted by ARB would apply to 2009 and later model year vehicles. ARB estimated that the regulation would reduce climate change emissions from light duty passenger vehicle fleet by an estimated 18 percent in 2020 and by 27 percent in 2030 (AEP 2007). Once implemented, emissions from new light-duty vehicles are expected to be reduced in San Diego County by up to 21 percent by 2020. The ARB has adopted amendments to the Pavley regulations that reduce GHG emissions in new passenger vehicles from 2009 through 2016. The amendments, approved by the ARB Board on September 24, 2009, are part of California's commitment toward a nation-wide program to reduce new passenger vehicle GHGs from 2012 through 2016, and prepare California to harmonize its rules with the federal rules for passenger vehicles.

Executive Orders

Executive Order S-3-05. Executive Order S-3-05, signed by Governor Schwarzenegger on June 1, 2005, calls for a reduction in GHG emissions to 1990 levels by 2020 and for an 80 percent reduction in GHG emissions below 1990 levels by 2050. Executive Order S-3-05 also calls for the California EPA

(CalEPA) to prepare biennial science reports on the potential impact of continued GCC on certain sectors of the California economy. The first of these reports, "Our Changing Climate: Assessing Risks to California", and its supporting document "Scenarios of Climate Change in California: An Overview" were published by the California Climate Change Center in 2006.

Executive Order S-01-07. Executive Order S-01-07, signed on January 18, 2007, addresses mobile source GHG emissions. It identifies the 2020 target and Low Carbon Fuel Standard. The EO directs the Secretary of Cal/EPA as coordinator of 2020 target activities and requires the Secretary to report back to the Governor and Legislature biannually on progress toward meeting the 2020 target.

Executive Order S-21-09. Executive Order S-21-09 was enacted by the Governor on September 15, 2009. Executive Order S-21-09 requires that the ARB, under its AB 32 authority, adopt a regulation by July 31, 2010 that sets a 33 percent renewable energy target. Under Executive Order S-21-09, the ARB will work with the Public Utilities Commission and California Energy Commission to encourage the creation and use of renewable energy sources, and will regulate all California utilities. The ARB will also consult with the Independent System Operator and other load balancing authorities on the impacts on reliability, renewable integration requirements, and interactions with wholesale power markets in carrying out the provisions of the Executive Order. The order requires the ARB to establish highest priority for those resources that provide the greatest environmental benefits with the least environmental costs and impacts on public health.

Executive Order B-30-15. Executive Order B-30-15 was enacted by the Governor on April 29, 2015. Executive Order B-30-15 identifies an interim GHG emission reduction goal for the state of California to reduce GHG emissions to 40 percent below 1990 levels by the year 2030. This Executive Order directs all state agencies with jurisdiction over GHG-emitting sources to implement measures designed to achieve the new interim 2030 goal, as well as the pre-existing, long-term 2050 goal identified in Executive Order S-3-05 to reduce GHG emissions to 80 percent below 1990 levels by the year 2050. The Executive Order directs ARB to update its Scoping Plan to address the 2030 goal. It is anticipated that ARB will develop statewide inventory projection data for 2030 and commence efforts to identify reduction strategies capable of securing emission reductions that allow for achievement of the new interim goal for 2030.

Local Policies

City of San Diego

The City adopted a Climate Protection Action Plan (City 2005) that identified early goals for the reduction of GHG emissions for City facilities. The plan did not address private development, but rather focused on how the City itself could reduce emissions through implementing policies such as recycling, energy efficiency and alternative energy programs, and transportation programs.

In December 2015, the City adopted its Climate Action Plan (CAP) and certified an Environmental Impact Report (EIR) as part of the plan adoption. The CAP established a baseline for 2010, sets goals for GHG reductions for the milestone years 2020 and 2035, and details the implementation actions and phasing for achieving the goals. To implement the state's goals of reducing emissions to 15 percent below 2010 levels by 2020, and 51 percent below 2010 levels by 2035, the City would be required to implement strategies that would reduce emissions to approximately 10.6 MMT CO₂e by

2020 and to 6.4 MMT CO₂e by 2035 (City 2015). The CAP determined that, with implementation of the measures identified therein, the City would exceed the state's targets for 2020 and 2035. The City adopted its CAP Consistency Checklist in July 2016. The 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 emissions targets identified in the CAP are achieved. Implementation of the measures would ensure that new development is consistent with the CAP's assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets.

The City has adopted policies in their General Plan (City of San Diego 2008) that address state and federal efforts to reduce GHG emissions. The General Plan policies identified as GHG reduction strategies in the CAP are listed in Table 5.1-1 in the Land Use section of this EIR and include policies from the Conservation Element, Mobility Element, and Urban Design Element.

SANDAG

Regional planning to address GHG emissions has simultaneously been conducted by SANDAG. In 2010, SANDAG prepared a Climate Action Strategy, which provided tools for local agencies, as well as SANDAG itself, to consider as plans and projects are prepared. In accordance with SB 375, SANDAG developed the SCS as a new element of the 2050 Regional Transportation Plan (RTP). In 2011, SANDAG adopted the region's and state's first SCS as part of the 2050 RTP/SCS. SANDAG also prepared a GHG inventory (as described above) in 2012 to help characterize and better track the region's sources of emissions. An updated SCS was subsequently adopted by SANDAG in December 2015.

The 2015 SCS (referred to as *San Diego Forward: The Regional Plan*) lays out how the region will meet GHG reduction targets set by the CARB. CARB's targets call for the region to reduce per capita emissions seven percent by 2020 and 13 percent by 2035 from a 2005 baseline. The SCS demonstrates how development patterns and transportation network, policies, and programs can work together to achieve GHG reduction targets for cars and light trucks. Five strategies for addressing CARB's targets are outlined in the SCS, including: (1) focus housing and job growth in urbanized areas, (2) protect sensitive habitats, open space, cultural resources and farmland, (3) invest in a transportation network that gives people choices, (4) address the housing needs of all economic sectors, and (5) implement the Regional Plan. In addition to other planning concepts, the SCS encourages mixed use, smart growth land use patterns where people can walk, bike or take transit to shop, attend school or get to/from work to reduce reliance on automobiles, use less resources (i.e., water, electricity), conserve sensitive areas, produce less air pollution and promote healthier lifestyles. Based on programs and incentives contained in the Regional Plan (encompassing the RTP and SCS), the region is projected to realize a 15 percent reduction in GHG emissions by 2020 and a 21 percent reduction by 2035 (SANDAG 2015).

5.7.2 Impact

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

Issue 2: Would the project conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

Impact Thresholds

For the purpose of determining significance with regard to GHG emissions, the analysis below is based on guidance contained in Appendix G of the State CEQA Guidelines. Specific guidance on addressing GHG emissions is included in the latest adopted amendments to the State CEQA Guidelines (adopted in December 2009), which became effective on March 18, 2010. Based on Appendix G of the State CEQA Guidelines, GHG emission impacts would be significant if the project would:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; and/or
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

As discussed in Section 15064.4 of the CEQA Guidelines, the determination of the significance of GHGs emissions calls for a careful judgment by the lead agency, consistent with the provisions in Section 15064. Section 15064.4 further provides that a lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of GHG emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:

- (1) Use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use. The lead agency has discretion to select the model or methodology it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; and/or
- (2) Rely on a qualitative analysis or performance based standards.

Impact Analysis

A CAP Consistency Checklist was prepared for the Merge 56 Development Project (SRA 2016) to evaluate the project's consistency with projected GHG emissions in the City. The CAP Consistency Checklist (contained in Appendix F) requires a three-step review of the project's consistency with the GHG projections and programs outlined in the City's CAP. For each step, an explanation is provided of how the project would implement the requirements described in the checklist to the satisfaction of the Planning Department.

Land Use Consistency

The first step in determining CAP consistency is to assess the project's consistency with the growth projections used in the development of the CAP. This allows the City to determine a project's consistency with the land use assumptions used in the CAP. With regard to land use consistency, the project is proposing to modify the site's land use designations in the General Plan and the Torrey Highlands Subarea Plan and rezone the site to align with the mix of uses proposed on site, as

described in detail in Section 3.0, *Project Description*. Because of these modifications and/or amendments, the project is not consistent outright with the existing land use plan and zoning designations and an equivalency analysis was conducted, as described below.

Planned Land Use

The 41.4-acre Mixed-Use Development component of the Merge 56 Development Project is designated in the Torrey Highlands Subarea Plan for Commercial Regional (CR) and Medium High Density Residential (MH) uses (refer to Figure 2-6). According to the Subarea Plan, the Commercial Regional designation allows for “a broad range of commercial uses, including neighborhood-serving commercial, area-serving retail, automotive service, commercial recreational facilities, visitor-serving commercial and offices” (page 46). The Medium-High Density Residential allows for “low- to mid-rise stacked units with subterranean or wrapped parking structure(s)” at a density of 20-40 dwelling units per acre). The Subarea Plan contemplates that the Commercial Regional area planned on site would allow for a broad range of retail commercial uses and is intended to serve both the Torrey Highlands and Rancho Peñasquitos communities. Specifically, up to 250,000 square feet of commercial development and 275,000 square feet of self-storage are expected to occur on approximately 23 acres with the current alignment of Carmel Mountain Road and Camino Ruiz. As stated in the Subarea Plan, “even if the acreage of the Commercial Regional site should increase based on the final alignments of Carmel Mountain Road and Camino Ruiz, the commercial square footage will remain at 250,000 square feet.”

Proposed Land Use

The proposed Community Plan Amendment (CPA) to modify the land use designation in the Torrey Highlands Subarea Plan would change the land use designation of the Mixed-Use Development component to Local Mixed Use Center (LMXU) South (to differentiate it from the existing LMXU to the north of SR-56). 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. In the case of the proposed Merge 56 Development Project, the LMXU would consist of 525,000 square feet of commercial, office, theater/cinema, and hotel uses and 242 residences (i.e., 158 multi-family and 84 single-family).

Consistency with Land Use Assumptions in the CAP

Implementation of the planned land uses would result in a long-term (buildout) traffic generation volume of approximately 19,500 ADT, as compared to 19,468 ADT associated with the project (refer to Table 8-1 in the *Alternatives* section). In addition, the proposed extensions of Camino Del Sur and Carmel Mountain Road would reduce travel distances for existing residents in the project area by providing a more direct route to SR-56 than the current route via Black Mountain Road. According to the Transportation Impact Analysis (TIA; Linscott, Law & Greenspan [LLG] 2016), these new linkages would result in a net daily reduction in off-site 4,400 vehicle miles traveled (VMT) for existing development in the project area due to improvements in connections between the two communities

(refer to Appendix B for the Project's TIA). Therefore, the project would result in less daily trips than anticipated in the CAP and would reduce the length of existing trips in the project area.

With regard to land use assumptions in the CAP, the proposed modifications to planned land uses would result in a reduction in VMT and a commensurate reduction in GHG emissions as compared to the planned land uses assumed in the CAP in the following manners:

- The LMXU would shift the character of the commercial center from regional tenants, such as self storage, outdoor garden center and automobile service center, that would draw users from locations beyond the area to local-serving retail tenants;
- The commercial tenants in the LMXU would include a balanced mix of local serving uses, such as a market hall, grocery store, hardware, fitness, restaurants and retail, that would be convenient to local residents both on and off-site;
- Rather than building two bordering uses (regional commercial and higher density residential) that are independent from one another, the LMXU would blend and intermingle commercial, office, hotel and residential uses which would encourage residents to obtain goods and services from on-site
- The LMXU would focus regional growth into a mixed-use activity center that is pedestrian and bike friendly and feature accessible private streets and public spaces (i.e., central plaza) consistent with a community village center envisioned in the Strategic Framework Element of the General Plan, as described in Section 3.0, *Project Description*;
- The LMXU would construct both affordable and market-rate housing, rather than only market-rate housing, in close proximity to commercial and office employment opportunities reducing the need to travel off-site for jobs;
- Instead of relying on the regional and local circulation system for access, the LMXU may create enough density through the mix and range of uses to become a staging area that could support future transit.
- The project proposes on-site cafes, commercial stores, restaurants, a fitness center and additional services (including grocery, banks and restaurants) are located at the existing LMXU, located approximately ¼ mile north of the project site adjacent to SR-56.

GHG Emissions Consistency

To further evaluate whether the Merge 56 Development project would result is equivalent or less GHG emissions than assumed in the CAP, a quantification of estimated project emissions and VMT was conducted for the existing and proposed land use designations for the Merge 56 Development project site. To calculate GHG emissions and estimate VMT under both land use scenarios, the CalEEMod model was run. For the purposes of this analysis, state and federal GHG reduction measures were included in the calculations consistent with the regulatory assumptions in the CAP, including the following:

- The 33 Percent Renewable Portfolio Standard would be achieved with the City of San Diego, resulting in a reduction in GHG emissions of 27 percent from the default values within the CalEEMod Model based on the SDCGHGI, which indicates that SDG&E was already achieving a 6 percent renewable goal (University of San Diego 2008).
- Buildings would meet the energy efficiency requirements of Title 24 as of 2013, which results in a 21.8 percent decrease in electricity use over Title 24 as of 2008, and a 16.8 percent decrease in natural gas use over Title 24 as of 2008 (CEC 2013). The decreases in energy use were accounted for in the model.
- Vehicles would meet the Pavley I, Low Carbon Fuel Standard, and Advanced Clean Cars standards. The default emission factors within the CalEEMod model were adjusted by 3 percent downward to account for the Advanced Clean Cars program (ARB 2011).
- The project would include low-flow plumbing fixtures, including hybrid waterless urinals, low-flow toilets, low-flow sinks, and low-flow showers in accordance with the requirements of Title 24.
- The project would meet the City's goal of 50 percent solid waste diversion through recycling and waste reduction programs.

Because the proposed land use designations would provide an integrated mix of uses that would serve the residential portion of the project, credit was taken for VMT reductions based on the CAPCOA Land Use Index (i.e., *Creation of Mixed Use Village Design Promotes Live/Work and Diversity Resolves Vehicle Use and Emissions*). The VMT reduction associated with this Land Use Index was calculated based on the CAPCOA reference, *Quantifying Greenhouse Gas Mitigation Measures* (CAPCOA 2010). Based on the CAPCOA Land Use Index methodology, VMT for the project would be reduced by 24.29 percent; this reduction was not included in the CalEEMod model, but instead was taken into account by reducing the GHG emissions from vehicles by 24.29 percent from the CalEEMod estimates. The detailed calculations are provided in Appendix A of the CAP Consistency Checklist (Appendix F).

Existing Land Use Designations

Under the existing land use designations in the Torrey Highlands Subarea Plan, the project site can build the following land uses as shown in Table 5.7-4, *Existing Land Use Designations – Merge 56 Site*.

Table 5.7-4 EXISTING LAND USE DESIGNATIONS - MERGE 56 SITE	
Land Use	Square Feet
Commercial Regional - Shopping Center	250,000
Commercial Regional - Self-Storage	273,855
Medium-High Density Residential Units	244

Source: City of San Diego 2006

The calculated GHG emissions for the Existing Land Use Designations for the Merge 56 Development project site are presented in Table 5.7-5, *Estimated Operational Greenhouse Gas Emissions Existing*

Land Use Designations – Merge 56 Site. Based on the CalEEMod output, the existing land use designations for the Merge 56 Development site would produce a VMT of 27,077,257.

Table 5.7-5 ESTIMATED OPERATIONAL GREENHOUSE GAS EMISSIONS EXISTING LAND USE DESIGNATIONS – MERGE 56 SITE				
Emission Source	Annual Emissions (Metric tons/year)			
	CO₂	CH₄	N₂O	CO₂e
Operational Emissions				
Area Sources	195	0.0066	0.0000	195
Electricity Use	1,626	0.0649	0.0124	1,631
Natural Gas Use	364	0.0070	0.0067	366
Water Use	324	2.5597	0.0624	412
Solid Waste Management	73	4.2847	0.0000	193
Vehicle Emissions	10,343	0.4267	0.0000	10,355
Total	12,925	7.3496	0.0815	13,152
Global Warming Potential Factor	1	28	265	
CO ₂ Equivalent Emissions	12,925	206	22	13,152
TOTAL CO₂ Equivalent Emissions	13,152			

Source: SRA 2016

Proposed Land Use Designations

Under the proposed land use designations as described in the project’s Community Plan Amendment (CPA), the following land uses could be built on the project site as shown in Table 5.7-6, *Proposed Land Use Designations – Merge 56 Site*. Because the mix of commercial uses allowed within the LMXU land use designation can vary widely according to its definition (described above), the land uses assumed in the CAP Consistency Checklist analysis reflect the CPA’s maximum allowable intensity of 525,000 SF of commercial uses and 242 residential units broken down by the land use types and sizes proposed by the Merge 56 Development applicant.

Table 5.7-6 PROPOSED LAND USE DESIGNATIONS – MERGE 56 PROJECT SITE	
Land Use	Square Feet (SF) or Units
General Office Building	296,263 <u>SF</u>
Pharmacy/Drugstore w/o Drive Thru	15,000 <u>SF</u>
Hotel	120 Rooms <u>(up to 58,007 SF)</u>
Movie Theater (No Matinee)	45,450 <u>SF</u>
<u>Regional Shopping Center</u>	<u>101,280 SF</u>
<u>Specialty Retail</u>	<u>9,000 SF</u>
<u>Total Commercial Uses</u>	<u>525,000 SF</u>
Apartments Low Rise	47 Units
Condo/Townhouse	111 Units
Single Family Housing	84 Units
<u>Total Residential Units</u>	<u>242 Units</u>
<u>Regional Shopping Center</u>	<u>101,280</u>
<u>Specialty Retail</u>	<u>9,000</u>

Sources: As adopted from Table 3 of Appendix F (SRA 2016) LLG 2016

The calculated GHG emission for the Proposed Land Use Designations for the Merge 56 Development project site are presented in Table 5.7-7, *Estimated Operational Greenhouse Gas Emissions Proposed Land Use Designations – Merge 56 Site*. As demonstrated in this analysis through a comparison of Tables 5.7-5 and 5.7-7, the proposed maximum allowable intensity for the Merge 56 Development project would result in annual operational GHG emissions that are lower than the existing land use designations assumed in the CAP by 640 metric tons of CO₂e. In addition, according to the CalEEMod output as adjusted using the CAPCOA Land Use Index methodology, the project’s VMT would be 21,870,999 or 5,206,258 less VMT than would be produced under the existing land use designations. Therefore, the project would be consistent with the GHG emissions contained in the CAP and meet the requirements of Step 1 of the CAP Consistency Checklist.

Table 5.7-7 ESTIMATED OPERATIONAL GREENHOUSE GAS EMISSIONS PROPOSED LAND USE DESIGNATIONS - MERGE 56 PROJECT SITE				
Emission Source	Annual Emissions (Metric tons/year)			
	CO₂	CH₄	N₂O	CO₂e
Operational Emissions				
Area Sources	69	0.0042	0.0012	69
Electricity Use	2,307	0.0921	0.0176	2,314
Natural Gas Use	1,040	0.0199	0.0191	1,046
Water Use	402	2.5940	0.0637	491
Solid Waste Management	95	5.5918	0.0000	252
Vehicle Emissions	8,330	0.3415	0.0000	8,340
Total	12,243	8.6435	0.1016	12,512
Global Warming Potential Factor	1	28	265	
CO ₂ Equivalent Emissions	12,243	242	27	12,512
TOTAL CO₂ Equivalent Emissions	12,512			

Source: SRA 2016

CAP Strategies Consistency

The second step of conducting a CAP consistency review is to evaluate a project’s consistency with the applicable GHG reduction strategies and actions in the CAP. The strategies contained in the CAP address the following topics: (1) Energy and Water Efficient Buildings; (2) Clean and Renewable Energy; and (3) Bicycling, Walking, Transit and Land Use.

Energy and Water Efficient Buildings

- Cool/Green Roofs – Consistent with this strategy, the project would include roofing materials with a minimum 3-year aged solar reflection index equal to or greater than the values specified in the voluntary measures under the California Green Building Standards Code. In addition, the project would include California Green Building Standards Voluntary Measure A5.106.11.1, Heat Island Effect, which would reduce non-roof heat islands.
- Plumbing Fixtures and Fittings – Consistent with this strategy, the project would include low-flow fixtures as required under current Title 24 buildings codes, including the specific

plumbing fixtures or fittings for residential and non-residential buildings as outlined in Appendix F.

Clean and Renewable Energy

- Energy Performance Standard/Renewable Energy – Consistent with this strategy, the project would exceed Title 24 by 15 percent for all 3-story Townhomes/Multifamily (64 units), 10 percent for 4-story Multifamily/Apartments (94 units), 15 percent for single-family (84 units) and 5 percent for Office/Retail/Hotel.

To meet the Renewable Energy goal, the project would install solar panels to provide 20 percent of the overall project's electricity, which would exceed the Clean and Renewable Energy Strategy requirement to improve energy efficiency over the current Title 24 standards for residential projects by 15 percent and non-residential buildings with indoor lighting or mechanical systems by 5 percent.

Bicycling, Walking, Transit and Land Use

- Electric Vehicle Charging – The project would meet the requirements of this strategy by providing electric vehicle (EV) charging stations on site. As discussed in the Parking Summary of the TIA (Appendix B), the retail/commercial uses would require 671 parking spaces and the office uses would require 863 parking spaces, but would exceed these requirements and provide a total of 1,683 non-residential parking spaces. The project applicant would provide EV charging stations for 3 percent of the commercial parking spaces, for a total of 50 EV charging stations in the commercial parking area, and provide EV charging stations for 5 percent of the residential spaces, for a total of 15 EV charging stations in the residential parking area. A total of 65 EV charging stations would be provided on site.
- Bicycle Parking Spaces – The project would construct in the commercial area 198 long-term bicycle parking spaces and 112 short-term bicycle parking spaces. For the multi-family residential dwellings, the project will construct 89 bicycle parking spaces in private garages. The single-family residential dwellings will have garages in which bicycle parking is provided. Bicycle parking will therefore exceed 5 percent of the 1,683 commercial parking spaces and will also exceed 5 percent of the 196 spaces required for the multi-family residential dwellings.
- Shower Facilities – As discussed in the Transportation Demand Management Program contained in the TIA, the project would include changing/shower facilities in the commercial development area in accordance with the California Green Building Standards Code, as specified in the CAP Consistency Checklist strategy.
- Designated Parking Spaces – Although the project is not in a Transit Priority Area (TPA), the project's parking facilities would include parking spaces designated for a combination of low-emitting, fuel-efficient, and carpool/vanpool vehicles, in accordance with this CAP Consistency Checklist strategy.

- Transportation Demand Management Program – The project would implement a Transportation Demand Management Program as detailed in the TIA (Appendix B), including the following trip reduction measures:
 1. The project would coordinate with the Metropolitan Transit System (MTS) to determine how and when transit routes should be implemented to serve the area.
 2. The project would encourage office and retail tenants to offer partially subsidized monthly passes for employees.
 3. Transportation information would be displayed in common areas accessible to retail and office employees in each building. Transportation information displays would include, at a minimum, the following materials:
 - Ridesharing promotional material
 - Bicycle route and parking including maps and bicycle safety information
 - Materials publicizing internet and telephone numbers for referrals on transportation information
 - Promotional materials supplied by NCTD, MTS, and/or other publicly supported transportation organizations
 - A listing of facilities at the site for carpoolers/vanpoolers, transit riders, bicyclist and pedestrians, including information on the availability of preferential carpool/vanpool parking spaces and the methods for obtaining these spaces
 - Information on “Guaranteed ride home” programs like those provided by SANDAG’s iCommute to ensure that employees that share rides to work are provided with a ride to their home or location near their residence in the event that an emergency occurs during the work day.
 4. Carpool/vanpool parking spaces would be provided in preferentially located areas (closest to building entrances) for use by qualified employees. These spaces would be signed and striped “Car/Vanpool Parking Only”. Information about the availability of and the means of accessing the car/vanpool parking spaces would be posted on Transportation Information Displays located in retail back-offices, common areas or on intranets, as appropriate.
 5. Retail and office employees would be offered the opportunity to register for commuter ridematching provided through publicly sponsored services (e.g., SANDAG sponsored “iCommute Ridetracker”).
 6. Biannual events would be held to promote use of alternative transportation.

7. Bicycle racks, lockers and showers would be provided for office and/or retail employee use.
8. Employers would be encouraged to provide flexible work schedules to stagger arrivals and departures.
9. An employee commute travel survey would be conducted within six months of occupancy to help evaluate the efficacy of the Transportation Demand Management Program, and to inform/validate any changes that may be proposed or needed. A copy of the results of the survey would be provided to the City Development Services Department.

Conclusion

As demonstrated in the CAP Consistency Checklist evaluation, the project would be consistent with and would meet the goals of the City's Conservation Element, and as such, would be consistent with the City's GHG reduction plans and policies. Through implementation of the project design features outlined above related to reducing GHGs, the project would ensure that it would be consistent with the CAP's assumptions and GHG reduction strategies geared toward achieving the identified GHG reduction targets in the CAP.

Furthermore, Table 5.1-1 in the *Land Use* section of this EIR contains a detailed policy consistency analysis with the City's General Plan, which includes applicable policies referenced in the CAP. As shown in that land use policy consistency review, the project would: (1) reduce VMT by providing on-site services to residents, reducing their need to travel off-site for jobs, shopping and entertainment, (2) use recycled water for outdoor irrigation and water-efficient irrigation systems, (3) purchase energy from San Diego Gas and Electric, which would be responsible for providing customers with clean and renewable energy to meet the state's goals, (4) provide bicycle and pedestrian access to the site and through the project area, including connections to the SR-56 bike path and local trails, (5) meet the City's waste diversion goals, (6) use materials that have recycled content, or use materials that are derived from sustainable sources, and (7) use drought-resistant landscaping and plant trees, among other reasons. Most importantly, the 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.

Significance of Impact

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 CAP. In addition, it would implement and, in some cases, exceed the standards contained in the GHG reduction strategies outlined in the CAP Consistency Checklist. Therefore, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG.

Mitigation, Monitoring and Reporting

No significant GHG emissions impacts are identified; no mitigation would be required.

5.8 VISUAL EFFECTS/NEIGHBORHOOD CHARACTER

This section evaluates potential visual effects and neighborhood character impacts associated with the project. It references environmental setting and project description information contained in other sections of this EIR, as applicable.

5.8.1 Existing Conditions

Visual Setting

The Merge 56 Development property is located immediately adjacent to SR-56 in the communities of Torrey Highlands and Rancho Peñasquitos. The project site is largely undeveloped, with several dirt roads and trails crossing the landscape. Vegetation on the project site includes non-native grassland and native habitats including coastal sage scrub, chaparral, vernal pools and other wetlands (see Section 2.0, *Environmental Setting*, for representative site photographs). The project area is comprised of mesa tops, with an approximate elevation of 400 feet above mean sea level (AMSL). Finger canyons extend from the project site to Deer Canyon in the west and Los Peñasquitos canyon in the south.

The project site is bounded on the west and south by undeveloped land; east of the site is single-family residential development associated with the Rancho Peñasquitos community. In addition to the freeway, the SR-56 Class I bike path parallels the freeway travel lanes immediately north of the project site. The southerly segment of Camino Del Sur is adjacent to single-family residential development in the Park Village neighborhood. Darkwood Canyon to the east of the project site contains a trail used as a maintenance access road within the undeveloped canyon. The Del Mar Mesa Preserve, a National Wildlife Refuge, is situated immediately west of the planned alignment for Camino Del Sur.

Project Viewshed

The viewshed boundary for the project represents the geographic limits for this visual assessment. The viewshed is defined as the surrounding geographic area from which the project is likely to be seen. Portions of the site are currently visible from existing segments of SR-56, Torrey Santa Fe Road, Camino Del Sur, Carmel Mountain Road, Via Las Lenas, Eclipse Road and Park Village Road. Current views from existing roadway facilities are largely focused on the site and/or adjacent open space, which comprise foreground as well as distant views. Although these views are primarily of the disturbed mesa top, canyon/wetland views are available from the intersection of Camino Del Sur/Torrey Santa Fe Road and from the bike path along SR-56.

Viewers

SR-56 is adjacent to the northern edge of the site and a Class I bike path is located south of SR-56 (between SR-56 and the project site). Occupants of automobiles and bike riders traveling past the project site have full views of the north end of the property and no views of the southern portion of the property due to the drop in elevation that occurs. The duration of views for the majority of motorists is limited by the freeway travel speed, the curvature of the travel lanes in the project vicinity, the elevation of the freeway above the project site and the intervening berm and trees that

screen a portion of the views (refer to Figure 5.8-1, *Views of Project Site from SR-56 Corridor*). Other local streets such as Torrey Santa Fe Road, Via Panacea, Via Las Lenas, and the southern end of Camino Del Sur near Park Village Road afford short-range views of the project site as they approach the project area. The duration of views to the site is longer for individuals using the bike path along SR-56 because of the slower speeds at which they travel.

The project site is bounded on the west and south by undeveloped land; east of the site is single-family residential development associated with the Rancho Peñasquitos community. Viewers associated with these uses include local residents whose private homes overlook the mesas and canyons adjacent to the project site, and trail users, such as hikers or bikers, using the open space on-site and surrounding the site for recreation.

Existing Landforms

Topographically, the project area is comprised of mesa tops, with an approximate elevation of 400 feet above mean sea level (AMSL). Finger canyons extend from the project site to Deer Canyon and Los Peñasquitos Canyon such that surface flows from the project site ultimately drain into Los Peñasquitos Lagoon. The two lowest elevations on the site are approximately 310 feet AMSL, in its northwestern corner, and in a finger canyon of Los Peñasquitos Canyon that is situated at an elevation of 250 feet AMSL in the southern portion of the Camino Del Sur ROW (Figure 2-5). Within the development area, steep slopes are limited, while the public ROW area contains approximately 8.7 acres that contains slopes that have a gradient of 25 percent or more.

Applicable Plans and Policies

The City General Plan Urban Design Element includes several policies that address visual resources. Policy UD-A.1 addresses the preservation and protection of natural landforms and features, and Policy UD-A.2 calls for use of open space and landscape to define and link communities. Policy UD-A.3 addresses the design of development adjacent to natural features and park lands. This policy calls for design that is sensitive to the natural environment by maintaining natural topography, using building and landscaping materials that do not conflict with the natural environment, and screening views of new development from open space areas. Policy UD-A.5 calls for architectural design that relates to neighborhood and community context, and Policy UD-A.14 addresses appropriate integration of signage into project design.

Three local planning documents addressing community design apply to portions of the project area: the Torrey Highlands Subarea Plan, the Rancho Peñasquitos Community Plan, and the Del Mar Mesa Specific Plan. The Torrey Highlands Subarea Plan applies to the northern portion of the project site.

Planning topics addressed in the Subarea Plan include open space, and community design guidelines. According to the Torrey Highlands Subarea Plan, major visual resources in Torrey Highlands include on-site and off-site views that will be utilized in developing the community. Primary resources visible within the Subarea Plan area include the Pacific Ocean as seen from higher elevations in Torrey Highlands, Del Mar Mesa to the south, and Black Mountain to the northeast and surrounding mesas and hillsides associated with Black Mountain Ranch Open Space and Los Peñasquitos Canyon Preserve. Several areas within the Subarea Plan provide view opportunities, including Deer Canyon located to the south. From outside of the Torrey Highlands, most of area is visible from the existing Rancho Peñasquitos developments to the east, Del Mar Mesa to the south

and Subarea III to the west. Although visual resources are recognized as an asset in the community, there are no view corridors or viewsheds formally designated in the Subarea Plan (City 1996a). In addition, SR-56 is not designated as part of the California State Scenic Highway System (Caltrans 2008).

The Rancho Peñasquitos Community Plan covers a portion of the public roads component of the project (Camino Del Sur). This plan addresses community appearance and design, as well as open space and resource management.

The Del Mar Mesa Specific Plan includes a 950 linear foot section of Camino Del Sur south of its existing intersection with Torrey Santa Fe Road, and addresses community design. The applicable Community Plan and Specific Plan do not contain any formally designated view corridors or viewsheds.

For a complete description of the applicable plans and policies and City of San Diego General Plan elements, goals and policies, see Table 5.1-1 (Section 5.1, *Land Use*).

5.8.2 Impact

Issue 1: Would the proposal result in a substantial obstruction of any vista or scenic view from a public viewing area as identified in the community plan?

Impact Thresholds

According to the City's Significance Determination Thresholds (2011), visual impacts may be significant if the project would:

- Substantially block a view through a designated public view corridor as shown in an adopted community plan, the General Plan, or the Local Coastal Program;
- Cause substantial view blockage from a public viewing area of a public resource (such as the ocean) that is considered significant by the applicable community plan; or
- Exceed the allowed height or bulk regulations, and this excess results in a substantial view blockage from a public viewing area.

Impact Analysis

Mixed-Use Development

The project would involve the construction of a series of commercial/office and residential structures, the tallest of which would be situated in the northern portion of the site in the vicinity of SR-56, as described in Section 3.0, *Project Description*, and illustrated in site elevations contained in Figures 3-5a through 3-5d. Specifically, the western office building would be four to six stories, the hotel structure would be four stories, and the commercial center (including affordable housing/townhomes) would be two to three stories. The two- and three-story townhomes would be lower in stature than the commercial uses, while the single-family residences would be two stories. In general, drivers and their

passengers along local public roads are expected to be passing through the area, and while they would be expected to note project-related changes no blockages of public views would occur.

In each case, the proposed structures would comply with the height limitations in the CC-3-5 and RX-1-2 zones (no height deviations would be required) and would not block any designated public view corridor or a public viewing area of a public resource (such as the ocean) as none are designated in the applicable community plan.

Public Roads

The road extensions and the associated trail connections proposed as part of the 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). They would not cause substantial view blockage from a public viewing area of a public resource.

Significance of Impact

The 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.

Mitigation, Monitoring and Reporting

No significant impacts to public views are identified; therefore, no mitigation measures are required.

5.8.3 Impact

Issue 2: Would the proposal result in the creation of a negative aesthetic site or project?

Issue 3: Would the proposal result in project bulk, scale, materials, or style which would be incompatible with surrounding development?

Impact Thresholds

According to the City's Significance Determination Thresholds (2011), visual impacts to neighborhood character may be significant if the project would:

- Exceed the allowable height or bulk regulations and the height and bulk of the existing patterns of development in the vicinity of the project by a substantial margin;
- Have an architectural style or use building materials in stark contrast to adjacent development where the adjacent development follows a single or common architectural theme;

- Result in the physical loss, isolation or degradation of a community identification symbol or landmark (e.g., a stand of trees, coastal bluff, historic landmark) which is identified in the General Plan, applicable community plan or local coastal program;
- Be located in a highly visible area (e.g., on a canyon edge, hilltop or adjacent to an interstate highway) and would strongly contrast with the surrounding development or natural topography through excessive height, bulk, signage, or architectural projections;
- Have a negative visual appearance that meets one or more of the following conditions:
 - The project would create a disorganized appearance and would substantially conflict with City codes;
 - The project would significantly conflict with the height, bulk, or coverage regulations of the zone and does not provide architectural interest;
 - The project includes crib, retaining, or noise walls greater than six feet in height and 50 feet in length with minimal landscape screening or berming where the walls would be visible to the public; and/or
 - The project would be large and result in an exceedingly monotonous visual environment.

Impact Analysis

Mixed-Use Development

Development Patterns

The project would comply with all the urban design policies in the General Plan, Subarea Plan and Community Plan, as demonstrated in Table 5.1-1 of the Land Use discussion, and the height limitations in the CR-3-5 and RX-1-2 zoning regulations. With regard to existing patterns of development in the area, the proposed office and commercial structures would occur along the freeway corridor and project density, as well as building heights, would decrease with distance from SR-56. Along the SR-56 freeway corridor there are clusters of taller office structures, such as at the SR-56 interchanges with El Camino Real and Camino Del Sur, intermixed with lower-stature residential and commercial development. At the SR-56/Camino Del Sur interchange, there are four-story office buildings and an undeveloped parcel zoned CV-1-2 which could support a commercial visitor-serving structure up to 45 feet in height and a second undeveloped parcel zone IP-1-2 which would support a light industrial/office use structure with no height limitations. The majority of the structures would be consistent with surrounding buildings in terms of bulk and scale. The western office structure would be taller than existing structures in the immediate project area; however, the finished site grade would be lower in elevation than the freeway causing the structure to appear lower in stature from the freeway corridor (refer to Figure 3-6a for an illustration of the SR-56 view). Therefore, the project would not exceed the allowed height or bulk regulations and existing patterns of development in the surrounding area by a significant margin.

Architectural Style

Architecturally, the project area does not exhibit a cohesive or consistent pattern or theme. Each development uses its own unique architectural style and building materials to create high quality uses. As described in Section 3.0, *Project Description*, the project would 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. Single-family residences would complement the existing Mediterranean style of residential architecture contained in the nearby neighborhoods (refer to Figure 3-7). All signage would conform to the City sign ordinance and not create a stark contrast with the surrounding environment. Noise walls are proposed around the periphery of the development and would be visible from public roads. The noise walls would range in height from 4 to 8 feet; where barriers greater than 6 feet in height are proposed, such as near the northeast corner of the residential lot facing SR-56, a combination of berm and wall would be used to minimize their visibility and comply with SDMC requirements. All fences and walls longer the 150 feet facing public roads would feature articulation with vertical elements and landscaping (i.e., trees and shrubs) would be used for screening.

Community Symbol or Landmark

The project would develop an undeveloped site and would remove natural vegetation that currently occurs on site but is not recognized as unique or unusual in its appearance. Therefore, the 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 would appear to be a continuation of existing patterns of development in the project area.

Visibility Due to Excessive Bulk and Scale

The project would comply with the height, bulk, signage regulations associated with the proposed commercial and residential zones. Proposed structures within the Mixed-use Development area would range from two to six stories and reduce in scale with distance from SR-56. In terms of the project's visibility from public vantage points, the development component of the project is proposed on an undeveloped mesa that is lower in elevation than the closest existing public vantage point (i.e., SR-56) and at grade with the existing section of Carmel Mountain Road and Camino Del Sur which dead end on or at the site. The project's visibility from SR-56 would be limited to the north-facing facades of the proposed commercial and residential structures along the northern edge of the site because structure heights would reduce with distance from the freeway (refer to Figures 3-6a for an illustration), as described under Issue 1 and in Section 3.0, *Project Description*. View durations from the freeway travel lanes would be limited due to the speed of travel, the presence of landscaped berms in the southern portion of the state ROW, and the curvature of the freeway which directs travelers away from the site in the eastbound direction. Longer duration views from SR-56 would be afforded from the westbound travel lanes and from the SR-56 bike path adjacent to the project site. Short duration views of the site would be afforded from the overpass of Carmel Mountain Road on the southbound approach toward the project site. The development component of the project would conform to existing patterns of development along the state highway wherein clusters of commercial/office uses occur near interchanges and are interspersed between residential and commercial development and canyon open space. Views of the undeveloped land to the south would be partially obstructed by proposed

development; however, the project would not obstruct views of the Del Mar Mesa Preserve open space situated west of the site.

With regard to private views, the residential properties closest to the Mixed-use Development area located along Via Senda and Via Panacea, feature backyards that abut a fenced slope or privacy wall, which would minimize views of the new development. Residents along adjacent canyons in communities south of the project site would see very little of the development component of the project due to distance and intervening topography. Vegetation and landforms (i.e., hillsides and canyons) within the nearby open spaces would screen recreationalist's views of the project, and they would be expected to be focused on the trail and its immediate vicinity, which would lower their sensitivity to changes occurring on the perimeter of any view. These viewers would experience views of the project similar to the top image in Figure 2-4d (Section 2, *Environmental Setting*), where the two-story residences on the south side of the project may be glimpsed in the background beyond the hillsides that are in the foreground and dominate the view.

Therefore, the project would not strongly contrast with the surrounding development or natural topography through excessive height, bulk, signage, or architectural projections.

Visual Appearance

As noted above, 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 described above. Architectural interest would be created through the comprehensive planning and integration of contemporary-style structures, featuring natural materials, public gathering places and landscaping. The variety of structures and mix of uses, including the close integration of commercial, office and residential units, would prevent the creation of an exceedingly monotonous visual environment. Deviations would, however, be required due to the proposed height and length of certain retaining walls required to implement project grading plan, minimize grading of open space areas, and create stormwater treatment basins/storage vaults to comply with water quality regulations. Of the nine retaining walls requiring deviations, five are proposed within the Mixed-use Development area, while the four other wall locations would occur adjacent to the proposed public roads, as discussed below. Based on the Significance Determination Thresholds, any crib, retaining or noise wall greater than six feet in height and longer than 50 feet in length has the potential to result in significant impacts if minimal landscape screening or berming is proposed where the walls are visible to the public.

Within the Mixed-Use Development area, four tall retaining walls ranging in height from 11 to 25 feet and reaching lengths between 225 to 1,440 linear feet are proposed to support the north-facing slope along the edge of development facing open space Lot Z. The retaining walls would be installed in parallel with one another and terraced horizontally and vertically to reduce their mass. Landscaping in the forms of trees, shrubs and vines would be installed at the base of the walls, between the walls and along their tops to soften their appearance and provide visual screening (see Figure 3-9a). Despite the proposal to construct several walls that would exceed the permitted height and length limits and require deviations, the retaining walls would only be visible to users of the SR-56 bike path due to the elevation difference between the SR-56 and Carmel Mountain Road travel lanes and the wall locations and the intervening mature landscaping/berming within the state ROW adjacent to the bike path. Refer to Figure 5.8-2, *Cross-section from SR-56 Corridor to Proposed Retaining Walls*, and visual simulations

contained in Figure 5.8-3, *Proposed Northern Retaining Walls as Viewed from SR-56 Bike Path*. A negative visual appearance would not be created due to proposed terracing and landscaping of the retaining walls, which would both disrupt and soften their appearance, combined with their limited visibility from public vantage points in the project area.

One seven-foot high retaining wall is proposed along residential side/back yards for Lots 3 (multi-family) and 5 (single-family) and would parallel the Carmel Mountain Road ROW. The retaining wall would not be visible from a public vantage point since the finished grade of the lots would be below the elevation of the travel lanes and an intervening noise wall would also block any potential view of the wall. Additionally, landscaping would be installed within the parkway adjacent to Carmel Mountain Road. Thus, a negative visual appearance would not be created by the retaining wall.

Public Roads

Development Patterns

Both Camino Del Sur and Carmel Mountain Road are Circulation Element Roads in their respective community plans and would be constructed to City street design standards; no design exceptions are proposed. Camino Del Sur would be constructed along the edge of open spaces and would cross several minor canyons/drainages en route to its two connection points. Manufactured cut and fill slopes would be constructed on both sides of the road at no steeper than a 2:1 slope ratio and be revegetated with natural and naturalized species that would blend with the undeveloped areas. The manufactured slopes would be visible from users of the new road, trail users in the area, and from private homes overlooking the canyons. Retaining walls would be used in various locations along the road to minimize hillside grading as shown in the project's Tentative Map contained in Figure 3-12. The road would be similar in character to other major roads in the local communities.

Carmel Mountain Road would be relocated north of its present location to avoid grading into sensitive biological resources south of the ROW and extended at or slightly above grade of the proposed Mixed-use Development component to its intersection with Camino Del Sur. Manufactured slopes created by Carmel Mountain Road would be limited on the north side through the use of retaining walls within the development area; slopes on the south side of the road would be constructed at a maximum slope of 2:1 with one minor retaining wall to control grading into sensitive biological resources.

In both cases, the roads would adhere to the City's street design standards and landscaping consisting of street trees, shrubs and groundcovers would be installed within the parkway, as depicted in the project landscape plans contained in Figures 3-9a and 3-9b. Therefore, the public roads would be a continuation of existing patterns of suburban development in the surrounding areas.

Community Symbol or Landmark

The public roads would develop undeveloped land and would remove natural vegetation that currently occurs on site but is not recognized as unique or unusual in its appearance. Therefore, they 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.

Visual Appearance

Retaining walls would be situated along several sections of the public roads as a means to reduce hillside grading, the heights of manufactured slopes, and the horizontal extent of project grading. Although many of the retaining walls would be visible from the new travel lanes and existing recreational hiking/biking trails in the project area, they would not be greater than 6 feet in height and 50 feet in length. Others would be installed below grade of the travel lanes for the public roads and outside of their viewshed, including the retaining wall at the intersection of Camino Del Sur and Carmel Mountain Road which is proposed to create a below-grade stormwater treatment basin and storage vaults to treat runoff from the roads.

Three of the proposed retaining walls along Camino Del Sur, however, would require deviations due to their height and length. Specifically, two 13- and 22-foot high and 200-foot long retaining walls would be constructed in parallel below the Camino Del Sur travel lanes where the road would cross the finger of Deer Canyon contained in Lot Z. The walls would be required to construct a stormwater treatment basin and storage vaults to treat runoff from the road. The lower 22-foot high wall would be divided into two walls separated by an eight-foot wide plantable offset. The upper wall would be installed along the western edge of the basin (refer to Figure 5.8-3). Retaining wall visibility would be limited because of their location below grade of most public vantage points and the presence of a landscaped berm within the state ROW which would block its view. The exception would be users of the SR-56 bike path who would have short duration views when passing by the project site (refer to Figure 5.8-3). From that vantage point, the walls would appear as an extension of the road improvements and the adjacent retaining walls associated with the development area. Similar to the adjacent retaining walls, landscaping consisting of trees, shrubs and vines would be installed at the base, in the offset and along the parkway to soften and screen their visibility. A third wall would be eight-feet high, 179-foot long and constructed along the western edge of the road near the subdivision boundary. The west-facing wall would minimize off-site grading into the adjacent open space. The wall would be constructed below grade of the travel lanes and only visible to the public for short durations from the trails within Del Mar Mesa Preserve. Intervening topography and vegetation would limit the proposed wall's visibility.

Therefore, a negative visual appearance would not be created by the public roads due to their consistency with the design criteria, minimization of retaining wall heights and lengths, and use of offsetting and landscaping to soften their appearance, and limited visibility from public vantage points in the project area.

Significance of Impact

Mixed-use Development

The mix of proposed uses included in the 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. For these reasons, the project would result in less than significant neighborhood character impacts.

Public Roads

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 these reasons, the project would result in less than significant neighborhood character impacts.

Mitigation, Monitoring and Reporting

No significant impacts to neighborhood character are identified; therefore, no mitigation measures are required.

5.8.4 Impact

Issue 4: Would the proposal result in a substantial change in the existing landform?

Impact Thresholds

According to the City's Significance Determination Thresholds (2011), landform impacts may be significant if the project would:

- Alter more than 2,000 cubic yards of earth per graded acre by either excavation or fill, in addition to one or more of the following conditions:
 - Disturb steep hillsides in excess of the encroachment allowances of the Environmental Sensitive Lands (ESL) regulations (LDC Chapter 14, Article 3, Division 1);
 - Create manufactured slopes higher than 10 feet or steeper than 2:1 (50 percent);
 - Result in a change in elevation of steep hillsides from existing grade to proposed grade of more than five feet by either excavation or fill unless the area over which excavation or fill would exceed five feet is only at isolated points on the site.

The above conditions may not be considered significant, however, if the grading plans clearly demonstrate, with both spot elevations and contours, that the proposed landforms will very closely imitate the existing on-site landform and/or the undisturbed, pre-existing surrounding neighborhood landforms. This may be achieved through "naturalized" variable slopes.

Impact Analysis

Mixed-Use Development and Public Roads

The 66-acre project would require approximately 1,357,900 cubic yards (cy) of cut and fill or about 20,574 cy per graded acre, which exceeds the 2,000 cy per graded acre significance threshold. No steep slopes would be disturbed as part of this component of the project. Within the 66 graded acres project site, approximately 31 acres would be graded as part of public roads improvements, including 8.7 acres of steep hillsides considered sensitive resources under the Environmentally Sensitive Lands Regulations (as defined in SDMC Section 143.0101). The maximum height of fill slopes would be 66 feet (at 2:1 ratio) and the maximum fill depth would be 62 feet, while the height of any cut slopes would be 66 feet (at 2:1 ratio) with the maximum cut depth of 62 feet. This grading would result in manufactured slopes higher than 10 feet, and disturb natural steep slopes by changing the elevation of steep hillsides by more than 5 feet. However, slopes would not be steeper than 2:1.

To minimize grading, retaining walls would be used throughout the project site to reduce hillside grading and the horizontal extent of manufactured slopes, as described under Issues 2 and 3. The retaining walls are shown on the Tentative Map and grading plan in Figure 3-12. The public roads component of the Merge 56 Development project, in particular Camino Del Sur, would encroach into 100 percent of the steep slopes contained on site and would change the elevation of the existing steep hillsides by more than five feet. This encroachment would be greater than the encroachment allowance outlined in the ESL Regulations for projects outside the MHPA and Coastal Zone. However, as a Circulation Element road, this encroachment is exempted under SDMC Section 143.0142(a) provided a Site Development Permit (SDP) findings can be made and the SDP is issued.

Significance of Impact

Overall, the project would result in substantially more than 2,000 cy of cut or fill per graded acre and would exceed the 10-foot high significance threshold for manufactured slopes. The public roads component of the project would also result in the disturbance of steep slopes by changing the elevation of steep hillsides by more than five feet. These impacts would be reduced to the extent feasible through the construction of a series of retaining walls. However, even with these minimization measures, the impact on existing natural landforms would be considered significant and unavoidable.

Mitigation, Monitoring and Reporting

Due to the hillside topography of the portion of the project site where Camino Del Sur would be extended, no measures are available that would reduce landform alteration impacts to below a level of significance. Impacts associated with the project would remain significant and unavoidable.

5.8.5 Impact

Issue 4: Would the proposal result in substantial light or glare which would adversely affect daytime or nighttime views in the area?

Impact Thresholds

According to the City's Significance Determination Thresholds (2011), light and glare impacts may be significant if the project would meet one or more of the following thresholds:

- The project would be moderate to large in scale, more than 50 percent of any single elevation of a building's exterior is built with a light reflectivity greater than 30 percent (per LDC Section 142.07330(a), and the project is adjacent to a major public roadway or public area.
- The project would shed substantial light onto adjacent, light-sensitive property or land use, or emit a substantial amount of ambient light the nighttime sky.

Impact Analysis

Merge 56 Development and Public Roads

The project would be constructed in a contemporary architectural style using a combination of materials, including glass, concrete, steel, stucco and natural stone. Most of the structures would not feature large amounts of reflective materials (refer to Figure 3-6a). Large areas of glass would not be incorporated into the commercial and residential structures. The office structure would feature a glass exterior that would extend for more than 50 percent of its elevation; however, the glass material would not feature a light reflectivity greater than 30 percent (refer to Figure 3-6f). In addition, the lower facades of the commercial and office buildings would be set back from the roadways and screened by landscaping within the parkway. In some cases, structures would also block the facades of other structures when viewed from the roadways, which would further minimize the potential for reflected glare from headlights along SR-56, Camino Del Sur and Carmel Mountain Road.

With regard to lighting, 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. Direct lighting into the MHPA would also be prohibited.

Significance of Impact

Although the project would feature a glass exterior that would extend for more than 50 percent of its elevation, the glass material would not feature a 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. Less than significant light and glare impacts are identified.

Mitigation, Monitoring and Reporting

No significant impacts from light and glare are identified; therefore, no mitigation measures are required.



View from Carmel Mountain Road overpass

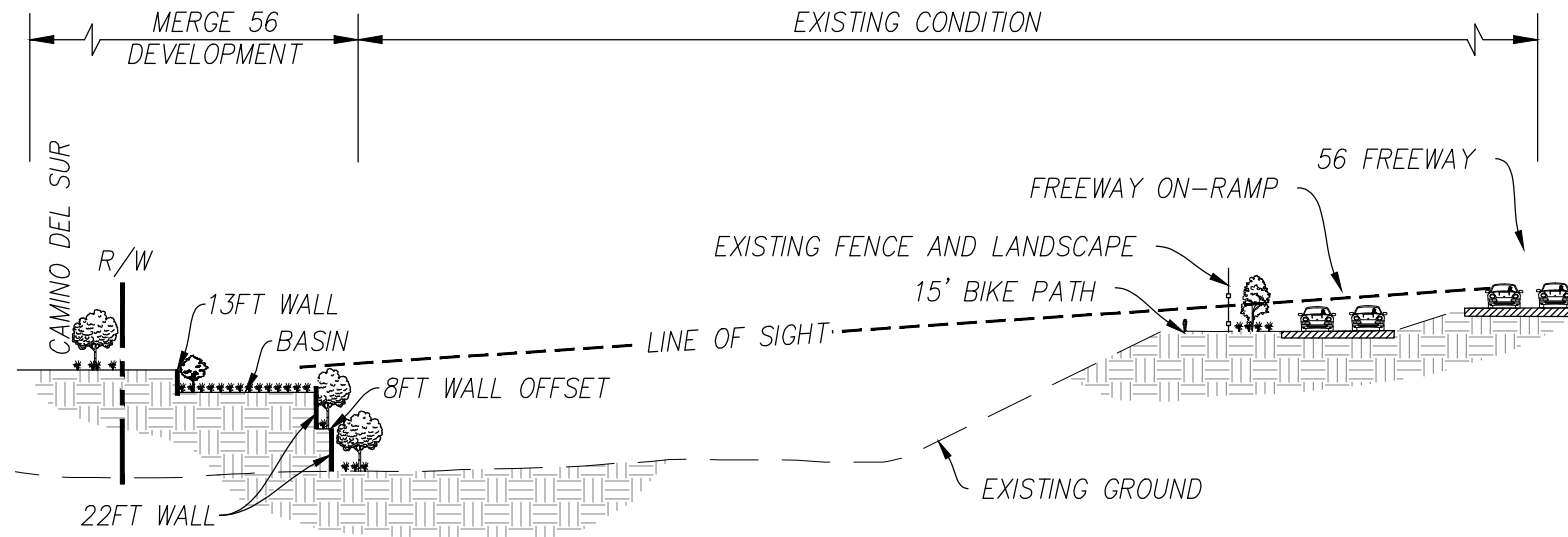


View from SR-56 travel lanes

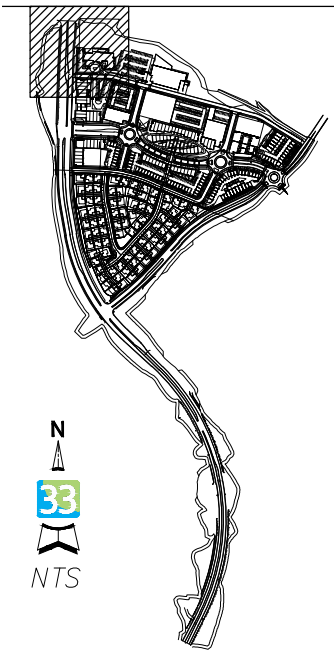
Source: Latitude 33 2016

Figure 5.8-1

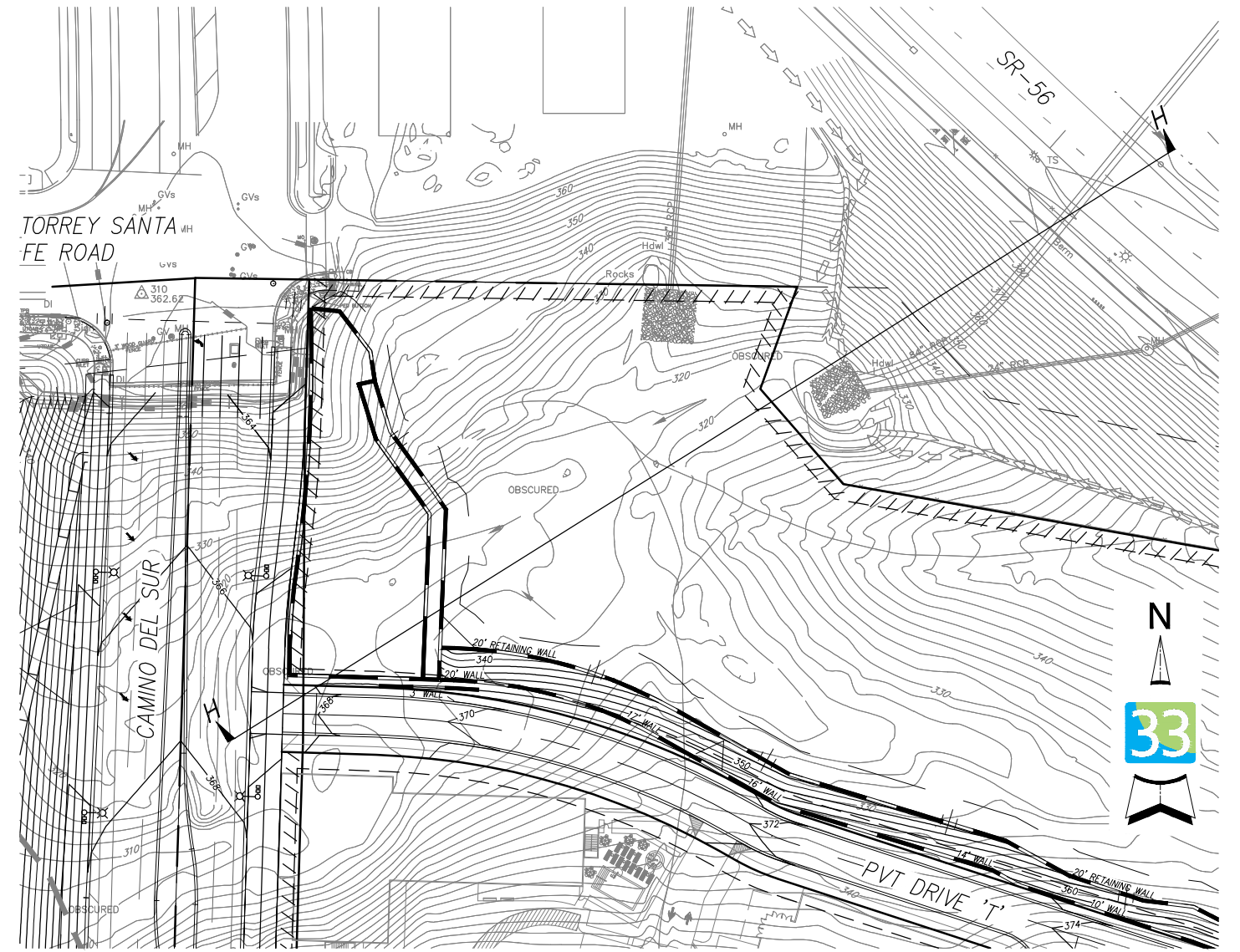
Views of Project Site from SR-56 Corridor



CROSS SECTION H-H
NOT TO SCALE



KEY MAP



PLAN VIEW SECTION H-H
SCALE 1"=100'



Existing view



Proposed view

Source: Latitude 33 2016

Figure 5.8-3

Proposed Northern Retaining Walls as Viewed from SR-56 Bike Path

MERGE 56 DEVELOPMENT PROJECT

6.0 CUMULATIVE IMPACTS

Section 15130 of the State CEQA Guidelines requires that an EIR address cumulative impacts of a project when its incremental effect would be cumulatively considerable. Cumulatively considerable means that the incremental effects of an individual project would be considerable when viewed in connection with the effects of past, current, or probable future projects.

According to Section 15130 of the State CEQA Guidelines, the discussion of cumulative effects "... need not provide as great a detail as is provided of the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness." The evaluation of cumulative impacts is to be based on either: "(A) a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or (B) a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative effect. Any such planning document shall be referenced and made available to the public at a location specified by the Lead Agency."

The basis and geographic area for the analysis of cumulative impacts is dependent on the nature of the issue and the project. In some cases, regional planning addresses cumulative impacts, while in other cases, the analysis takes into consideration more localized effects. For the Merge 56 Development Project analysis of cumulative impacts which are localized (e.g., traffic and noise), a list of past, approved, and pending projects was identified. The location of these projects is illustrated in Figure 6-1, *General Location of Cumulative Projects*. A brief description of these projects is presented in Table 6-1, *Cumulative Projects*; the numbers correspond to the locations shown on Figure 6-1. For other topics, like biological resources, the cumulative setting is the region's MSCP area.

No.	Project Name	Location	Description/Status
1	Kilroy Commercial Office Development (The Preserve at Torrey Highlands)	South of Torrey Santa Fe Road and west of future Camino Del Sur	A CPA to the Torrey Highlands Subarea Plan initiated to redesignate approximately 11.1 acres from Commercial Limited to Employment Center to allow for the development of 450,000 sf of commercial office space. An application has subsequently been filed on the property.
2	KB Homes Residential	Carmel Mountain Road south of Sundance Drive and north of Via Las Lenas, north and south of SR-56.	Development of 94 single-family homes on Units 1, 2 and 6 of Rhodes Crossing project and extension of Carmel Mountain Road from northern site boundary to Via Las Lenas. Under construction.
3	Torrey Meadows Drive Overcrossing	West of Camino Del Sur interchange along SR-56	Two-lane overcrossing of SR-56 to provide access to a neighborhood park, elementary and high schools, and the local mixed use center for the properties south of SR-56. Constructing pending.

Table 6-1 (cont.) CUMULATIVE PROJECTS			
No.	Project Name	Location	Description/Status
4	Carmel Mountain/Del Mar Mesa Natural Resources Management Plan (NRMP) and Community Plan Amendments (CPA)	Del Mar Mesa Preserve, west of Camino Del Sur	Amendments to the Torrey Highland Subarea Plan, Rancho Peñasquitos Community Plan and Del Mar Mesa Specific Plan initiated to add multi-use trail alignments within the communities that would connect to the Del Mar Mesa Preserve area. The proposed NRMP would result in the consolidation of trail alignments into existing built trails that connect Deer Canyon and other areas to the Del Mar Mesa Preserve. The NRMP was approved in 2015.
5	Black Mountain Road Reclassification in Community Plan	Black Mountain Road from Twin Trails Drive to Community Plan Boundary just north of Mercy Road	A CPA to the Rancho Peñasquitos Community Plan to downgrade the roadway classification from six-lane prime arterial to four-lane major road was initiated on February 27, 2014 by Black Mountain Ranch and is expected to go before City Council in 2017.
6	Rhodes and Grus Investments	West of the intersection of Carmel Mountain and Camino Del Sur	A CPA to the Rancho Peñasquitos Community Plan to redesignate 26 acres from Low Density Residential and Open Space to Medium-High Density Residential, allowing for multi-family residential development at 22 to 45 dwelling units per acre (resulting in 575 to 1,177 dwelling units). CPA was initiated in November 2013; no development application filed.

Source: Modified from Linscott Law and Greenspan 2016.

Note: Trip generation for several of the cumulative projects noted above is provided below under Section 6.1.1, *Transportation/Circulation*.

6.1 CUMULATIVE EFFECTS FOUND TO BE SIGNIFICANT

6.1.1 Transportation/Circulation

As discussed in Section 5.2, *Transportation/Circulation*, the proposed project was analyzed in combination with the two cumulative projects that would contribute traffic to the project study area in the near-term and two future projects that could contribute traffic in the long-term (i.e., Year 2035): Kilroy Commercial Office Development/ The Preserve at Torrey Highlands (5,260 ADT), KB Homes Residential (597 ADT), Rhodes and Grus Investments (7,060ADT) and Kilroy Commercial Office Development/Diocese Property (5,260 ADT). In addition, the CPA to amend the classification (and reduce the long-term capacity) of Black Mountain Road was taken into consideration in the near-term analysis; the Traffic Impact Analysis (TIA) did not assume the road would be widened in the future. The Torrey Meadows Drive overcrossing was assumed in place in the long-term analysis (i.e., Year 2035) because it is fully funded.

Specifically, the Merge 56 Development Project would contribute to significant cumulative impacts at six intersections, two street segments, four freeway mainline segments and no freeway ramps under

Year 2035 conditions (refer to Tables 5.2-9, 5.2-11, and 5.2-13). The project's contribution to cumulatively significant impacts to these facilities would be considerable because the City's Significance Determination Thresholds, listed in Table 5.2-5, would be triggered. Mitigation for all cumulatively impacted intersections, street segments and freeway segments is identified in Section 5.2, *Transportation/Circulation*, under Mitigation Monitoring and Reporting, and well as in Section 9.0, *Mitigation Monitoring and Reporting Program*. Nonetheless, for various reasons the project's cumulatively significant impacts would remain unmitigated, as described in Section 5.2.

6.2 CUMULATIVE EFFECTS FOUND NOT TO BE SIGNIFICANT CUMULATIVELY CONSIDERABLE

Based on the following analyses and the related discussions in Section 5.0 of this SEIR, the project would not result in cumulatively considerable impacts, in combination with other identified cumulative projects, for Land Use, Biological Resources, Historical Resources, Noise and Paleontological Resources, as described below.

6.2.1 Land Use

As discussed in Section 5.1, *Land Use*, and summarized below, project implementation would not result in significant impacts related to local planning documents; related goals, policies, or guidelines; or adopted land use designations. With approval of the proposed GPA, CPA, Rezone, PDP amendment and SDPs, the project would be consistent with local land use designations, associated density requirements, and applicable policies and regulations in the General Plan, Torrey Highlands Subarea Plan, Rancho Peñasquitos Community Plan, Del Mar Mesa Specific Plan, MSCP Subarea Plan, and MCAS Miramar ALUCP.

Several other CPAs are currently under review by the City, including the Kilroy Commercial Office Development, Carmel Mountain/Del Mar Mesa NRMP, Black Mountain Road Reclassification and Rhodes Grus Investment site. Although the KB Homes Residential project would develop land adjacent to the project site, it would be consistent with the land use designations and uses under the Rhodes Crossing approvals. The NRMP would not modify land use and is focused on protecting biological resources within the Del Mar Mesa and directing trail access to existing trail systems. Only the Kilroy Commercial/Office Development and Rhodes Grus Investment CPAs would intensify planned land uses in the project area and modify the planned character of the area adjacent to the Merge 56 Development Project site.

As part of the City review process, the Kilroy Commercial Office Development and Rhodes Grus Investment proposal would have to demonstrate their consistency with the same plans and policies as the project. Any deviations from the SDMC would require special findings prior to approvals for those projects. As shown in Section 5.2, *Transportation/Circulation*, no near-term traffic impacts would arise with the Kilroy Commercial Office Development and Rhodes Grus Investment in conjunction with the project's traffic; therefore, secondary impacts would not be expected. The proposed commercial office development would be consistent with the character of the existing and approved commercial office developments off of Torrey Santa Fe Road and Camino Del Sur (north of SR-56). The residential development of the Rhodes Grus Investment property would be consistent in character with the higher-density housing (i.e., townhomes, flats and affordable housing) proposed on the Merge 56 Development Project site. Therefore, potential land use policy and consistency impacts from project

implementation, in conjunction with other projects in the area, would not result in cumulatively significant land use impacts.

6.2.2 Biological Resources

As described in Section 5.3, *Biological Resources*, and the project BTR included in Appendix C1, the project would result in a number of significant direct and indirect impacts to biological resources, most of which would occur outside of the MHPA. This would include impacts to a number of sensitive habitats, areas under Corps, CDFW, and/or City jurisdiction (i.e., wetlands and non-wetland waters/streambed), including vernal and road pools, and sensitive plant and wildlife species (refer to Tables 5.3-1, 5.3-5, 5.3-7 and 5.3-8). Additional impacts would be expected upon implementation of the projects listed in Table 6-1. Each of the projects would be required to comply with the City Biology Guidelines (2012) and demonstrate compliance with the MSCP Subarea Plan.

According to the City Biology Guidelines, direct impacts to vernal pools may be considered cumulatively significant, as would impacts to State or federal listed species not covered by the MSCP, on a case-by-case basis. In general, projects that conform to the MSCP as specified by the City's Subarea Plan and its implementing ordinances are not expected to result in a significant cumulative impact for those biological resources adequately covered by the MSCP, including vegetation communities identified as Tier I through IV. Since the City does not presently have take authorization for the federal listed endangered San Diego fairy shrimp, impacts to the species located in vernal pools and its critical habitat must be addressed through a Section 7 Consultation between the Corps and USFWS as part of obtaining project-specific permits. Due each project's need to comply with City regulations pertaining to impacts to biological resources, impacts would not be considerable and not cumulatively significant.

6.2.3 Historical Resources

Active development within the project vicinity has resulted in the loss of historical resources over time. This constitutes a significant cumulative regional loss. However, environmental legislation has diminished the likelihood that discovered resources would be destroyed without contact with appropriate Native American descendants and/or data recovery, as appropriate.

With regard to the project, no known historic sites or archaeological sites of significance would be impacted by proposed development, as described in Section 5.4, *Historical Resources*. However, a historical resources mitigation, in the form of monitoring, would be implemented during construction in the vicinity of the two previously recorded sites to avoid or reduce potential impacts to currently unknown subsurface resources to below a level of significance. Each of the projects in the area would undergo similar reviews in terms of determining the presence of historical (archaeological) resources and potential for unknown buried resources. Similar treatment of potential resources is anticipated (if applicable) during construction, ensuring no resources are destroyed without appropriate Native American contact. As a result, the project would not result in a cumulatively considerable contribution to the loss of regional historic resources.

6.2.4 Noise

Many of the cumulative projects listed in Table 6-1 would produce temporary construction noise. As with the project, construction schedules and construction noise equipment levels would vary depending on the type of equipment and its duration of use. Although the nearby noise-sensitive receptors could be exposed to construction noise from other closer projects in the vicinity, cumulative construction noise is not anticipated to be significant because construction schedules of the various projects may not overlap and each project would be required to comply with the City's Noise Ordinance which places limits on noise levels at the property lines. It is assumed that the various projects would be required to comply with the noise standards at the property line or mitigate their impacts to comply with the Noise Ordinance limits. Therefore, cumulative construction and operational noise impacts would not be significant.

Community-wide increases in transportation noise would occur along local roads and freeways as each of the projects listed in Table 6-1 becomes operational and community buildout occurs. Where homes occur adjacent to the community roads, such as Camino Del Sur and Carmel Mountain Road, noise barriers have been or would be constructed at the time the homes are built to prevent future transportation noise impacts. It should be noted that Year 2035 and Year 2050 traffic volumes along Camino Del Sur and Carmel Mountain Road are less than originally projected in the Subarea Plan and Community Plan (LLG 2015; refer to Appendix G to EIR Appendix B). Therefore, community noise levels along those roads would be less than anticipated. Nonetheless, there is the potential for interior noise impacts to proposed residences due to cumulative noise levels. ~~Mitigation-Compliance with the City's noise limits, as required during the building permit phase, as~~ outlined in Section 5.6, ~~Noise, would be implemented such~~ ensure that interior noise levels would be less than significant. The project's contribution to cumulative noise levels would not be considerable.

6.2.5 Paleontological Resources

The study area includes four geologic formations with either moderate or high paleontological resource potential (Lindavista Formation, Mission Valley Formation, Stadium Conglomerate and Friars Formation). Based on these conditions, the proposed development and road improvements could result in potential impacts to paleontological resources. As described in Section 5.5, *Paleontological Resources*, however, all potential project impacts to paleontological resources would be effectively avoided or addressed through identified mitigation measures.

The importance of individual paleontological resources is related to the inherent scientific data and associated research value. Information gained from test excavations and data recovery programs within the study area and other locations having paleontological resource impacts would be presented in reports and filed with appropriate regulatory agencies and scientific institutions with permanent paleontological collections, such as the San Diego Natural History Museum. The fossil collections from any potentially significant site also would be curated at such a scientific institution and would be available to other paleontologists for further study.

Each of the cumulative projects would be subject to similar analysis and (if applicable) mitigation requirements for paleontological resources as described for the project (and pursuant to applicable regulatory guidelines). If any additional development projects in the area (i.e., beyond those listed in Table 6-1) result in potential impacts to such resources, they also would be subject to similar

requirements for assessing and mitigating impacts to paleontological resources. As a result, no significant cumulative impact would occur.



6.52.6 Greenhouse Gas Emissions

By its definition, global climate change caused by GH emissions is cumulative in nature and is not triggered by the actions of any single project. Within the City, projects requiring discretionary approval and certain projects requiring ministerial approval are required to complete a Climate Action Plan (CAP) Consistency Checklist in order to assess each project's consistency with the growth projections used in the development of the CAP. For projects that are consistent with the General Plan and Community Plan land use and zoning designations and/or consistent with the SANDAG Series 12 growth projections, consistency with the CAP is established based on this land use consistency. For projects that are amending the land use or zoning designation of their sites, additional review and evaluation is required in accordance with the CAP Consistency Checklist. Implementation of all applicable GHG reduction strategies and actions in the CAP would ensure the project's consistency with the GHG projections in the CAP. Each of the projects requiring discretionary approval listed in Table 6-1 would be required to complete a similar analysis as was conducted for the project. As shown in Section 5.7, *Greenhouse Gas Emissions*, the project would not result in significant GHG emissions and would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG. The project's consistency with the land use assumptions in the CAP, as well as its implementation of project design features geared toward satisfying the strategies and actions contained in the CAP would ensure the project's impacts would not be cumulatively considerable.

6.52.7 Visual Effects/Neighborhood Character

Development of the project site, in conjunction with the cumulative projects listed in Table 6-1, would result in permanent changes to the character of the project area. Visual effects of the project are described in Section 5.8, *Visual Effects/Neighborhood Character*. The analysis determined 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; would not exceed the allowed height or bulk regulations and existing patterns of development in the surrounding area by a significant margin; would feature a contemporary appearance and range of building materials, as well as landscaping that would provide enhancements as well as effective screening; would not result in the loss of a community identification symbol or landmark; would not result in a negative visual appearance in areas that are visually accessible to the public. However, the project would result in substantially more than 2,000 cy of cut or fill per graded acre, impact steep slopes protected by the ESL Regulations, and exceed the 10-foot high significance threshold for manufactured slopes resulting in a significant and unavoidable impact on an existing natural landforms. Each of the projects would result in visual effects that may or may not be significant but would all contribute to changes in neighborhood character and natural landform (due to grading of hillsides and/or mesas). Compliance with City General Plan Urban Design Element policies, as well as the development regulations in the San Diego Municipal Code (SDMC) and community appearance and design policies in the local Community Plans would ensure that the cumulative impacts to visual effects and neighborhood character would not be significant.



-  Project Area
-  Cumulative Projects
- 1 - Kilroy Development (450,000 sf of commercial/office space)
- 2 - KB Homes (94 single-family homes)
- 3 - Torrey Meadows Drive Overcrossing (Two-lane overcrossing)
- 4 - Carmel Mountain/Del Mar Mesa Natural Resources Management Plan (NRMP) and Community Plan Amendments (CPA)
- 5 - Black Mountain Road Reclassification in Community Plan
- 6 - Rhodes and Grus Investments (Medium-high density residential)

Google

Source: Google



Figure 6-1

Cumulative Projects

7.0 OTHER CEQA SECTIONS

7.1 EFFECTS FOUND NOT TO BE SIGNIFICANT

The City determined that the Merge 56 Development Project would not have the potential to cause significant impacts for the following issue areas, with these topics briefly addressed below. Refer to the EIR scoping discussion contained in Section 1.3 of this EIR for additional discussion.

- Agriculture and Forestry Resources
- Air Quality
- Energy
- Geologic Conditions
- Health and Safety
- Hydrology/Water Quality
- Mineral Resources
- Public Utilities
- Public Services and Facilities

7.1.1 Agriculture and Forestry Resources

The City Significance Determination Thresholds (2011) state that a significant impact on agricultural resources may result from a project which involves the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. No active agricultural activities, Williamson Act contract lands, or designated agricultural preserves are located within or adjacent to the project site. The site has an entitled zoning for residential and commercial uses and is within an area planned for public roads; no agricultural use is contemplated.

None of the mapped on-site soils are identified as Prime Farmland, Farmland of Statewide Importance or Locally Important Farmland, although Olivenhain soils are listed as Unique Farmland (CDC 2010). According to the Torrey Highlands Subarea Plan EIR, farmlands in this area have historically exhibited problems while being used to produce region wide agricultural commodities, and have limited productivity (City 1996b). Furthermore, the project would not involve any changes that would result in the conversion of farmland to non-agricultural use because the surrounding lands are already developed, anticipated for development or designated for permanent open space. In addition, because the site is located in an area that generally does not support timber growth (i.e., arid scrubland), no impacts to forestry resources would result from implementation of the project.

Based on the above, potential impacts associated with loss of agricultural and forestry resources due to project implementation are considered less than significant.

7.1.2 Air Quality

The City Significance Determination Thresholds (2011) state that a significant impact on air quality may result if a project would: (1) conflict with or obstruct implementation of the applicable air quality plan, (2) violate any air quality standard or contribute substantially to an existing or projected air quality violation, (3) result in cumulatively considerable net increase of any criteria pollutant for which the region is non-attainment under the applicable air quality standards, or (4) expose

sensitive receptors to substantial pollutant concentrations, including air toxics. An assessment of construction and operational emissions was conducted in an Air Emissions Technical Memorandum conducted on the Merge 56 Development Project (SRA 2015; Appendix K).

Project construction activities would implement standard dust control measures required by the City Grading Ordinance during site preparation and grading. Those measures would include water applications on unpaved surfaces, surfacing of internal roadways, use of street sweepers, avoiding grading during windy conditions (i.e., 25 miles per hour [mph] or more), stabilization of stockpiles, and hydroseed stabilization of graded lots. An estimation of project emissions was completed using the CalEEMod Model, which is the current air emissions model recommended by the California Air Resources Board (CARB) (SRA 2015; Appendix K). Based on the analysis, construction emissions would not exceed the City's maximum daily emissions thresholds (refer to Table 1 in Appendix K).

With regard to operational emissions, the proposed Community Plan Amendment (CPA) and General Plan Amendment (GPA) would modify planned land uses on site but would not increase operational emissions from mobile sources since the volume of traffic that would be produced by the project would be similar to that assumed in regional plans by SANDAG (as discussed in the Traffic Impact Analysis [TIA], Appendix B to this EIR). As shown in the project-specific air emissions technical memorandum (SRA 2015; Appendix K), operational emissions are predicted to be below the City's significance thresholds as shown in Table 2 of Appendix K. Although construction of Camino Del Sur would redirect community traffic from congested sections of Black Mountain Road, the potential for CO "hot spots" would occur in Year 2035 at the Camino Del Sur/SR-56 westbound and eastbound ramps where the project's traffic would increase delay and reduce the levels of service at those intersections from D to E and F, respectively. However, project-related traffic would not result in exceedances of the ambient air quality standards for CO (CO "hotspots"). The SDAB has attained the CO standard and has demonstrated continued attainment since 1994. As a result of the low CO levels measured throughout the County, the APCD has ceased monitoring for CO concentrations at most locations. In addition, the South Coast Air Quality Management District (SCAQMD) modeled the four most congested intersections within the South Coast Air Basin and demonstrated that these intersections, which experience more than 100,000 average daily trips (ADT), would not exceed the ambient air quality standards for CO (SCAQMD 2003). Since that demonstration, CO emissions have decreased due to increasingly stringent vehicle emission standards and the phase-out of older vehicles. The two intersections that would experience a degradation in LOS would not experience levels of traffic exceeding 100,000 ADT. Therefore, the project would not cause or contribute to a violation of the CO standards and would not result in a CO "hot spot."

Although the SDAB is in non-attainment with the federal standard for ozone and the state standard for ozone and PM-10, emissions associated with both project construction and project operation would be below the APCD significance criteria used by the City, are contemplated in the long-term plans for the region, and would not be considered cumulatively considerable, nor would the project affect the SDAB's ability to attain and maintain ambient air quality standards. Therefore, less than significant air quality impacts would arise as a result of the project.

7.1.3 Energy

Neither the State CEQA Guidelines Appendix G nor the City of San Diego's CEQA Significance Determination Thresholds (2011) contain specific criteria to identify when a significant energy-use

impact has occurred. State CEQA Guidelines Appendix F, Energy Conservation, provides direction as to the type of information, analysis, and mitigation that should be considered in evaluating a project, but does not provide specific energy conservation thresholds. For the purposes of this EIR, and in accordance with Appendix F of the State CEQA Guidelines, the project would result in a significant impact to energy conservation if it would: (1) cause wasteful, inefficient, and unnecessary consumption of energy during project construction, operation, and/or maintenance; and/or (2) conflict with or exceed the California Building Code (CBC) Energy Efficiency Standards, the 2009 San Diego Regional Energy Strategy renewable energy goals, the City of San Diego General Plan Conservation Element goals, or any other applicable energy conservation regulations.

Under the influence of population growth, energy usage is projected to increase in the future (SANDAG 2003). According to San Diego Regional Energy Office's (SDREO's) San Diego Regional Energy Infrastructure Study, San Diego County will face significant supply issues and risks unless additional supply options are made available (SDREO 2003). Although long-term electrical consumption rates are projected to increase, savings from energy efficiency programs is anticipated (CEC 2009a). Similarly, natural gas consumption rates are expected to increase over time (SANDAG 2009). Energy required to support water sector operations, as well as serve water customers, is also a factor when accounting for the state's increasing energy demands. For instance, energy is used to treat water and get it to the customer, to take the wastewater from the customer and dispose of it, and to provide groundwater pumping and surface water pumping. Since population growth drives demand for both resources, water and energy demand are growing at about the same rate and, importantly, in many of the same geographic areas according to the California Energy Commission (CEC 2007). On-road transportation is a large consumer of energy, and is almost entirely dependent on petroleum-based fuels (gasoline and diesel). Without changes in policy or behavior, on-road consumption of petroleum-based fuels is expected to increase considerably by 2020 and through 2030 (SANDAG 2009).

Estimates vary on what level of future energy reductions will be attributed to efficiency programs and standards over the next decade, depending on the assumptions used. The California Public Utilities Commission (CPUC) estimates that in the San Diego region, efficiency programs will achieve gross savings of 1,514 gWh and 52 MM Therms between 2012 and 2020, the largest contributor to energy reductions over this period (University of San Diego [USD] Energy Policy Initiative Center [EPIC] 2009). A number of federal, state and local regulations and programs are in place to decrease energy consumption and increase efficiencies, as described in the Global Climate Change Evaluation (SRA 2014) contained in Appendix F to this EIR. In addition, the Conservation Element of the City's General Plan establishes a series of goals and objectives which are intended to help reduce energy-use impacts of development (City 2008a). While many of these goals and objectives apply to actions to be taken by City government, others represent actions that can be taken by private development such as the project.

The project is projected to use 8,496 MWh/year of electricity, 22,272 MMBTU/year of natural gas, and 1,837 MWh/year for water usage, and create 114,747 vehicle miles traveled (VMT) annually (equating to 5,215 gallons per year of gasoline consumption based on Year 2020 fuel consumption rate in Appendix B to the General Plan EIR; City 2008b) without energy reduction measures in place.

As described in Section 3.0, *Project Description*, a number of project design features would be implemented to increase the project's sustainability and conserve energy. Those measures include:

solar canopies installed on all parking decks; centralized parking structures and walkable streets and plazas to encourage a “park once” strategy; neighborhood-serving retail placed in close proximity to residences; mixed-use live/work/play concept incorporated into site planning; pedestrian-oriented development with multiple walkways linking commercial and residential areas; trail connections and bike lanes would be provided along public roads; bike racks provided in commercial and residential areas; sustainable building design, including use of local building materials, low-flow fixtures (toilets and showers), and porous surfaces; recycling receptacles placed throughout the site; low-water use, native landscaping materials to minimize turf and irrigation demands; and the use of state-of-the-art, low precipitation sprinkler equipment. In addition, the project would comply with the CBC energy efficiency standards. Thus, the actual future energy use for the project is projected to be less than the above-cited amounts for project buildout, due to energy conservation design features integrated into the project. Many of these design features would implement the goals and policies of the Conservation Element pertaining to energy conservation (refer to Table 5.1-1). The project features, specifically the integration of solar technology into the design, would be consistent with SANDAG’s renewable energy goals. The proposed development would not require excessive amounts of energy, require use of new sources of energy, or conflict with any adopted energy conservation plans, and therefore would result in less than significant energy impacts.

7.1.4 Geologic Conditions

The City Significance Determination Thresholds (2011) identify potentially significant geologic impacts based on the City Seismic Safety Study (2008c), which identifies geologic conditions and potential hazards within the City and provides direction for the appropriate type(s) of geotechnical investigation(s) based on geology, related hazard potential and proposed development types. The project site is mapped as having nominal to low (development site) and low to moderate (Camino Del Sur) geotechnical risk, according to the Public Services, Facilities and Safety Element of the General Plan (City 2008c). Specifically, the project area is mapped in the City Seismic Safety Study under the following Geologic Hazards Categories (in decreasing order of project area): 51 (level mesas), 53 (level or sloping terrain), 52 (other level areas), 32 (low liquefaction potential) and 23 (Friars, slide-prone). No active or potentially active faults are mapped or known to occur within or adjacent to the project site, with the closest such structures located within offshore portions of the Rose Canyon Fault Zone approximately nine miles to the west. Pursuant to these criteria, however, the project would require a detailed geotechnical investigation.

A Geotechnical Investigation of the Mixed-Use Development site was conducted by Geocon, Inc. (Geocon) in July 1998, with updates provided in January and March 2003. A reconnaissance and supplemental geotechnical investigations were also conducted for the Camino Del Sur roadway extension (Geocon2000; 2001; 2003; and 2004). In addition, Geocon prepared an update letter and geotechnical summary report and response to geotechnical review comments on the Merge 56 Development Project (Geocon2014a, 2014b). As noted in these investigations, the project area is located in the coastal subprovince of the Peninsular Ranges Geomorphic Province, a region characterized by northwest trending structural blocks and intervening fault zones. The coastal subprovince in the San Diego area (also known as the San Diego Embayment) consists of a thick sequence of marine and non-marine sediments deposited during numerous sea level transgression-regression cycles (i.e., advances and retreats) over approximately the last 55 million years. More recent uplift and erosion in the San Diego region has resulted in the characteristic canyon and mesa

topography present today. In addition, the project area is within a broad seismically active region characterized by a series of northwest-trending faults associated with the San Andreas Fault System.

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 (Geocon2001). With respect to the public roads, the Camino Del Sur ROW is underlain by Quaternary-age, very old paralic deposits and the Tertiary-age Stadium Conglomerate and Friars Formation. The Quaternary-age, very old paralic deposits occur on the top of mesa ridges on the west side of the road ROW, the Stadium Conglomerate occurs under much of the ROW, while the Friars Formation occurs at elevations below 300 feet mean sea level (MSL) in the lower, eastern portion of the ROW near Darkwood Canyon. Landslide debris was noted east of and beyond the proposed road extension for the Camino Del Sur (GEOCON 2001). Zones of weakness within the Friars Formation can affect the stability of fill slopes and could require slope buttressing, if future detailed geotechnical investigations determine that such measures are needed to stabilize cut slopes (Geocon 2003).

While no shallow groundwater aquifers were observed during on-site geotechnical investigations, perched and/or seeping groundwater was encountered at depths of between approximately 2 and 50 feet below the surface in the northern and southwestern portions of the Mixed-Use Development site. During the rainy season, shallow perched groundwater conditions are present within the shallower alluvial deposits in tributary canyons along the road alignment.

With regard to seismic hazards, ground shaking, rupture and related effects such as lurching (i.e., the rolling motion of surface materials associated with passing seismic waves) can adversely affect surface and subsurface structures. No significant impacts related to seismic ground shaking or rupture (and related effects) are anticipated from implementation of the project based on the fact that majority of the project site exhibits low potential for seismically induced liquefaction and settlement, due to factors including the lack of static, shallow groundwater. In addition, potential impacts from strong ground motion associated with earthquake shaking would be reduced to an acceptable level of risk through compliance with the California Building Code. The mapped landslide deposits on Mixed-Use Development site are not vertically or horizontally extensive, and do not represent substantial geologic hazards; remedial grading in the form of complete removal and compaction is recommended in the project's geotechnical investigations prior to placement of fill or structures. To address slope stability, the July 1998 geotechnical investigation includes a number of recommendations regarding the design and construction of manufactured slopes, including the use of approved and properly compacted fill for the outer 15 feet of fill slopes; installation of permanent, drought-tolerant landscaping; use of properly designed, installed and maintained terrace drains; and observation of cut slope excavations by an engineering geologist. In addition, Geocon indicated that any temporary cut slopes related to buttressing and remedial grading would be stable along the segment of Camino Del Sur south of the Mixed-Use Development property (Geocon2003; 2004).

In terms of potential geological hazards related to erosion, project-related grading, excavation and construction activities would increase the potential for erosion and transport of material both within and downstream of the site. However, the project site would be subject to long-term erosion/ sedimentation controls under NPDES Municipal Permit Guidelines and the related City Storm Water Standards. Short-term (construction) erosion and sedimentation impacts would be addressed

through conformance with the NPDES General Construction Activity Storm Water Permit (General Construction Permit).

With regard to soil hazards, the presence of clay in on-site surficial materials could result in significant impacts from expansion and related structural damage. The project geotechnical study identifies the potential occurrence of expansive soils on site, and recommends a number of remedial options to address this potential hazard, such as selective grading (i.e., placing a cap of low-expansive material). Implementation of the recommendations and conformance with applicable guidelines (e.g., the California Building Code) would minimize and avoid potentially significant expansive soil impacts. The presence of shallow groundwater may require remedial measures to accommodate proposed grading, excavation and construction activities. Specific recommendations provided in the project geotechnical report include the use of subdrains and mixing of wet soils with drier material prior to use as fill. Implementation of these recommendations as part of final engineering and conformance with the California Building Code and other applicable regulatory standards would reduce risks related to soil hazards and result in less than significant impacts.

In August 2014, Geocon conducted a follow-up review of the current project design in the context of the previous investigations and their recommendations and concluded that it was their opinion that there are “no significant geologic or geotechnical factors that would require modification to the VTM or alignment of proposed public roadways.” They further stated that “no soil or geologic conditions were encountered that would preclude the development of the site as proposed, provided the recommendations of the report are followed.” Refer to Appendix H for copies of the various geologic investigations.

As noted above, a number of recommendations are provided in the referenced geotechnical analyses to address potential geologic hazards, including completion of a design-level (or detailed) geotechnical investigation prior to final engineering and during construction, as well as related plan review, subsurface exploration, laboratory testing, and field inspection/verification by the project geotechnical engineer during construction. These investigations would provide more detailed information regarding the engineering characteristics of on-site earth materials based on more detailed design details. From these data, site- and building-specific design recommendations would be identified for applicable geologic hazards to ensure conformance with associated regulatory and design requirements, including the California Building Code (California Code of Regulations [CCR] Title 24, Part 2), and City of San Diego Municipal Code (SDMC). Compliance with associated regulatory requirements would reduce risks related geologic hazards and result in less than significant impacts.

7.1.5 Health and Safety

The City Significance Determination Thresholds (2011) require that the environmental review process include steps to disclose and address the safe removal, disposal and/or remediation of hazardous materials in conformance with applicable federal, state and local government standards. The project would involve the use of some limited hazardous materials during construction. Contractors and appropriate construction workers would be educated about protective measures in handling and disposal of such materials. As a commercial, office, hotel and residential development, the project would not be anticipated to result in the routine transport, use or disposal of hazardous

materials. The project area also is not known to have been previously contaminated with hazardous materials (City 2003; 2006).

The City Significance Determination Thresholds (2011) also identify potential public safety/public health issues associated with projects that are: (1) located within and/or in close proximity to airports, flood-prone areas, or areas susceptible to brush fires; (2) susceptible to disease-carrying vector exposure, sewage spills, or electromagnetic field (EMF) effects associated with electric transmission lines and communications facilities; and (3) in proximity to former or active underground storage tank sites, fuel-storage tank farms, sewage treatment plants, or areas where toxic chemicals may be stored. The project site is over 5 miles north of MCAS Miramar and is not located within any mapped 100-year floodplains or other flood-prone areas (Federal Emergency Management Agency [FEMA] 2012). The project site would not contain or be in close proximity to any facilities susceptible to disease-carrying vectors, sewage spills, or EMF effects. The project site's proximity to designated open space makes it susceptible to wildland fires. However, the project design would adhere to all applicable fire code and brush management requirements, and the modified four-lane segment of Camino Del Sur would serve as a break between the planned development and undeveloped open space areas. In addition, none of the proposed structures would be within 100 feet of natural or open space areas; no brush management would be required in nearby open spaces. Therefore, less than significant health and safety impacts are identified.

7.1.6 Hydrology/Water Quality

The City Significance Determination Thresholds (2011) identify significant hydrologic impacts in association with: (1) substantial changes to stream-flow velocities or quantities; (2) modification of existing drainage patterns such that environmental resources, including biological communities or archaeological sites, would be adversely affected; (3) a net reduction of groundwater aquifer volumes or the area available for aquifer recharge; and (4) increased flooding in on- or off-site areas that would impose flood hazards on other properties or development wholly or partially within the 100-year floodplain identified on the FEMA maps. The referenced Significance Thresholds also note that compliance with applicable City (and related) Water Quality Standards is assured through permit conditions provided by Land Development Review (LDR) Engineering. Adherence to the City storm water standards is thus considered adequate to preclude water quality impacts, unless substantial evidence supports a fair argument that a significant impact will occur. Accordingly, conformance with the City storm water standards is the water quality significance threshold.

A number of drainage and water quality analyses have been conducted for (or encompass) the project site, including: a Preliminary Drainage Study for the previously approved Rhodes Crossing project (Latitude 33 2004); a Drainage Study for Camino Ruiz (aka Camino Del Sur), South of Carmel Mountain Road (Latitude 33 2001); a Drainage Study, Rhodes Crossing, Camino Del Sur & Carmel Mountain Road (Latitude 33 2006); a Drainage Study for the Merge 56 Vesting Tentative Map (VTM) (Chang Consultants 2015); a Hydromodification Management Feasibility Study for the Rhodes Crossing-Seabreeze Properties project (Latitude 33 2014); a Preliminary Storm Water Quality Management Plan (SWQMP) for the Merge 56 VTM (Latitude 33 2016c) a Hydromodification Management Feasibility Study for Rhodes Crossing, Seabreeze Properties (Latitude 33 2014c), and Priority Development Project Stormwater Quality Management Plan for the Merge 56 Development Project (Latitude 33 2016a) refer to Appendix G which contains all of the related studies.

The site is currently undeveloped and storm runoff surface flows primarily from east to west. The surface runoff enters either McGonigle or Deer Canyon, then continues westerly along McGonigle Canyon (i.e., McGonigle Canyon Creek) to Carmel Valley Creek, Los Peñasquitos Lagoon, and ultimately the Pacific Ocean. The southerly-most portion of the site along the extension of Camino Del Sur contains natural terrain that slopes southerly to southeasterly and ultimately directs runoff to Las Peñasquitos Creek. Deer Canyon, McGonigle Canyon Creek, Carmel Valley Creek, and the Pacific Ocean are not included on the 2010 303(d) list of water quality limited segments. However, Los Peñasquitos Lagoon is 303(d) listed for sedimentation/siltation and Los Peñasquitos Creek is listed for enterococcus, fecal coliform, selenium, total dissolved solids, total nitrogen as N, and toxicity (Latitude33 2016c).

According to the project drainage studies (Appendix G), post-development storm runoff from the site would increase by approximately 90 cfs for a 100-year storm (Chang Consultants 2015a). After the project site is developed, the majority of the property would continue to drain west and outlet into either McGonigle Canyon or Deer Canyon. Project implementation would not substantially alter the existing drainage patterns in the project area.

The project design includes a number of drainage facilities to accommodate identified runoff volumes and velocities within the site. Specifically, the project design for the Mixed-Use Development component of the project proposes a system of private storm drain pipes, structures and bio-filtration basins for drainage, designed in accordance with the City's Drainage Design Manual. The site is divided into drainage basins, which would flow to a combination of adjacent bio-filtration basins and other BMP devices (pending final infiltration testing during construction) for treatment and to an underground storage vault for flow control. The systems would then convey treated runoff via an 84-inch culvert beneath Camino Del Sur to the west into Deer Canyon. All project storm drain facilities would be designed to accommodate applicable storm flows (i.e., 50- and/or 100-year storm), and would be compatible with existing adjacent facilities, per the City of San Diego Drainage Manual and other applicable guidelines.

Post-construction storm water treatment best management practices (BMPs) for the northern portion of Camino Del Sur and Carmel Mountain Road would be constructed within the Mixed-Use Development site and include the construction of public storm drain lines to convey runoff to bio-filtration basins and other BMP devices (pending final infiltration testing during construction) for treatment and storage vaults for flow control. After being treated, runoff from the northern portion of the Camino Del Sur and Carmel Mountain Road would be conveyed to storage vaults within the Mixed-Use Development site and then discharged to the west into Deer Canyon, while runoff from the southern portion of Carmel Mountain Road and the middle of Camino Del Sur would be conveyed to a storage vault within the Mixed-Use Development site near the intersection of Camino Del Sur and Carmel Mountain Road, ultimately discharging into Deer Canyon. Runoff from the southern portion of Camino Del Sur would be conveyed to two bio-filtration basins situated in open space west of Camino Del Sur. Maintenance access roads designed using the minimum roadway width and length needed to provide safe access for maintenance crews and equipment would be provided to each of the basins, in accordance with the City's Drainage Design Manual.

The project would not involve the long-term extraction of groundwater for purposes such as consumption or irrigation, with any construction-related groundwater extraction (if required) to be

minor in duration and volume. The project would entail the construction of impervious surfaces that would slightly reduce local infiltration/recharge capacity, although the area involved would be minor.

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 (LID), source control, priority project, and treatment control best management practices (BMPs) for proposed development. Specifically, treatment control BMPs would consist of bio-filtration basins and other BMP devices (pending final infiltration testing during construction) and Storm Trap vaults (or equivalent) that would be used to treat and detain a majority of the runoff generated from the project site, as well as Camino Del Sur and Carmel Mountain Road. Bio-filtration basins located west of the Camino Del Sur road would treat runoff from the remaining roadway segments.

Based on the above discussion and additional related technical information contained in Appendix G, hydrology and water quality impacts would be less than significant.

7.1.7 Mineral Resources

The City Significance Determination Thresholds (2011) indicate that impacts to mineral resources are considered significant only in areas designated as Mineral Resource Zone (MRZ) 2 by the California Geological Survey (CGS, formerly the California Division of Mines and Geology [CDMG], 1996). Based on the Generalized Mineral Land Classification figure in the Conservation Element of the City General Plan, the project site and adjacent areas are within the MRZ 2 designation (City 2008a). MRZ 2 areas are where adequate information indicates that significant mineral deposits are present or where it is judged that a high likelihood for their presence exists. Because the site was designated for uses other than mineral resource extraction in the applicable planning documents, the potential loss of recoverable mineral resources is considered less than significant on a project-specific level (City 2003; 2006).

7.1.8 Public Utilities

According to the City's Significance Determination Thresholds, public utility impacts may be significant if the project would: (1) use excessive amounts of potable water; (2) use predominantly non-drought resistant landscaping and excessive water usage for irrigation and other purposes; (3) cause a significant increase in demand for public utilities; (4) result in direct impacts from the construction of new or expanded public utilities needed to serve the project; and/or (5) construct or demolish single-family/multi-family development of 50 units or more or construct or demolish a commercial structure(s) of 40,000 square feet or more.

With regard to the specific utility services affected by the project, the following discussion of water supply/conservation, water infrastructure, wastewater generation, wastewater infrastructure, storm drain infrastructure and solid waste disposal is provided.

Water Supply and Conservation

The City Public Utilities Department prepared a Water Supply Assessment (WSA) Report for the proposed project (City 2014b), which assessed whether sufficient water supplies are or would be

available to meet the projected water demands of the project. Under Senate Bill (SB) 610 (codified in the Water Code beginning at Section 10910), a WSA must be furnished to cities and counties for inclusion in any environmental documentation of projects (defined in the Water Code) that propose to construct 500 or more residential units, or that will use an amount of water equivalent to what would be used by 500 residential units, and are subject to the California Environmental Quality Act (CEQA). Under SB 221, approval by a city or county of certain residential subdivisions requires an affirmative written verification of sufficient water supply or water supply verification (WSV). The WSA evaluated the City's ability to provide water supplies to the proposed project during normal water supply year, a single-dry year, and multiple-dry water years over a 20-year projection period, in addition to existing and planned future water demands of the City. The project's WSA is contained in Appendix I of this EIR.

The City currently purchases approximately 85 to 90 percent of its water from the San Diego County Water Authority (Water Authority), which supplies the water (raw and treated) through two aqueducts consisting of five pipelines. While the City imports a majority of its water, it uses three local supply sources to meet or offset potable demands: local surface water, conservation, and recycled water. Despite these additional sources, the availability of sufficient imported and regional water supplies to serve existing and planned uses within the City service area is dependent on the water supply reliability of MWD and the Water Authority. The project's WSA was prepared in compliance with the requirements under SB 610 in consultation with Development Services Department, the Water Authority and the Metropolitan Water District of Southern California (MWD).

A foundational document for compliance for both SB 610 and SB 221 is the Urban Water Management Plan (UWMP) of the relevant water agency (i.e., Water Authority and MWD). Both of these statutes repeatedly identify the UWMP as a planning document that can be used by a water supplier to meet the standards set forth in both statutes. The City of San Diego's 2010 UWMP, which is used as the basis for the project's WSA, was adopted by the San Diego City Council in June 2011.

As demonstrated in the WSA, prepared using the City's and Water Authority's 2010 UWMP which is based upon San Diego Association of Governments (SANDAG) Series 12 Forecast land use, there would be sufficient water planned to supply the Project's estimated annual average usage. The projected water demands of the project are 159,953 gallons per day (gpd) or 179 acre feet per year (AFY). In the City's 2010 UWMP, the planned water demands of this project site are 95,744 gpd or 107 AFY. The remaining portion of the estimated 64,209 gpd or 72 AFY is accounted for through the accelerated forecasted growth (AFG) demand increment of the Water Authority's 2010 UWMP. The demand associated with accelerated forecasted residential development is intended to account for SANDAG's land-use development currently projected to occur between 2035 and 2050, but has the likely potential to occur on an accelerated schedule. SANDAG estimates that this accelerated forecasted residential development could occur within the planning horizon (2010 to 2035) of the 2010 UWMP. As documented in the Water Authority's 2010 UWMP and affirmed in subsequent correspondence (City 2015a), the Water Authority is planning to meet future and existing demands which include the demand increment associated with the AFG. The purpose of the AFG component of the demand forecast is to estimate, on a regional basis, additional demand associated with projects not currently included in the local jurisdictions' General Plans and plan for sufficient

regional supplies to reliably meet the demand of those projects. According to the Water Authority, the Mixed-Use Development component of the project meets the criteria for the AFG components of the 2010 UWMP and they are planning to have the water supplies to reliably meet the project's water demands. In addition, recycled water would be made available in the project area as a result of the installation of a 24-inch public recycled water line in Camino Del Sur as part of the project, partially offsetting the demand attributable to the Mixed-Use Development component of the project. Therefore, current and future water supplies, as well as the actions necessary to develop these supplies, have been identified in the water resources planning documents of the City's Public Utilities Department, the Water Authority, and the MWD to serve the projected demands of the Mixed-Use Development component of the project, in addition to existing and planned future water demands of the City. Less than significant impacts to water supply are identified for the project.

Water Infrastructure

Backbone water facilities for the project area, including the Rhodes Crossing project, were first identified and sized in the Water System Analysis for Torrey Highlands Subarea IV (Wilson Engineering 1999). In 2014, a Water Study Update Letter was prepared by Latitude 33 to address the proposed changes in site plan and land uses (i.e., CPA) associated with the Mixed-Use Development. Using the Water System Analysis for Torrey Highlands Subarea IV, the maximum daily demand of 333,656 gallons per day (gpd) and a peak hour demand of 667,313 gpd is projected for the project. The project would decrease the water demand by 36 percent from approved levels (Latitude 33 2014a). The proposed water service facilities, therefore, would implement the adopted regional water system described in the Water System Analysis for Torrey Highlands.

A 10-inch diameter potable water line would be extended on site from the closest points of connection within Carmel Mountain Road and Camino Del Sur. In addition, a 16-inch public water main and 24-inch diameter public recycled water line would be installed in the Camino Del Sur right-of-way (ROW). A 16-inch public water main and 8-inch diameter public recycled water line would be constructed within the Carmel Mountain Road ROW. No off-site pipeline upsizing or additional construction of new water facilities would be required for project implementation. The proposed water system has been designed based on the criteria contained in the City's Water Design Guide, including applicable requirements related to pressure, fire flows and reliability. Accordingly, project-related impacts to water infrastructure would be less than significant.

Wastewater Generation (Sewer)

According to the Preliminary Sanitary Sewer Study for the project (Latitude 33 2003), the flows would be conveyed to existing off-site sewer systems via five access points. Sewage from the northern portion of the site would ultimately flow to the Carmel Valley Trunk Sewer, while the remainder of the project's sewage would flow to the Peñasquitos Bluffs Trunk Sewer. The required improvements were identified by the Sewer System Analysis for Torrey Highlands Subarea IV (Wilson Engineering 1999b). According to the regional Sewer System Analysis, several reaches of the Carmel Valley Trunk Sewer would exceed their design capacity as a result of ultimate buildout of Torrey Highlands. An upgrade to the Carmel Valley Trunk Sewer line was completed by others in 2008; the upgrade factored in flows from the Rhodes Crossing property. The Wilson Engineering study determined that no upgrade would be necessary to the existing Peñasquitos Bluffs Trunk Sewer to serve the Torrey Highlands Subarea IV area.

In 2014, a Sewer Study Update Letter was prepared by Latitude 33 to address the proposed changes in site plan and land uses (i.e., CPA) associated with the Mixed-Use Development. The commercial development and multi-family units would produce an average daily flow of 0.180 cubic feet per second (cfs) (peak flow of 0.720 cfs) and be tributary to the 10-inch sewer line at Camino Del Sur and Torrey Santa Fe Road, while the single family units would produce an average daily flow of 0.036 cfs (peak flow of 0.144 cfs) and be tributary to the 12-inch sewer at the south connection of Camino Del Sur. The project would result in a decrease in the average daily flow and peak flow for 10-inch sewer line at Camino Del Sur and Torrey Santa Fe (by 46 percent and 29 percent, respectively), while the flows within the 12-inch sewer at the south connection of Camino Del Sur would increase (by 9 percent and 8 percent, respectively) (Latitude 33 2014b). Despite these projected changes in wastewater flows, the sewage would be adequately conveyed in the sanitary systems to which the project would be connecting. Accordingly, project-related impacts to wastewater generation would be less than significant.

Wastewater Infrastructure

A 10-inch diameter public sewer line is proposed in the Camino Del Sur ROW from the development site to the nearest point of connection in the existing Camino Del Sur. An 8-inch diameter public sewer line would be constructed beneath the off-site section of Carmel Mountain Road associated with the project. The described on-site facilities would connect with existing off-site sewer lines, and no off-site pipeline upsizing or construction of new wastewater facilities would be required. All proposed on-site wastewater infrastructure modifications would be designed and sized in conformance with applicable City standards. Accordingly, project-related impacts to wastewater infrastructure would be less than significant.

Storm Water Infrastructure

The project would construct a new storm drain system in conjunction with the development and road improvements. All storm drain improvements to meet proposed project drainage requirements would conform with applicable City standards. The bio-retention basins would be placed outside the ROW for Camino Del Sur and Carmel Mountain Road, as described above under *Hydrology/Water Quality*. The Preliminary Drainage Study for Rhodes Crossing (Latitude 33 2004) evaluated existing downstream storm drains to evaluate their ability to accommodate runoff from the project site (including storm drains assumed to be installed within SR-56, Carmel Mountain Road and Camino Del Sur). The results of this analysis indicated that all evaluated storm drains would accommodate project runoff, with one exception. A proposed 18-inch storm drain flowing east from the southern portion of the site (Unit 3) and connecting with an existing storm drain in an off-site portion of Camino Del Sur would not be adequate to accommodate existing plus project 50-year flows (14.4 cfs, see Appendix G). The proposed road design addresses the impact by proposing a larger diameter storm drain pipe. The physical impacts of those drainage improvements are within the project footprint analyzed in this EIR; no off-site upgrades of existing stormwater facilities are required to serve the project. Accordingly, project impacts related to storm water drainage would be less than significant.

Solid Waste Disposal

Projects that include the demolition, construction, and/or renovation of 1,000,000 sf or more of building space may generate 1,500 tons of waste or more and would have the potential for a direct impact on solid waste facilities. Projects that include the construction, demolition and/or renovation of 40,000 sf or more of building space may generate 60 tons of waste or more and could have a cumulative impact on solid waste facilities. Based on these criteria, the Mixed-Use Development, which would involve the construction of more than 40,000 sf of new building area, would have the potential to result in a significant cumulative impact related to the generation and disposal of solid waste. Accordingly, a Waste Management Plan (WMP) was required by the City and prepared for the project to address solid waste reduction requirements pursuant to Assembly Bill (AB) 939 and related SDMC standards (Latitude 33 2015b; Appendix J to this EIR). The City SDMC standards and various ordinances require projects to have storage for recyclable materials to encourage their diversion from the landfill; recycling of plastic and glass bottles and jars, paper, newspaper, metal containers and cardboard; and recycling/diversion of construction and demolition debris. The project WMP incorporates these requirements and evaluates waste reduction efforts associated with the pre-construction, demolition/construction, and operational phases of the proposed development, as summarized below.

Project construction would produce approximately 1,805 tons of solid waste, and the contractor would be required to segregate waste and recycle to achieve the 75 percent diversion rate mandated by the City's Construction and Demolition (C&D) Ordinance. Based on estimates in the WMP, the project is projected to achieve a 79 percent diversion of construction waste, while an estimated 372 tons of construction-related waste would end up going to a landfill for disposal.

Approximately 377 tons of solid waste are expected to be generated during project occupancy. In order to continually reduce waste delivered to the landfill during the lifetime of the project, trash, recycling, and green waste bins would be provided throughout the development. Information would be provided to residents to encourage recycling of all paper products, cardboard, glass, aluminum cans, recyclable plastics, and yard waste. Compliance with the City's storage and recycling ordinances would minimize the amount of solid waste disposed in local landfills.

Based on implementation of the approved project WMP as part of, and in conformance with, applicable regulatory requirements (including the SDMC), project-related cumulative impacts associated with solid waste generation/disposal would be less than significant.

7.1.9 Public Services and Facilities

The City Significance Determination Thresholds (2011a) state that public services and facilities impacts may be significant if the project would: (1) conflict with the Community Plan in terms of the number, size, and location of public service facilities; and/or (2) result in direct impacts from construction of proposed new public service facilities needed to serve the project. In accordance with Sections 15126.2(a) and 15382 of the State CEQA Guidelines, impacts related to public services are evaluated in light of whether the impact would result in a physical change in the environment. For example, the need to add staff or equipment to meet a future need would only be considered a significant environmental impact if it would precipitate the need to construct a new facility which could result in a physical change in the environment. If the additional staff and equipment can be

housed within existing buildings, no physical change would result and no environmental impact would occur. Where additional facilities may be required but the location or extent of such a facility is unknown, Section 15145 of the State CEQA Guidelines states that potential impacts need not be specifically addressed in an EIR if the assumptions needed to analyze potential effects are too speculative. In all cases, the project would be required to pay applicable impact fees prior to the issuance of building permits, in accordance with the adopted Public Facilities Financing Plan (PFFP).

Fire and Emergency Services

The project site is located within the City Fire-Rescue Department service area for fire protection and emergency medical services. The City has 47 fire stations protecting more than 330 square miles and over 1.3 million residents. The City Fire-Rescue Department uses the Citygate Report to address the deployment of fire resources within the jurisdiction. Specifically, this includes: (1) the initial response of fire suppression recourse, consisting of a four-person engine company, within four minutes; and (2) an effective fire force, consisting of 15 firefighters, within eight minutes. The Fire-Rescue Department goal is one firefighter per 1,000 citizens, with current staffing at 0.7 firefighter per 1,000 residents (Citygate 2011). San Diego County Emergency Medical Services Policy requires two paramedics respond to all 911 life threatening calls. Ambulances are staffed with one emergency medical technician (EMT) and one paramedic, and fire engines (first responders) have a minimum of one firefighter/paramedic on board. First responders provide full paramedic care and augment ambulance staffing during transport of critical patients.

Based on the Citygate Report, the City adopted the performance measure that first due-units to treat medical patients and control small fires should arrive within 7.5 minutes 90 percent of the time from the receipt of the 911 call in fire dispatch (Citygate 2011). This equates to a one-minute dispatch time, 1.5-minute company turnout time and five-minute drive time in the most populated areas. To confine fires near the room of origin, to stop wildland fires to under three acres when noticed promptly, and to treat up to five medical patients at once, a multiple-unit response of at least 17 personnel should arrive within 10.5 minutes from the time of 911 call receipt in fire dispatch 90 percent of the time. This equates to a one-minute dispatch time, 1.5-minute company turnout time, and eight-minute drive time spacing for multiple units in the most populated areas.

Fire Station 40, at 13393 Salmon River Road, serves the Rancho Peñasquitos area and is the nearest station to the project site. This station is equipped with one engine, one truck and one brush rig, and is located approximately 2.3 miles from the site. Fire Station 42 serves Carmel Mountain Ranch and its surrounding areas and is located approximately 6.5 miles from the site at 12110 World Trade Drive, and is equipped with one engine (City 2014). Response times to the project area currently average 7 minutes and 38 seconds for medical calls and 8 minutes for structure fires (City 2014c). Station 40 achieves the 7.5-minute response goal approximately 42 percent of the time for medical calls and 31 percent of the time for structure fire incidents (City 2014).

Implementation of the project would require fire and emergency medical services, as it would increase the potential for local fire (i.e., structural and vegetation fire suppression) and/or emergency (e.g., medical, hazardous materials, or casualty) calls. The project would result in some increases in fire and emergency medical service calls (amounting to 14 to 17 additional seconds of response within Station 40's service area), the City Fire-Rescue Department indicated that the average response time from Fire Station 40 would continue to exceed their 7.5-minute time target

with the project in place while city-wide performance would decrease by 3 seconds as well (City 2014c). However, the project would not require the construction of new public service facilities related to fire or emergency medical services; nor would it conflict with the Torrey Highlands Subarea Plan in terms of the number, size, and location of existing or proposed fire and emergency medical service facilities. Furthermore, the City's Significance Determination Thresholds (2011) require large and small developers to contribute to the construction of new facilities through the mandatory payment of FBA fees as conditions of project approvals to address capital costs of Fire-Rescue services. Therefore, potential project-related impacts to Fire-Rescue services and facilities would be less than significant.

Police Protection Services

Police protection is provided by the City of San Diego Police Department (SDPD). The General Plan identifies the Police Facilities Plan as the resources document for SDPD standards. The City is presently staffing 1.34 sworn officers per 1,000 residents, which is below the established citywide goal of 1.48 officers per 1,000 residents (City 2008b). The SDPD currently utilizes a five-level priority dispatch system, with the following priority call categories; E (Emergency), One, Two, Three, and Four (lowest priority). The calls are prioritized by the phone dispatcher and routed to radio operators for dispatch to field units. The priority system is designed as a guide, allowing discretion by phone and radio dispatchers to raise or lower the call priority based on specific conditions. Priority E and One calls involve serious crimes in progress, or those with a potential for injury. Priority Two calls include vandalism and property crimes. Priority Three includes calls after a crime has been committed, such as burglaries and noise complaints (e.g., loud music and dogs barking). Priority Four calls include nuisance calls, such as parking complaints or lost and found reports (City 2015c).

Police service for the project site is provided by the Northeastern Division of the SDPD, located at 13396 Salmon River Road, and the Northwestern Division, located at 12592 El Camino Real. The site is located on Beats 233 and 936. The Northeastern Division is currently staffed with 69 sworn personnel and one civilian employee, while the Northwestern Division is currently staffed with 66 sworn personnel and one civilian employee (City 2015c). The project site is within the boundaries of Police Beat 233, with the following average response times identified for Beat 233 in 2014; 7.2 minutes for Emergency calls, 13.2 minutes for Priority One calls, 25.8 minutes for Priority Two calls, 53.8 minutes for Priority Three calls, and 72.1 minutes for Priority Four calls. The 2014 response times for Beat 936 were; 7.3 minutes for Emergency calls, 11.6 minutes for Priority One calls, 16.2 minutes for Priority Two calls, 42.3 minutes for Priority Three calls, and 45.1 minutes for Priority Four calls. Based on the noted information, response times to the project site currently meet established criteria in the General Plan for all calls. By comparison, the citywide averages for response times in 2014 were 6.8 minutes for Emergency calls, 12.5 minutes for Priority One calls, 29.2 minutes for Priority Two calls, 73.5 minutes for Priority Three calls, and 72.6 minutes for Priority Four calls (City 2015c).

With regard to police protection services, the project would require police protection services, as it would increase the potential for local emergency or criminal activities that may necessitate police involvement. There are no current plans for additional police substations in the project area and the SDPD anticipates that response times would continue to increase with the buildout of community plans and the increase in traffic associated with that growth. While the project may result in some minor increases in response times for police services, it would not require the construction of new public service facilities related to police services; nor would it conflict with the Torrey Highlands

Subarea Plan in terms of the number, size, and location of existing or proposed police service facilities

Based on recommendations by the SDPD, the project design would include a Crime Prevention Through Environmental Design (CPTED) review to identify potential crime and disorder threats and suggest related design changes prior to project construction. CPTED guidelines include the review and evaluation of common design elements such as streets and sidewalks, building façades and access, public facilities, parking areas, landscaping, fencing and gates, loading and unloading docks, and emergency access. Implementation of CPTED design features would reduce demands for police services.

Therefore, potential project-related impacts to police services and facilities would be less than significant.

7.2 GROWTH INDUCEMENT

7.2.1 Introduction

In accordance with Section 15126(d) of the State CEQA Guidelines, an EIR must include an analysis of the potential growth-inducing impacts of the project. The growth inducement analysis must address: (1) the ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly in the surrounding environment; and (2) the potential for the project to encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. This second issue involves the potential for the project to induce further growth by the expansion or extension of existing services, utilities, or infrastructure. The State CEQA Guidelines Section 15126.2(d) further state that “[i]t must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.”

The Mixed-Use Development component of the project is part of the larger Torrey Highlands Subarea Plan and includes road improvements identified in both the Subarea Plan and the Rancho Peñasquitos Community Plan. In order to control growth in this portion of the City, voter approval was needed to change Torrey Highlands from “Future Urbanizing Area” to a “Planned Urbanizing Area” under the City’s General Plan (i.e., called the *Progress Guide and General Plan* at the time of the shift). The phase shift was considered appropriate based on the opportunities it presented for implementing the City’s goals for affordable housing, preservation of environmental lands, and providing for a Joint Operations Center and other public facilities. The phase shift was approved by the voters in November 1996. The Subarea Plan EIR (City 1996b) relied on the NCFUA Framework Plan EIR’s (City 1992b) determination that growth inducement would occur, and concluded that there were no features of the Subarea Plan that would increase the growth-inducing effects over those previously anticipated.

7.2.2 Short-term Effects

During project construction, demand for various construction trade skills and labor would increase. It is anticipated that this demand would be met predominantly by the local labor force, and would not require importation of a substantial number of workers or cause an increased demand for

temporary or permanent local housing. Accordingly, no associated substantial short-term growth-inducing effects would result.

7.2.3 Long-term Effects

The project would contribute to the previously identified long-term growth-inducing impacts identified in the Rhodes Crossing EIR, Subarea Plan EIR and NCFUA Framework Plan EIR, through the development of commercial and residential uses and the extension of public roads. These uses would generally be in accordance with the adopted plans, although (1) the mix of commercial uses is different than originally anticipated with office uses proposed in addition to community commercial; and (2) the range of residential housing types is greater compared to the multi-family residential approved under the Rhodes Crossing project. No increase would occur in the number of residential units constructed on site; only the type of units would change.

Another important factor in assessing the potential for growth inducement is the status of the surrounding lands. Most lands surrounding the project are: (1) already developed; (2) currently processing development applications in accordance with the adopted planning documents; or (3) identified for preservation as open space. Thus, they would not be pressured to increase existing densities due to either job opportunities or the relatively higher density of uses proposed for the project site.

Extension of Camino Del Sur and Carmel Mountain Roads would complete the planned circulation system in the communities and link existing buildout areas to the north and south of the project site. The roads would be sized to accommodate long-term traffic volumes projected in the project area (LLG 2015). As part of the road extensions, both sewer and water infrastructure would be installed within their ROWs to serve the project site. Beyond those extensions, no expansion of existing utility systems would be required to service the project area. In addition, very few parcels of developable land remain undeveloped in this portion of the City. Therefore, extension of the public roads and utilities would not open up a new area for development beyond levels already anticipated in adopted plans.

Long-term growth inducing impacts of the project would be less than significant.

7.3 SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

Based on the analysis contained in Section 5.0, *Environmental Analysis*, the project would result in potentially significant impacts to Land Use, Transportation/Circulation, Biological Resources, Historic Resources, Paleontological Resources and Visual Effects/Neighborhood Character, ~~Noise and Greenhouse Gas Emissions~~. All direct and cumulative project impacts would be mitigated to below a level of significance through implementation of mitigation measures identified in this EIR, except for cumulative impacts to Transportation/ Circulation and ~~Greenhouse Gas Emissions~~ direct impacts to Visual Effects/Neighborhood Character (natural landforms). Specific significant impacts which cannot be mitigated below significance if the project is implemented are discussed below.

7.3.1 Transportation/Circulation (Cumulative)

As discussed in Section 5.2, *Transportation/Circulation*, no significant direct impacts would occur as a result of the project. Cumulatively significant impacts to intersections, street segments, and freeway segments would occur at the following study area locations under Year 2035 conditions with the project:

Intersections

- Camino Del Sur / SR-56 Westbound Ramps
- Camino Del Sur / SR-56 Eastbound Ramps
- Carmel Mountain Road / Black Mountain Road
- Black Mountain Road / SR-56 Westbound Ramps
- Black Mountain Road / SR-56 Eastbound Ramps
- Black Mountain Road / Park Village Road

Street Segments

- Black Mountain Road from SR-56 EB Ramps to Park Village Road
- Black Mountain Road from Park Village Road to Mercy Road

Freeway Mainlines

- SR-56 from Carmel Valley Road to Camino Del Sur: Eastbound
- SR-56 from Carmel Valley Road to Camino Del Sur: Westbound
- SR-56 from Camino Del Sur to Black Mountain Road: Eastbound
- SR-56 from Camino Del Sur to Black Mountain Road: Westbound

Although improvements identified in the Torrey Highlands PFFP and Rancho Peñasquitos PFFP are required to mitigate cumulative impacts, not all of the impacts can be fully mitigated due to the timing of the required improvements, the availability of funding or possibility that an improvement may not be implemented as discussed in detail in Section 5.2, *Transportation/Circulation*, of this EIR. Therefore, cumulative impacts to local intersections, street segments and freeway segments would be significant and unavoidable until such time as the street segments and freeway improvements are implemented.

7.3.2 Visual Effects/Neighborhood Character (Direct)

The public roads component of the project would also result in the disturbance of steep slopes by changing the elevation of steep hillsides by more than five feet. These impacts would be reduced to the extent feasible through the construction of a series of retaining walls. However, even with these minimization measures, the impact on existing natural landforms within the right-of-way of Camino Del Sur would be considered significant and unavoidable, as discussed in Section 5.8, *Visual Effects/Neighborhood Character*.

7.4 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126(c) of the State CEQA Guidelines requires an evaluation of significant irreversible environmental changes which would occur should the project be implemented. Irreversible environmental changes typically fall into three categories: (1) primary impacts, such as the use of nonrenewable resources (i.e., biological habitat, agricultural land, mineral deposits, water bodies, energy resources and cultural resources); (2) secondary impacts, such as road improvements which provide access to previously inaccessible areas; and (3) environmental accidents potentially associated with the project. Section 15126.2(c) of the State CEQA Guidelines states that irretrievable commitments of resources should be evaluated to assure that current consumption of such resources is justified.

Implementation of the project would not result in significant irreversible impacts to agricultural and forestry lands, mineral resources, or historic resources. The project site is currently vacant and designated for commercial and residential uses, and therefore, contains no agricultural or forestry resources. Although mineral resources deposits (i.e., MRZ-2) underlie the site, the property is planned for other uses and public roads and the loss of recoverable mineral resources is not considered significant on a project-specific level. In addition, no water bodies are located on the project site or within the project vicinity that would be impacted by the project.

The project would entail the commitment of energy and non-renewable resources, such as energy in the form of electricity, energy derived from fossil fuels, natural gas, construction materials (i.e., concrete, asphalt, sand and gravel, petrochemicals, steel, and lumber and forest products), potable water, and labor during the construction phases. The project features a number of sustainability elements to minimize its consumption of energy and non-renewable resources, as described in Section 7.1.3, *Energy*. However, use of these resources on any level would have an incremental effect on the regional consumption of these commodities, and therefore result in long-term, irretrievable losses of non-renewable resources, such as fuel and energy.

Existing on-site natural resources would be removed as a result of project grading and planned improvements. This would include the incremental loss of undeveloped land/open space, as well as the long-term displacement of native habitats and species on approximately 70 acres of sensitive habitat, including eight vernal and two road pools. The removal of native habitats, including direct impacts to eight sensitive wildlife species including San Diego fairy shrimp and coastal California gnatcatcher, would be an irreversible loss of biological resources. Although irreversible, these impacts would be mitigated by measures outlined in Section 5.3, *Biological Resources*, and through agreements made with the resource agencies as part of the permit process.

Although the known historical resources in the study area are not considered significant, construction of the project has the potential to disturb currently unknown historical deposits. Such impacts would not be reversible. They would, however, be mitigated to below a level of significance as described in Section 5.4, *Historical Resources*, and recovery of resources would occur during the construction monitoring process.

Paleontological resources which could be disturbed would be salvaged, as necessary, and data recovered. Impacts to paleontological resources would result in a significant irreversible change to a non-

renewable resource. Significant impacts associated with paleontological resources would be mitigated to below a level of significance as described in Section 5.5, *Paleontological Resources*.

The project would not involve any kind of road or highway improvements that would provide access to previously inaccessible areas. Further, no major environmental accidents or hazards are anticipated to occur as a result of project implementation, as discussed in Section 7.1.6, *Health and Safety*.

8.0 PROJECT ALTERNATIVES

8.1 INTRODUCTION

In considering the appropriateness of a project, CEQA requires that a discussion of alternatives to the project be provided. Specifically, Section 15126.6(a) of the State CEQA Guidelines states that an EIR shall “[d]escribe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” Section 15126.6(f) further states that “The range of alternatives required in an EIR is governed by a ‘rule of reason’ that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice.” Thus, the following discussion focuses on those alternatives that are capable of reducing or eliminating significant environmental impacts, even if they would impede the attainment of some project objectives, or would be more costly. In accordance with Section 15126.6(1) of the State CEQA Guidelines, the factors that may be taken into account when addressing the feasibility of alternatives include: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) General Plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the proponent can reasonably acquire, control, or otherwise have access to an alternative site.

In accordance with State CEQA Guidelines Section 15126.6(d), this section presents potential alternatives to the project and includes “[s]ufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” An outline of the objectives and potentially significant impacts identified for the proposed project is provided below in Section 8.2, followed by a summary evaluation of alternatives considered but rejected as infeasible in Section 8.3 (per State CEQA Guidelines Section 15126.6(c)). The evaluation of individual alternatives is provided in Sections 8.4 through 8.7, with summary of the project alternatives and identification of the environmentally superior alternative outlined in Section 8.8. A matrix comparing the alternatives analyzed in detail is provided thereafter.

8.2 SUMMARY OF PROJECT OBJECTIVES AND SIGNIFICANT EFFECTS

In developing the alternatives to be addressed in this section, consideration was given to their ability to meet most of the basic goals and objectives of the project. These goals and objectives are identified in Section 3.0, *Project Description*, of this EIR and include the following:

1. Develop a project that is consistent with the primary goals and objectives of the General Plan, Subarea Plan, Community Plan, applicable City regulations, and existing and planned surrounding land uses;
2. Develop a mixed-use center wherein community-serving retail, office and residential uses are constructed instead of a standard commercial center, self-storage facility and medium high-density residential that was envisioned in the Community Plan;
3. Develop a project that places larger structures and more intensive uses along the freeway frontage and sets back the lowest density residential as far as possible from the freeway;

4. Provide a range of residential housing types to meet the needs of existing and future City residents;
5. Develop affordable housing units to satisfy the City's housing needs identified in the Housing Element of the Torrey Highlands Subarea Plan and General Plan;
6. Provide commercial and office uses to create professional/administrative employment opportunities with convenient freeway access, within walking distance of residential housing, as well as retail, restaurant and entertainment services;
7. Use sustainable architectural, landscaping and site design elements and materials to create a pedestrian-oriented community featuring active retail spaces, public gathering places, and landscaped areas linked by pedestrian pathways and bicycle lanes;
8. Locate uses and their parking fields to enable and encourage 'park once' solutions to people visiting more than one retail or office space, as well as minimize the amount of empty parking spaces at low demand times by sharing parking amongst compatible users;
9. Minimize surface parking fields and integrate parking into structures to minimize their visibility from public vantage points within the community and improve the streetscape appearance;
10. Implement the Circulation Element connections in of the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan, in accordance with the adopted Public Facilities Financing Plan;
11. Reclassify two Circulation Element Roads in the project area to balance the environmental impacts of road construction with the traffic capacity and circulation needs of the communities;
12. Convey traffic volumes anticipated at buildout of surrounding development areas at acceptable levels of service; and
13. Provide for new trail connections that offer linkages with existing and future trails recognized in the applicable planning documents.

Based on the information contained in Section 5.0, *Environmental Analysis*, the project would result in significant but mitigable direct and indirect impacts to transportation/circulation, biological resources, historical resources, and paleontological resources, ~~and noise~~. Significant and unmitigated cumulative impacts to transportation/circulation are identified in the environmental analysis, as well as significant and unavoidable impacts to visual effects/neighborhood character (related to grading of natural landforms). The project alternatives evaluated below are intended to avoid or substantially lessen one or more of these potentially significant project impacts and does not discuss those environmental topics studied in detail for which the project would result in less than significant impacts (outlined in Section 7.0, *Effects Found Not to be Significant*).

After describing each alternative, this EIR evaluates the degree to which the alternative would implement the project objectives as stated below, as well as the environmental impacts of the alternative. In accordance with State CEQA Guidelines Section 15126.6(d), this EIR includes “sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” CEQA also requires EIRs to identify the environmentally superior alternative from among the alternatives (including the proposed project).

It should be noted that CEQA does not compel a Lead Agency to adopt an alternative that is less environmentally damaging than the proposed project, but only to identify feasible alternatives that could avoid or substantially lessen the project's significant environmental effects. The State Legislature declared in CEQA that “in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof” (Public Resources Code Section 21002).

8.3 ALTERNATIVES CONSIDERED BUT REJECTED

The following alternatives were considered but rejected in the Rhodes Crossing and Camino Del Sur EIRs and the analyses are applicable to the Merge 56 Development Project and incorporated by reference herein (City 2005; 2006). For the same reasons given in the prior EIRs, the alternatives are considered and rejected for the proposed project in this EIR, as summarized below. In addition, alternatives considered but rejected as part of the Merge 56 Development Project review process are also described in this section.

8.3.1 Alternative Development Location

Off-site alternatives should be considered if development of another site is feasible and if development of another site would substantially lessen or avoid the significant impacts of the proposed project. Factors that need to be considered when identifying an off-site alternative include the size of the site, its location, the General Plan (or other applicable planning document) land use designation and availability of infrastructure. The project is located within Rancho Peñasquitos and Torrey Highlands communities. Rancho Peñasquitos is virtually built out and Torrey Highlands is rapidly urbanizing. Most of the properties of similar size and proximity to SR-56 have recently processed and under construction or are currently processing development approvals, and do not include a commercial use designation as intended by project objectives 3 and 7. There are no other available parcels of similar size and with the LMXU land use designation in the Torrey Highlands or Rancho Peñasquitos communities that would allow for a mix of uses similar to what is proposed for the Mixed-Use Development component of the project. An off-site alternative was, therefore, rejected from further consideration.

8.3.2 Alternative Road Location

This alternative would involve the construction of Camino Del Sur in a different location than proposed as a means to avoid project-specific impacts. One of the key project objectives is to connect the existing segments of Camino Del Sur already in place to the north and south, consistent with the adopted plans for the communities (see project objective 10). If the project were sited in an alternative location, it would not meet this objective because the unbuilt segment of Camino Del Sur cannot vary greatly in its location within the approved alignment and designated

right of way (ROW). Furthermore, relocating the proposed roadway would not comply with the policies in the applicable planning documents, which call for the extension of Camino Del Sur in the proposed location where it would not impact existing residential uses and would minimize its intrusion into nearby open space. Furthermore, because the north and south ends of the road are fixed, the ability of the road to vary within its studied alignment is limited due to the need to satisfy design criteria in the City's Street Design Manual regarding horizontal/vertical distances, grades and speed ratings. This alternative was, therefore, rejected from further consideration.

8.3.3 Complete Wetland Avoidance Alternative

As part of the Rhodes Crossing project review, an analysis was conducted to determine project feasibility and effect on wetland functions and values if wetland areas (as defined by the Corps, CDFW and City) were completely avoided. This analysis also included provision of a 100-foot buffer from all wetland areas, in accordance with the City's Biology Guidelines in place at the time of the project's environmental review. Avoidance of City-defined wetlands would improve the project's compliance with the ESL Regulations. Figure 5.3-2 illustrates the locations of the jurisdictional areas within the Merge 56 Development Project footprint.

However, the analysis found that with complete avoidance and a 100-foot buffer around all jurisdictional areas, including City/Corps/CDFW wetlands, development of the project would not be feasible for three primary reasons (City 2006). First, this alternative would reduce development in the southeast quadrant of the Carmel Mountain Road/Camino Del Sur intersection, because the 100-foot buffer from vernal pools would leave less developable area. Second, a 100-foot buffer around all vernal pools and preserved wetlands would reduce the overall number of lots and make it virtually impossible to provide appropriate local street access or utilities to the remaining lots. Finally, a 100-foot wetland buffer would prevent the public roads from being extended as envisioned in the Subarea and Community plans because Carmel Mountain Road and Camino Del Sur are situated within 100 feet of the vernal pools and cross jurisdictional areas. Redesign to avoid the buffers would not be feasible due to the need to link with existing built portions of the roads, as well as the need to comply with the City's Street Design Manual regarding horizontal and vertical sight distances. For these reasons and the fact that it would not achieve most of the project objectives, complete avoidance of jurisdictional areas and provision of a 100-foot buffer as suggested in this alternative would make the project infeasible. Therefore, the Complete Wetland Avoidance Alternative was rejected from further consideration.

8.3.4 Alternative Road Designs

Initially, the Camino Del Sur and Carmel Mountain Road designs consisted of four-lane major roadways, as previously proposed by the City and consistent with their classifications in the Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan (City 1993, 1996a). As such, several different design configurations of the four-lane major roadway were studied in the Camino Del Sur EIR, including the use of a tunnel, bridge and a twisting alignment (City 2006). In each case, the purpose of the alternative was to minimize impacts to sensitive biological resources and naturally-occurring steep slopes. The tunnel configuration would have resulted in greater impacts to biological resources and steep slopes than the previous project design and would have required the intersection of Camino Del Sur and Dormouse Road to be substantially lowered, the grade of the roadway would be substantially steeper, and a northern off-site portion would be significantly

lowered and redesigned. The bridge alternative would result in greater impacts to steep slopes and sensitive biological resources because the additional grading required would result in a larger project footprint and its implementation would have increased grading at the southern and northern off-site portions and would have elevated the roadway, affecting its existing intersections with Dormouse and Park Village roads and possibly affecting the abutting single-family homes and elementary school. In the case of the twisting alignment alternative, the bending of the roadway around sensitive biological resources and steep slopes would have resulted in increased impacts because the increased roadway length and its alignment would not have complied with the City's Street Design Manual requirements or traffic safety standards.

More recently, a standard four-lane major road alternative was also proposed for both Camino Del Sur and Carmel Mountain Road, in accordance with their planned roadway classifications and past grading and alignment studies by the City. Although the four-lane major road alternative would not require a Community Plan Amendment (CPA) to implement, it would result in similar or slightly greater impacts to resources within the road ROW. As compared to the two-lane configuration proposed as part of the project, the standard four-lane major roads would require approximately 7.5 more acres of grading disturbance, including approximately 7.0 acres of sensitive habitats, along the Camino Del Sur alignment. In addition, grading of steep slopes would be greater for the standard four-lane road (i.e., 9.9 acres versus 8.7 acres for the two-lane collector) due to the increased width of the required improvements. As a result of the increased grading, impacts to ESL would be greater under the standard four-lane major road alternative, similar to the other four-lane alternatives previously studied. Potentially significant impacts to unknown historical resources and paleontological resources would be similar to that of the proposed project, while construction noise exposure would be slightly greater under the four-lane major road since construction activities would occur closer to existing residences in the project vicinity but still less than significant.

With regard to traffic conditions, the additional road capacity afforded by the four-lane major road alternative would result in improved level of service (LOS). Specifically, under a four-lane road configuration, segments of Camino Del Sur would operate at LOS A in the Year 2035, as compared to LOS C and D under the proposed two-lane road. Similarly, a four-lane major Carmel Mountain Road would operate at LOS A in the Year 2035, as compared to a LOS C and D under the two-lane configuration of the project. Similar conditions would be expected during community buildout (i.e., Year 2050), as described in the project Traffic Impact Analysis (TIA; LLG 2015). Nonetheless, LOS C and D are considered acceptable traffic conditions according to the City Significance Determination Thresholds (City 2011). Due to its increased grading impacts, the standard four-lane major road alternative was considered but rejected since the two-lane collector road design proposed by the Project Applicant would complete the Circulation Element and adequately carry the community buildout year traffic volumes while minimizing impacts to sensitive resources (i.e., biological resources and steep slopes) within the ROW, consistent with basic project objectives 10, 11 and 12.

In addition to the four-lane alternatives, several other roadway designs were studied for Camino Del Sur but rejected by the City when approving an alignment for the road (City 2006). Those alternatives included a reduced alignment width alternative, a three-lane alternative, and a split-level alignment alternative. The reduced alignment alternative analyzed a four-lane road with a ten-foot wide (rather than 14-foot wide) median. The three-lane alternative involved the construction of one southbound lane and two northbound lanes with a "K"-rail installed, rather than a 14-foot wide median. Two options were explored for the split-level alignment alternative. One involved the

placement of an eight-foot tall retaining wall or a slope in a four-foot wide median, while the other would place a sloped, 14-foot wide median; both would have allowed the roadway extension to conform more to the existing topography. In all cases, the environmental impacts were not substantially improved over the standard four-lane major road and they did not achieve project objective 12 of accommodating community buildout traffic volumes.

8.4 NO PROJECT/NO DEVELOPMENT ALTERNATIVE

8.4.1 Description

Pursuant to Section 15126.6(e)(3)(B) of the State CEQA Guidelines, the No Project Alternative is the “circumstance under which the project does not proceed.” For purposes of this EIR, the No Project/No Development Alternative assumes that the site would remain in its current condition (i.e., vacant and undeveloped), but would not be developed with the proposed project uses or any other uses permitted under the existing approvals. Impacts associated with this alternative, as compared to the proposed project, are described below.

8.4.2 Environmental Analysis

Land Use

Similar to the project, this alternative would not conflict with applicable environmental goals, objectives or policies. Deviations from the development regulations of the CC and RX zones and deviations from the ESL Regulations would not be required for the No Project/No Development Alternative. Additionally, the No Project/No Development Alternative would not cause potentially significant indirect impacts to the MHPA related to its adjacency to the preserve because Camino Del Sur would not be extended south of its existing terminus. Project impacts due to grading/land development, drainage, toxics/project staging areas/equipment storage, lighting and noise would be avoided by this alternative since no construction would occur under this alternative.

Transportation/Circulation

The No Project/No Development Alternative would not generate additional traffic, as the development property would remain in its current (vacant) condition. Traffic conditions under the No Project/No Development Alternative would be similar to those projected for the Existing + Cumulative without Project and Year 2035 without Project conditions presented in Section 5.2, *Transportation/Circulation*, of this EIR. Community-wide traffic would increase over time and a number of intersections, one street segment and several freeway mainline segments would operate at LOS E or F in Year 2035, despite no mixed-use development occurring on the project site (refer to Tables 5.2-9, 5.2-11 and 5.2-13). Although traffic congestion would still occur in the community without the project, this alternative would avoid the proposed project's contribution to cumulatively significant but unmitigated transportation/circulation impacts.

Biological Resources

Under the No Project/No Development Alternative, no additional development or disturbance would occur on the project site and it would remain vacant. The existing habitats, including sensitive

uplands, vernal pools, road pools and jurisdictional areas, on the project site would remain unaffected since no new construction would occur. Sensitive species dependent on those habitats would not be directly or indirectly affected by project construction and operations. No impacts to habitat within the MHPA would occur. Accordingly, significant direct impacts to biological resources would be avoided under the No Project/No Development Alternative.

Historical Resources

Under the No Project/No Development Alternative, no earthwork or development would occur at the project site. Grading into unknown archaeological resources would not occur. As a result, if such resources exist they would remain intact, and the related potentially significant impacts to historical resources identified for the proposed project would be avoided.

Paleontological Resources

Under the No Project/No Development Alternative, no earthwork or additional development would occur at the project site. Grading into formational materials would not occur. As a result, existing sensitive paleontological resources would remain intact, and the related potentially significant impacts to medium and high sensitivity paleontological resources identified for the proposed project would be avoided.

Noise

Under the No Project/No Development Alternative, the project site would remain in its current (vacant) condition, with no new noise sources from development or traffic generation. No significant impacts would be avoided, as none were identified for the project.

Greenhouse Gas Emissions

The No Project/No Development Alternative assumes that the site would remain as vacant land. No construction-phase or operational GHG emissions would occur since no mixed-use development or related traffic would be produced under the No Project/No Development scenario. Similar to the project, the No Project/No Development Alternative would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHG emissions. In contrast to the project, no GHG emissions would be produced under this alternative; however, less than significant impacts are anticipated for the project and no significant impacts would be avoided.

Visual Effects/Neighborhood Character

Adoption of the No Project/No Development Alternative would avoid any changes to visual character and natural landforms associated with the proposed project. No structures would be constructed, no retaining walls would be installed, and no grading would be implemented. The significant and unavoidable impacts to natural landforms associated with implementing the public roads component of the project would be avoided by this alternative.

8.4.3 Conclusion

Implementation of the No Project/No Development Alternative would avoid or substantially lessen all identified significant project-related impacts below a level of significance, including significant and unmitigated transportation/circulation and visual effects/neighborhood character impacts associated with the project.

8.5 NO PROJECT/EXISTING ENTITLEMENTS ALTERNATIVE

8.5.1 Description

The No Project/Existing Entitlements Alternative would involve developing the property and public roads pursuant to the existing Torrey Highlands Subarea Plan and Rancho Peñasquitos Community Plan using entitlements received under the Rhodes Crossing project (as described in Section 1.0, *Introduction*). Specifically, this would entail developing the site with 250,000 sf of commercial uses, 273,855 sf of self storage, and 242 multi-family residences. The No Project/Existing Entitlements Alternative would involve the construction of a standard, regional commercial center wherein the commercial buildings would be situated near the center of the site and surrounded by parking fields (refer to Figure 8-1, *No Project/Existing Entitlements Alternative*). Under this alternative, the self-storage facility would be situated behind the commercial center adjacent to SR-56 and the multi-family housing units would be clustered near SR-56 adjacent to the Carmel Mountain Road overpass. No single-family residences would be constructed under this alternative. Camino Del Sur and Carmel Mountain Road would be constructed as four-lane major roadways under this alternative, with no changes from their planned road classifications or reduction in width.

The focus of the proposed commercial center under the No Project/Existing Entitlements Alternative would be a plaza, two major tenants, space for smaller shops and kiosks in the parking lot. A meandering pedestrian pathway would extend from the plaza eastward to the multi-family residential area and Carmel Mountain Road. The residential units would be wrapped around multi-story parking structures and would include 47 affordable units, as required in the Torrey Highlands Subarea Plan. Two small open space areas would remain undeveloped to protect the isolated vernal pools that exist on site. This alternative would require the extensions of Camino Del Sur and Carmel Mountain Road in a similar configuration and capacity (i.e., four-lane major roadways) as contemplated in the applicable plans. The mixed-use commercial center with a variety of commercial, office, hotel, and residential uses and linkages proposed by the project and described in Section 3.0, *Project Description*, would not be constructed under this alternative. General Plan and Community Plan amendments would not be needed to implement the No Project/Existing Entitlements Alternative.

8.5.2 Environmental Analysis

Land Use

Similar to the proposed project, this alternative would not conflict with applicable environmental goals, objectives or policies as a CPA/Subarea Plan Amendment was approved. Setback, street frontage and parking deviations were approved as part of the existing entitlements (i.e., PDP No 53203). Deviations from the ESL regulations were also granted under the existing entitlements for

direct and indirect impacts to wetlands, sensitive biological resources and steep slopes (i.e., SDP No. 53204, SDP No. 41-0248 and SDP No. 40-0386). The No Project/Existing Entitlements Alternative would have the potential to cause significant indirect impacts to the MHPA related to its adjacency to the preserve. Project impacts due to grading/land development, drainage, toxics/project staging areas/equipment storage, lighting and noise would not be avoided by this alternative since construction and operations of Camino Del Sur would be the same under this alternative. The impacts would be similar to those of the proposed project.

Transportation/Circulation

Implementation of the No Project/Existing Entitlements Alternative would result in a long-term (buildout) traffic generation volume of approximately 19,500 ADT, as compared to 19,468 ADT associated with the project (refer to Table 8-1, *Trip Generation No Project/Existing Entitlements Alternative*). In contrast to the proposed project, this alternative would generate lower peak hour trips during the AM peak hour (LLG 2015). The minor increase in daily trips and lower AM peak hour trips would not result in a substantive change in the traffic impacts projected for the project. The same near-term and cumulative impacts projected for the Year 2035 with project conditions presented in Section 5.2 of this EIR would be produced, including cumulatively significant impacts to intersections, street segments and freeway mainlines. The No Project/Existing Entitlements Alternative would not substantially lessen or eliminate the associated cumulatively significant and unmitigated transportation/circulation impacts identified for the proposed project.

Biological Resources

The No Project/Existing Entitlements Alternative would entail grading, excavation and construction within the site to accommodate regional commercial, multi-family residential development and public roads. The exception to the grading would be the two areas designated as open space lots on the Rhodes Crossing VTM, which were implemented to protect two isolated vernal pools and a drainage channel from grading activities. Under this alternative, project grading would occur outside of the northern drainage channel and around the vernal pools and their watersheds. A four- to six-foot high retaining wall and wrought iron fence would be installed around the perimeter of the watersheds to protect them in place. A coastal sage scrub planting mix would be applied to the buffer areas around the preserved watersheds to reduce the potential for invasive species.

Although the vernal pools and their watersheds would be protected, their existing poor quality combined with the indirect effects of being surrounded by commercial development closer than 100 feet away and isolating them from other higher-quality vernal pools and uplands in the area would degrade their quality even further over time, making them unviable in the future. Indirect edge effects would be expected including hydrology changes that could accelerate flows out of the pools, unauthorized dumping/trash deposition/trampling, and introduction of invasive species. Accordingly, this alternative would result in greater impacts to biological resources than those identified for the project due to the increased road ROW and grading (i.e., approximately 7.5 more acres of grading for Camino Del Sur) and isolation of two vernal pools, which would lead to long-term edge effects that would further degrade their quality. The significant direct impacts to vernal pools would be lessened by this alternative; however, significant direct and indirect impacts to vernal pools and other sensitive biological resources would still occur.

Historical Resources

The No Project/Existing Entitlements Alternative would entail grading, excavation and construction within (and throughout) the site and roadway ROW to accommodate commercial/office/hotel/residential development and public roads as described in this EIR. Accordingly, this alternative would result in similar potential impacts to unknown historical resources as those identified for the proposed project.

Paleontological Resources

The No Project/Existing Entitlements Alternative would entail grading, excavation and construction within (and throughout) the site and roadway ROW to accommodate commercial/office/hotel/residential development and public roads as described in this EIR. Accordingly, this alternative would result in similar potential impacts to sensitive paleontological resources as those identified for the proposed project.

Noise

Similar to the proposed project, construction noise levels would comply with the property line limits in the City Noise Ordinance and less than significant impacts would be produced. The operation of new commercial noise sources, such as HVAC units and loading docks, near the center of the site would not result in noise levels in excess of the property line limits in the Noise Ordinance due to the distance between those uses and the property lines and their orientation relative to existing residences. The No Project/Existing Entitlements Alternative would result in the same traffic noise levels in the project vicinity as the proposed project resulting in noise impacts to interior noise levels of proposed residences (City 2004). Existing, off-site residences would continue to have barriers in place at their property lines (i.e., backyards) that would attenuate traffic-related noise along Camino Del Sur and Carmel Mountain Road. Therefore, no potentially significant impacts associated with traffic noise impacts on planned residences would occur for this alternative similar to the proposed project not be avoided under this alternative.

Table 8-1 TRIP GENERATION NO PROJECT/EXISTING ENTITLEMENTS ALTERNATIVE													
Land Use	Size	Rate^a	ADT	AM Peak Hour					PM Peak Hour				
				% of ADT	In:Out Split	Volume			% of ADT	In:Out Split	Volume		
						In	Out	Total			In	Out	Total
Self-Storage	273.9 KSF ^b	2/KSF	548	6%	50 : 50	17	16	33	9%	50 : 50	25	24	49
Commercial/ Retail Multi- Family Residential	250 KSF 242DUc	70/KSF 6/DU	17,500 1,452	3% 8%	60 : 40 20 : 80	315 23	210 93	525 116	10% 9%	50 : 50 70 : 30	875 92	875 39	1,750 131
Total			19,500			355	319	674			992	938	1,930

Source: LLG 2015

Footnotes:

a. Rates obtained from *Trip Generation Manual*, May 2003, City of San Diego.

b. KSF-1,000 square feet.

DU-dwelling units

Greenhouse Gas Emissions

The No Project/Existing Entitlements Alternative would produce a slightly higher level of mobile sources (32 daily vehicle trips) than the project and similar amount of daily construction activities. Because this alternative would be consistent with the land use designations and zoning of the project site; this alternative would be consistent with the growth projections in the CAP and less than significant impacts to GHG would occur. Similar to the project, the No Project/Existing Entitlements Alternative would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHG emissions as the emissions are anticipated in the long-term plans for the region contained in the CAP. This alternative would not encourage the use of alternative transportation methods to the degree to which the project would by having a greater mix of uses, jobs opportunities and community services for local residents and building connections to the local bicycle and pedestrian network. No significant GHG impacts would be avoided by this alternative.

Visual Effects/Neighborhood Character

Development of the No Project/Existing Entitlements Alternative would result in changes to the visual character of the project site consistent with the Torrey Highlands Subarea Plan. Similar to the project, this alternative would not result in impacts to designated view corridors or sensitive views as none are defined in the local Community Plans. With regard to creating a negative aesthetic project or exceeding the bulk and scale regulations, the No Project/Existing Entitlements Alternative would not exceed the allowed height or bulk regulations and existing patterns of development in the surrounding area by a significant margin; would feature a wider range of architectural styles than the project where there is no established theme; would not result in the loss of a community identification symbol or landmark; and would not result in a negative visual appearance in areas that are visually accessible to the public. Similar to the project, the alternative would result in substantially more than 2,000 cy of cut or fill per graded acre, impact steep slopes protected by the ESL Regulations, and exceed the 10-foot high significance threshold for manufactured slopes resulting in a significant and unavoidable impact on an existing natural landforms. Retaining walls would be required in a number of areas to implement the No Project/Existing Entitlements Alternative and impacts to steep slopes may be greater under this alternative since the four-lane major roads would require 7.5 additional acres of grading in a portion of the site containing hillsides. No significant impacts would be avoided or lessened by this alternative.

8.5.3 Conclusion

Implementation of the No Project/Existing Entitlements Alternative would not avoid or substantially lessen project impacts to visual effects/neighborhood character (landform) or cumulatively significant impacts to transportation/circulation impacts below a level of significance. Identified significant impacts to land use, biological resources, historical resources, and paleontological resources from the project would remain the same or greater under this alternative. ~~Noise impacts would be slightly reduced as the residential units would be clustered in a smaller area. Noise and~~ GHG impacts would be less than significant similar to the project.

8.6 REDUCED PROJECT ALTERNATIVE

8.6.1 Description

The purpose of the Reduced Project Alternative would be to substantially lessen transportation/circulation impacts associated with the project. As detailed in Section 5.2, *Transportation/Circulation*, the project would not result in significant direct impacts in the near-term. In the Year 2035, however, cumulatively significant impacts are identified due to reduced capacity in the regional roadway system related to a potential downgrade of Black Mountain Road to four lanes (from six lanes) and the fact that there is no funding identified to expand SR-56 to six lanes until Year 2040. As such, the project would result in cumulatively significant impacts to street segments, intersections and freeway segments associated with these two facilities.

This alternative would involve reducing the intensity of the mixed-use development such that cumulatively significant and unmitigated impacts are avoided or minimized. This could be accomplished by reducing project traffic by 70 percent (to 5,800 ADT), which would translate to a substantially lessened contribution to cumulative impacts along the impacted segments of Black Mountain Road resulting in less than significant cumulative impacts to those street segments, whose buildout capacity could be permanently reduced should the road widening never be completed due an applicant's request for a CPA to downgrade the road's classification. That CPA was proposed by another developer and is currently under review by City staff. A 70 percent reduction in project trips would also substantially lessen the project's contribution to cumulative impacts to SR-56 as well. Table 5.2-7 in Section 5.2, *Transportation/Circulation*, shows that 5,800 ADT is fewer trips than the proposed commercial uses would generate, and more trips than the office and residential would produce. Thus, the ADT reduction associated with the Reduced Project Alternative could be accomplished in any number of ways, including reducing the amount of commercial/office and/or residential development constructed on site. All other aspects of this alternative would be the same as the project, including the amount of grading required to construct the project and extend the public roads, with related impacts outlined below.

8.6.2 Environmental Analysis

Land Use

Similar to the proposed project, this alternative would not conflict with applicable environmental goals, objectives or policies. Deviations from the development regulations of the CC and RX zones may not be required under this alternative. Deviations from the ESL regulations would still be required for the Reduced Project Alternative due to direct and indirect impacts to wetlands, including vernal pools. The Reduced Project Alternative would have the potential to cause significant indirect impacts to the MHPA related to its adjacency to the preserve. Project impacts due to grading/land development, drainage, toxics/project staging areas/equipment storage, lighting and noise would not be avoided by this alternative since construction and operations of Camino Del Sur would still under this alternative. The impacts would be similar to those of the proposed project.

Transportation/Circulation

The Reduced Project Alternative would generate 13,700 fewer daily trips than the project, or a total of 5,800 ADT. The project's contribution to cumulative impacts would be reduced under this alternative due to the 70 percent ADT reduction (as shown in Table 8-2, *Reduced Project Alternative Year 2035 Street Segment Operations*). By contributing substantially fewer trips to Black Mountain Road, conditions along the local roadway would be better than levels described for the project. Although the Reduced Project Alternative would eliminate the project's cumulatively significant impacts to the two impacted segments of Black Mountain Road, cumulative impacts to one intersection along Black Mountain Road (i.e., Black Mountain Road/SR-56 Westbound Ramps) would still occur, as shown in Table 8-3, *Reduced Project Alternative, Year 2035 Intersection Operations*. In addition, three segments of the SR-56 freeway would still be cumulatively impacted by the Reduced Project Alternative (refer to Table 8-4, *Reduced Project Alternative Year 2035 Freeway Mainline Operations*, for details on the long-term operating conditions of SR-56). The westbound freeway segment between Carmel Valley Road and Camino Del Sur would no longer be impacted by the project under the Reduced Project Alternative. Once the freeway is expanded to six lanes beyond Year 2040, the project's cumulative impacts to the other three freeway segments would be mitigated. However, until the planned freeway expansion is in place, cumulative freeway impacts would remain significant and unmitigated under this alternative.

Biological Resources

The Reduced Project Alternative would entail similar grading, excavation and construction within the site and road right-of-way as noted for the proposed project. Accordingly, this alternative would result in similar significant impacts to biological resources as identified for the project.

Historical Resources

Grading, excavation and construction activities under the Reduced Project Alternative would be similar in nature and extent as those described for the proposed project. Accordingly, this alternative would result in similar significant potential impacts to unknown historic resources as identified for the proposed project.

Paleontological Resources

Grading, excavation and construction activities under the Reduced Project Alternative would be similar in nature and extent as those described for the proposed project. Accordingly, this alternative would result in similar significant potential impacts to sensitive paleontological resources as identified for the proposed project.

**Table 8-2
 REDUCED PROJECT ALTERNATIVE
 YEAR 2035 STREET SEGMENT OPERATIONS**

Street Segment	General Plan Capacity	Existing/ Assumed Capacity (LOS E) ^a	Year 2035 Without Project			Year 2035 With Reduced Project Alternative			Project Volumes	Δ ^e V/C	Sig?
			ADT ^b	LOS ^c	V/C ^d	ADT	LOS	V/C			
Black Mountain Road											
11. SR 56 EB Ramps to Park Village Rd	60,000	40,000	38,920	E	0.973	39,720	E	0.993	800	0.020	No
12. Park Village Rd to Mercy Rd	60,000	40,000	34,300	D	0.858	35,000	D	0.875	700	0.017	No

Source: LLG 2015

Footnotes:

- a. Capacities based on City of San Diego's Roadway Classification & LOS table (See Appendix B).
- b. Average Daily Traffic
- c. Level of Service
- d. Volume to Capacity ratio
- e. Δ denotes a Project-induced increase in the Volume to Capacity ratio

General Notes:

- 1. Sig = Significant impact, yes or no.
- 2. Reduced project calibrated to determine available capacity prior to incurring significant street impacts.
- 3. Assumes existing capacity in 2035 with proposed road classification downgrade of Black Mountain Road in accordance with proposed CPA

Table 8-3 REDUCED PROJECT ALTERNATIVE YEAR 2035 INTERSECTION OPERATIONS								
Intersection	Control Type	Peak Hour	Year 2035 Without Project		Year 2035 With Project		Δ^c Delay	Sig?
			Delay ^a	LOS ^b	Delay	LOS		
6. Camino Del Sur / SR 56 WB Ramps	Signal	AM	33.5	C	36.5	D	3.0	No
		PM	38.7	D	50.2	D	11.5	
7. Camino Del Sur / SR 56 EB Ramps	Signal	AM	29.8	C	33.4	C	3.6	No
		PM	45.4	D	50.4	D	5.0	
19. Black Mountain Rd / SR 56 WB Ramps	Signal	AM	>100.0	F	>100.0	F	>1.0	Yes
		PM	44.0	D	44.8	D	0.8	
20. Black Mountain Rd / SR 56 EB Ramps	Signal	AM	63.8	E	64.9	E	1.1	No
		PM	41.0	D	43.5	D	2.5	

Source:LLG 2015b

Footnotes:

- a. Average delay expressed in seconds per vehicle.
- b. Level of Service
- c. Δ denotes the increase in delay due to Project.

General Notes:

- 1. Sig = Significant impact, yes or no.
- 2. **Bold** typeface and **shading** represents a significant impact.

**Table 8-4
REDUCED PROJECT ALTERNATIVE
YEAR 2035 FREEWAY SEGMENT OPERATIONS**

State Route 56 Freeway Segment	Dir.	# of Lanes ^a	Hourly Capacity ^b	Year 2305 Without Project						Year 2305 With Project						Δ V/C ^f		Sig?
				Volume ^c		V/C ^d		LOS ^e		Volume		V/C		LOS				
				AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	
Carmel Valley Rd to Camino Del Sur	EB	2M	4,000	4,117	4,009	1.029	1.002	F(0)	F(0)	4,161	4,060	1.040	1.015	F(0)	F(0)	0.011	0.013	Yes
	WB	2M	4,000	4,983	2,120	1.246	0.530	F(0)	B	5,004	2,184	1.251	0.546	F(1)	B	0.005	0.016	No
Camino Del Sur to Black Mountain Rd	EB	2M	4,000	2,148	4,259	0.537	1.065	B	F(0)	2,213	4,424	0.553	1.106	B	F(0)	0.009	0.027	Yes
	WB	2M	4,000	3,744	2,399	0.936	0.600	E	B	3,869	2,518	0.967	0.630	E	C	0.018	0.021	Yes
Black Mountain Rd to Rancho Peñasquitos Blvd	EB	3M	6,000	2,519	3,398	0.403	0.544	A	B	2,442	3,335	0.407	0.556	A	B	0.004	0.012	No
	WB	2M+1A	5,200	3,522	1,911	0.677	0.368	C	A	3,432	1,892	0.660	0.364	C	A	0.009	0.011	No
Rancho Peñasquitos Blvd to I-15	EB	2M	4,000	2,525	3,041	0.631	0.760	C	C	2,439	2,972	0.610	0.743	B	C	0.005	0.015	No
	WB	2M	4,000	3,142	2,597	0.786	0.649	C	C	3,051	2,536	0.763	0.634	C	C	0.010	0.012	No

Source: LLG 2015c

Footnotes:

- a. Lane geometry taken from PeMS lane configurations at corresponding postmile.
- b. Capacity calculated at 2000 vehicles per hour (vph) per mainline lane (pcphpl) and 1200 vph per lane for auxiliary lane from *Caltrans Guide for the Preparation of Traffic Impact Studies, Dec. 2002*.
- c. Peak hour volumes taken from PeMS peak hour data (2014) and grown against SANDAG Series 12 forecast volumes to reach Year 2035 conditions.
- d. V/C = (Peak Hour Volume/Hourly Capacity)
- e. LOS = Level of Service
- f. "Δ" denotes the Project-induced increase in V/C. Per City Guidelines, a significant impact occurs when the V/C is increased by 0.01 for LOS E or 0.005 for LOS F.

General Notes:

1. Sig? = Significant impact, yes or no.
2. **Bold** typeface and **shading** represents a significant impact.
3. M = Mainline
4. A = Auxiliary

Noise

No changes to land use-related noise sources would occur under this alternative, although less development would reduce the number of stationary sources (i.e., HVAC equipment and loading docks). Since less than significant operational noise would be produced by the project, similar conclusions would be reached under this alternative. The 70 percent reduction in trips associated with the Reduced Project Alternative would cause a corresponding reduction in off-site traffic noise levels. Since less than significant off-site transportation noise impacts were identified for the proposed project, the Reduced Project Alternative would have a lessened effect on off-site traffic noise but it would remain less than significant. ~~Significant impacts related to p~~Potential interior noise impacts on the interior of proposed residences would still occur under this alternative, but would be less since the units would be placed farther from the roads with the decreased development intensity and addressed as part of building permit compliance.

Greenhouse Gas Emissions

The Reduced Project Alternative would result in a similar amount of daily construction activities but produce substantially less mobile sources (due to the 13,700 trip reduction) during operations than the proposed project. This alternative would still require an amendment to the Community Plan, but would be consistent with the growth projections in the CAP since it would be a substantial reduction in mobile source emissions. Similar to the proposed project, the Reduced Project Alternative would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHG emissions as the emissions are anticipated in the long-term plans for the region contained in the CAP. Similar to the project, less than significant GHG impacts would occur; however operational emissions related to mobile (cars) and energy (electricity/natural gas) sources would be substantially lessened under this alternative due to the reduced project size.

Visual Effects/Neighborhood Character

Development of the Reduced Project Alternative would result in changes to the visual character of the project site. Similar to the project, this alternative would not result in impacts to designated view corridors or sensitive views as none are defined in the local Community Plans. With regard to creating a negative aesthetic project or exceeding the bulk and scale regulations, the Reduced Project Alternative would not exceed the allowed height or bulk regulations and existing patterns of development in the surrounding area by a significant margin; would feature a consistent architectural theme where there is no established theme in the area; would not result in the loss of a community identification symbol or landmark; and would not result in a negative visual appearance in areas that are visually accessible to the public. Similar to the project, the alternative would result in substantially more than 2,000 cy of cut or fill per graded acre, impact steep slopes protected by the ESL Regulations, and exceed the 10-foot high significance threshold for manufactured slopes resulting in a significant and unavoidable impact on an existing natural landforms. No significant impacts would be avoided or lessened by this alternative.

8.6.3 Conclusion

Implementation of the Reduced Project Alternative would eliminate and reduce cumulatively significant impacts to transportation/circulation but not to levels that are below significance for one

intersection along Black Mountain Road and three SR-56 freeway segments. Identified significant impacts to land use, biological, historic and paleontological resources from the project would remain the same under this alternative. Potential noise impacts would be less than significant similar to the project but still significant. Significant and unavoidable impacts to visual effects/neighborhood character would still occur under this alternative and would not be lessened.

8.7 VERNAL POOL AVOIDANCE ALTERNATIVE

8.7.1 Description

The purpose of the Vernal Pool Avoidance Alternative would be to avoid direct impacts to the two isolated vernal pools, their watersheds and a related buffer, while still constructing a mixed-use commercial center and adjacent public roads. This alternative would involve modifying the proposed grading plan for the Mixed-Use Development area to avoid direct impacts to the two vernal pools and their buffered watersheds by installing retaining walls and fencing around the resources and placing them in open space lots (similar to the No Project/Existing Entitlements Alternative). The height and length of the retaining walls would be greater under this alternative, as compared to the No Project/Existing Entitlements Alternative. Because of the locations of the existing vernal pools relative to the proposed commercial and residential (townhome) buildings, public gathering spaces, and Private Drive M, substantive design changes along the frontage of the commercial center and internal circulation network would be required to implement the Vernal Pool Avoidance Alternative (Figure 8-2, *Vernal Pool Avoidance Alternative*).

Specifically, portions of the commercial center would be removed to preserve the western vernal pool, located near the frontage of the cinema and retail stores along the central plaza (Figure 8-1). Preservation of the eastern vernal pool would require the removal of retail space, relocation of the easternmost segment of Private Drive M, and removal of the eastern traffic circle. Relocation of Private Drive M and its connections would remove and/or reduce the size of several townhome units fronting the private drive (Figure 8-1). As such, visual access from Private Drive M to some of the commercial buildings would be partially obstructed by the elevated vernal pool lots, commercial space formerly fronting the central plaza would front the retaining walls surrounding the vernal pool lots, and pedestrians using the plaza would be directed around the vernal pool lots.

This alternative would reduce the amount of proposed commercial space (by approximately 15,905 sf) and at least one multi-family residential unit, as compared to the project. All other aspects of this alternative would be the same as the project, including extension of public roads, with related impacts outlined below.

8.7.2 Environmental Analysis

Land Use

Similar to the proposed project, this alternative would not conflict with applicable environmental goals, objectives or policies, although the design modifications required to retain the vernal pools in open space would conflict with the Community Design Guideline goals for LMXU centers related to forming a clearly-defined public open space with buildings oriented toward the street (refer to Table 5.1-1 for specific policy directions from the Torrey Highlands Subarea Plan). Deviations from the

development regulations of the CC and RX zones would still be required under this alternative. Deviations from the ESL regulations would also be required due to direct and indirect impacts to other wetlands, including vernal pools within the Camino Del Sur ROW and the off-site vernal pool preserves. Similar to the project, the Vernal Pool Avoidance Alternative would have the potential to cause significant indirect impacts to the MHPA related to its adjacency to the preserve. Project impacts due to grading/land development, drainage, toxics/project staging areas/equipment storage, lighting and noise would not be avoided by this alternative since construction and operations of Camino Del Sur would still occur under this alternative. Land use impacts would be similar to those of the project.

Transportation/Circulation

The Vernal Pool Avoidance Alternative would generate 1,134 fewer daily trips than the project based on the trip generation characteristics of the lost commercial/retail space and townhome, for a reduced total of 18,334 ADT. The project's contribution to cumulative impacts would be slightly reduced under this alternative due to the 6 percent reduction in daily trip volumes. By contributing fewer trips to Black Mountain Road, cumulative conditions along that local roadway would be slightly better than levels described for the project. Cumulatively significant impacts to street segment intersections and SR-56 freeway/interchanges would still occur since the Black Mountain Road widening is needed to implement intersection improvements and segments of the freeway are projected to operate unacceptably even without the project (refer to Table 5.2-13 for details on the long-term operating conditions of SR-56). Once the freeway is expanded to six lanes beyond Year 2040, the project's cumulative impacts under the Vernal Pool Avoidance Alternative would be mitigated. However, until the planned freeway expansion is in place, cumulative freeway impacts would remain significant and unmitigated under this alternative.

Biological Resources

The Vernal Pool Avoidance Alternative would still entail grading, excavation and construction around the two vernal pools and their buffered watersheds to develop the mixed-use center and public roads. A high retaining wall and wrought iron fence would be installed around the perimeter of the watersheds to protect them in place. A coastal sage scrub planting mix would be applied to the buffer areas around the preserved watersheds to reduce the potential for invasive species. Due to their elevated condition above finished grade (i.e., from 2 to 14 feet), project runoff would not enter the vernal pool lots.

Although the vernal pools and their watersheds within the Mixed-Use Development area would be protected in place, their existing poor quality combined with the indirect effects of being surrounded by commercial development and the fact that they would be isolated from other higher-quality vernal pools and uplands in the project area would further degrade their quality, likely making them unviable in the future. The indirect edge effects that would be expected under this alternative include hydrology changes that could accelerate flows out of the pools, unauthorized dumping/trash deposition/trampling, and introduction of invasive species. Impacts to the vernal pools within the Camino Del Sur ROW would still occur under this alternative. Accordingly, the Vernal Pool Avoidance Alternative would result in similar impacts to biological resources as the project due to similar grading impacts and fact that the two preserved vernal pools would be significantly impacted by long-term edge effects, ultimately making them unviable biologically. Although direct impacts to

vernal pools would be reduced by this alternative, they would not be avoided or substantially lessened under this alternative and indirect edge effects to vernal pools would be greater than under the project.

Historical Resources

Grading, excavation and construction activities under the Vernal Pool Avoidance Alternative would be similar in nature and extent as those described for the project. Accordingly, this alternative would result in similar significant potential impacts to unknown historic resources as identified for the proposed project.

Paleontological Resources

Grading, excavation and construction activities under the Vernal Pool Avoidance Alternative would be similar in nature and extent as those described for the project. Accordingly, this alternative would result in similar significant potential impacts to sensitive paleontological resources as identified for the proposed project.

Noise

No changes to land use-related noise sources would occur under this alternative, although slightly less development may reduce the number of stationary sources (i.e., HVAC equipment and loading docks). Since less than significant operational noise would be produced by the project, similar conclusions would be reached under this alternative. A slight reduction in vehicle trips associated with the Vernal Pool Avoidance Alternative would cause a corresponding reduction in off-site traffic noise levels. Since less than significant off-site transportation noise impacts were identified for the proposed project, the Vernal Pool Avoidance Alternative would have a lessened effect on off-site traffic noise but it would remain less than significant. ~~Significant impacts related to p~~ Potential noise impacts on the interior of proposed residences would still occur under this alternative and be addressed during building permit compliance.

Greenhouse Gas Emissions

The Vernal Pool Avoidance Alternative would result in a similar amount of daily construction activities but produce less mobile sources (due to the 1,134 trip reduction) during operations than the project. This alternative would still require an amendment to the Community Plan, but would be consistent with the growth projections in the CAP since it would be a reduction in mobile source emissions from levels assumed in Community Plan and proposed by the project. Operational GHG emissions associated with this alternative would be less than the project due to the reduction in commercial area and loss of residential units associated with avoiding the vernal pools. Similar to the proposed project, the Vernal Pool Avoidance Alternative would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHG emissions as the emissions are anticipated in the long-term plans for the region contained in the CAP. This alternative would encourage the use of alternative transportation methods to a similar degree as the proposed project as it would still construct a mix of uses, jobs opportunities and community services for local residents and connections to the local bicycle and pedestrian network. Less than significant impacts would occur under this alternative.

Visual Effects/Neighborhood Character

Development of the Vernal Pool Avoidance Alternative would result in similar changes to the visual character of the project site as the proposed project, except that several large retaining walls would be required in the commercial area to avoid grading the vernal pools. Similar to the project, this alternative would not result in impacts to designated view corridors or sensitive views as none are defined in the local Community Plans. With regard to creating a negative aesthetic project or exceeding the bulk and scale regulations, the Vernal Pool Avoidance Alternative would not exceed the allowed height or bulk regulations and existing patterns of development in the surrounding area by a significant margin; would feature a consistent architectural style where there is no established theme in the area; would not result in the loss of a community identification symbol or landmark; would not result in a negative visual appearance in areas that are visually accessible to the public. Similar to the project, the alternative would result in substantially more than 2,000 cy of cut or fill per graded acre, impact steep slopes protected by the ESL Regulations, and exceed the 10-foot high significance threshold for manufactured slopes resulting in a significant and unavoidable impact on an existing natural landforms. Retaining walls would be required in a number of areas to implement the alternative, including in a visually accessible location in front of the commercial area. No significant impacts would be avoided or lessened by this alternative.

8.7.3 Conclusion

Under the Vernal Pool Avoidance Alternative, direct impacts to vernal pools would be reduced; however, significant direct impacts to vernal pools and other sensitive biological resources would not be avoided or substantially lessened. Indirect effects to vernal pools would be greater than under the project for this alternative. Identified significant impacts to land use, transportation/circulation, historical resources, noise and paleontological resources associated with this alternative would remain similar to the project. Significant and unavoidable impacts to visual effects/neighborhood character (landforms) and cumulatively significant and unmitigated impacts to transportation/circulation would still occur under this alternative.

8.8 SUMMARY OF PROJECT ALTERNATIVES

The project alternatives discussed in this section are intended to avoid or substantially lessen one or more of the significant impacts identified for the proposed project below a level of significance. A summary comparison of impact levels for the issues identified as significant under the proposed project is provided in Table 8-5, *Project Alternatives Summary of Impacts*. Based on that information and the discussions in Sections 8.4 through 8.7, the No Project/No Development Alternative would be the environmentally superior alternative. Specifically, this alternative would avoid all significant impacts associated with the proposed project, including impacts identified for the issues of land use, transportation/circulation, biological resources, historical resources, paleontological resources, noise and visual effects/neighborhood character.

Pursuant to Section 15126(e)(2) of the State CEQA Guidelines, "if the environmentally superior alternative is the 'No Project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." Accordingly, in lieu of the No Project/No Development Alternative, the Reduced Project Alternative is identified as the environmentally superior alternative.

This conclusion is based on the fact that this alternative would eliminate cumulatively significant transportation/circulation impacts to street segments (i.e., Black Mountain Road) and reduce the project's contribution to cumulatively significant intersection and freeway segment impacts.

Table 8-5 PROJECT ALTERNATIVES SUMMARY OF IMPACTS					
Environmental Issue¹	Project	No Project/ No Development Alternative	No Project/Existing Entitlements Alternative	Reduced Project Alternative	Vernal Pool Avoidance Alternative
Land Use	SM	N	SM	SM	SM+
Transportation/Circulation	SU	N	SU	SU-	SU-
Biological Resources	SM	N	SM	SM	SM+
Historical Resources	SM	N	SM	SM	SM
Paleontological Resources	SM	N	SM	SM	SM
Noise	SM <u>LS</u>	N	SM <u>LS</u>	SM <u>LS</u> -	SM <u>LS</u>
Greenhouse Gas Emissions	LS	N	LS+	LS-	LS-
Visual Effects/Neighborhood Character	SU	N	SU+	SU	SU

Notes:

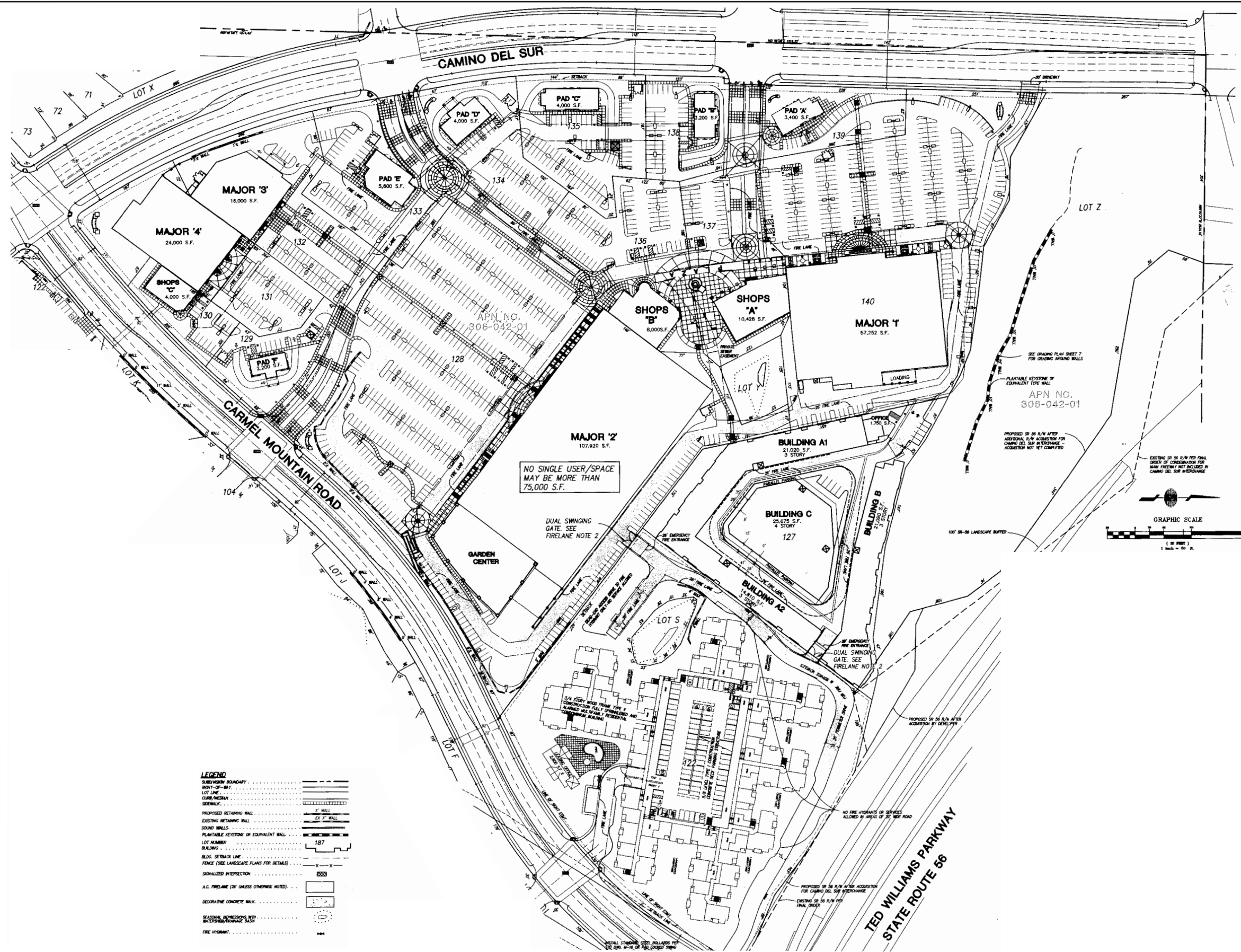
¹ Only the environmental effects found to be significant for the project are included in this alternatives comparison matrix.

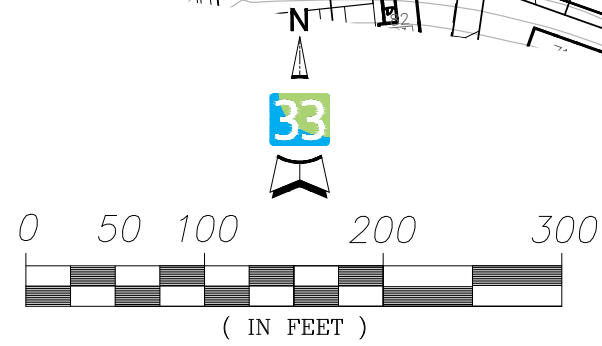
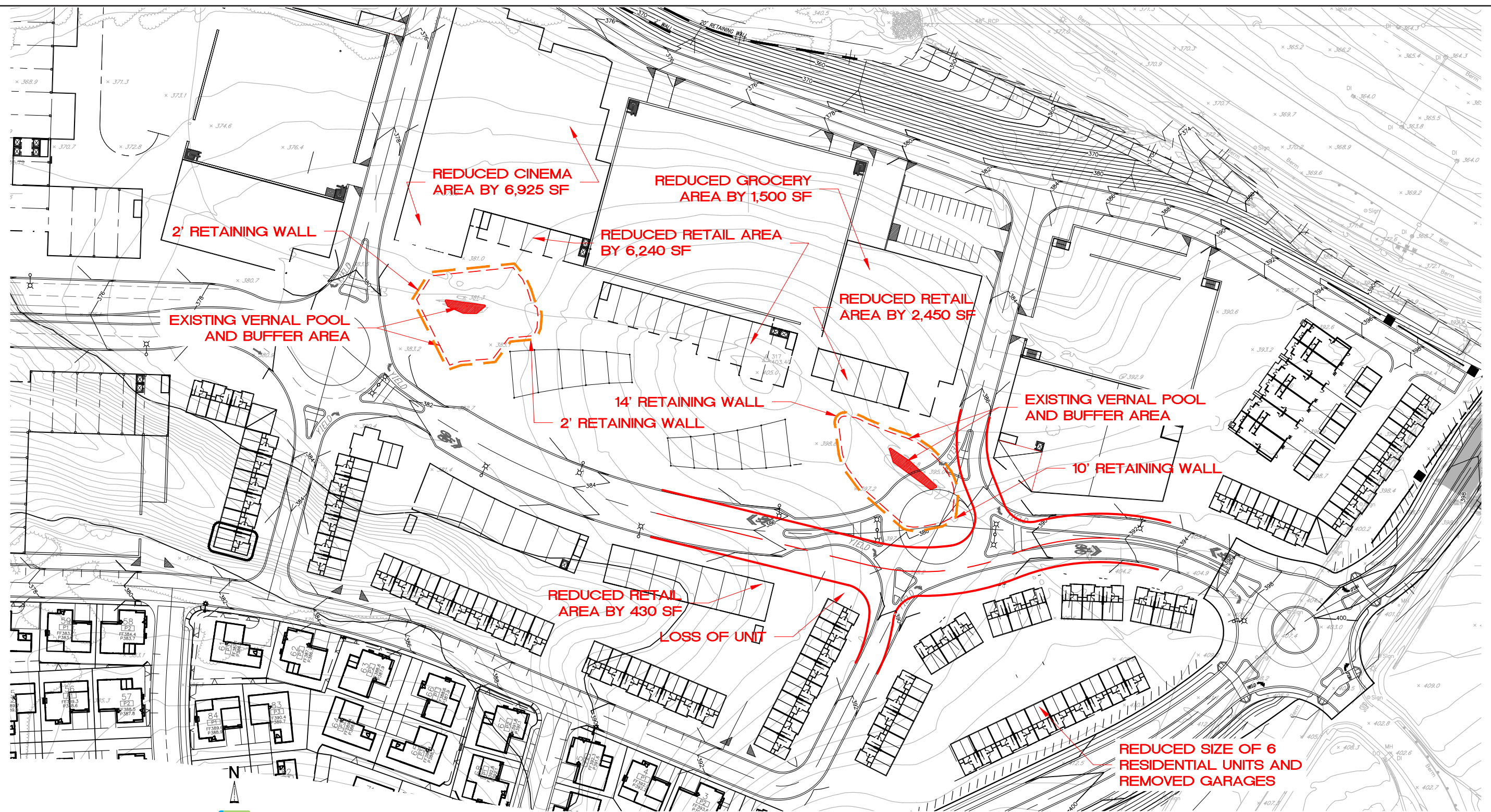
SU=Significant and unmitigated; SM=Significant but mitigable; LS=Less than significant; N=No impact.

- = Less than the proposed project

+ = More than the proposed project

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9.0 MITIGATION, MONITORING AND REPORTING PROGRAM

9.1 GENERAL REQUIREMENTS

As Lead Agency for the proposed project under CEQA, the City of San Diego will administer the Mitigation, Monitoring, and Reporting Program (MMRP) for the following environmental issue areas as identified in the Merge 56 Development Project EIR: Land Use, Transportation/Circulation, Biological Resources, Historical Resources, and Paleontological Resources ~~and Noise~~. The mitigation measures identified below include all applicable measures from the Merge 56 Development Project EIR (Project No. 360009; SCH No. 2014071065). This MMRP shall be made a requirement of project approval.

Section 21081.6 to the State of California Public Resources Code (PRC) requires a Lead or Responsible Agency that approves or carries out a project where an EIR has identified significant environmental effects to adopt a "reporting or monitoring program for adopted or required changes to mitigate or avoid significant environmental effects." The City of San Diego is the Lead Agency for the Merge 56 Development Project EIR, and therefore must ensure the enforceability of the MMRP. An EIR has been prepared for this project that addresses potential environmental impacts and, where appropriate, recommends measures to mitigate these impacts. As such, an MMRP is required to ensure that adopted mitigation measures are implemented.

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. **PRE CONSTRUCTION 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 Biologist
Archaeological Monitor
Native American Monitor
Paleontological Monitor
Acoustician
Geologist

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, applicant t is also required to call **RE and MMC at 858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 352250 and/or Environmental Document Number 36009, 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:

- Encroachment Permit from California Department of Transportation (Caltrans);
- National Pollutant Discharge Elimination System (NPDES) Municipal Storm Water Permit Compliance;
- NPDES General Construction Activity Permit for Stormwater Discharges Compliance;
- California Fish and Game Code Section 1602 Streambed Alteration Agreement;
- Federal Clean Water Act Section 404 Permit;
- Federal Endangered Species Act Section 7 Consultation, if needed; and
- Federal Clean Water Act Section 401 Water Quality Certification.

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:

Table 9-1 DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
<i>Issue Area</i>	<i>Document Submittal</i>	<i>Associated Inspection/Approvals/Notes</i>
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Land Use	Land Use Adjacency Issues	Land Use Adjacency Issue Site Observations
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Biology Reports	Biology/Habitat Restoration Inspection

Table 9-1 (cont.) DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
Archaeology	Archaeology Reports	Archaeology/Historic Site Observation
Paleontology	Paleontology Reports	Paleontology Site Observation
Noise	Acoustical Reports	Noise Mitigation Features Inspection
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

9.2 LAND USE

Mitigation for indirect impacts to biological resources within the MHPA, and therefore land use policy, shall be implemented by the Applicant and is required consistent with the City's MSCP Subarea Plan and Biology Guidelines. Implementation of Mitigation Measure Bio-1 *Biological Resource Protection During Construction* and Mitigation Measure Bio-3 *Upland Vegetation Communities* would mitigate most potential indirect impacts associated with grading/land development. The following mitigation is also required to mitigate land use adjacency impacts to the MHPA to below a level of significance.

Lu-1 Land Use Adjacency Guidelines

Prior to issuance of any construction permit or notice to proceed, Development Services Department/Land Development Review, and/or MSCP staff shall verify the Project Applicant has accurately represented the project's design in or on the Construction Documents (CDs; CDs consist of Construction Plan Sets for Private Projects and Contract Specifications for Public Projects) are in conformance with the associated discretionary permit conditions and Exhibit "A," and also the City's MSCP MHPA Land Use Adjacency Guidelines. The Project Applicant shall provide an implementing plan and include references on/in CDs of the following:

A. Grading/Land Development/MHPA Boundaries: MHPA boundaries on-site and adjacent properties, including the San Diego National Wildlife Refuge, shall be delineated on the CDs. Development Services Department Planning and/or MSCP staff shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA.

B. Drainage: The use of structural and non-structural Best Management Practices, Best Available Technology, and use of sediment catchment devices downstream of paving activities shall be used to reduce potential impacts associated with construction. The Project design shall comply with the Standard Urban Stormwater Management Plan and Municipal Stormwater Permit criteria of the State Water Resources Control Board and City.

Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the MHPA or vernal pool preserves.

C. Toxics/Project Staging Areas/Equipment Storage: No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Provide a note in/on the CDs that states: *"All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."*

No staging/storage areas for equipment and materials shall be located within or adjacent to the MHPA or vernal pool preserves; no equipment maintenance shall be conducted within or near the MHPA or vernal pool preserves.

No trash, oil, parking, or other construction related activities shall be allowed outside the established limits of grading. All construction related debris shall be removed off site to an approved disposal facility.

D. Lighting: Lighting within or adjacent to the MHPA and off-site vernal pool preserve areas shall be directed away/shielded from the MHPA and be subject to City Outdoor Lighting Regulations per LDC Section 142.0740.

E. Noise: Due to the site's location adjacent to or within the MHPA where the Qualified Biologist has identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for the following: coastal California gnatcatcher (March 1 through August 15). If construction is proposed during the breeding season for the species, a USFWS protocol survey shall be required in order to determine species presence/absence. If a protocol survey is not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring.

Coastal California Gnatcatcher (Federally Threatened)

Prior to the issuance of any grading permit the City Manager (or appointed designee) shall verify that the MHPA boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur within 500 feet of the MHPA between March 1 and August 15 (gnatcatcher breeding season) until the following requirements have been met to the satisfaction of the City Manager:

- A. A Qualified Biologist (possessing a valid federal Endangered Species Act Section 10(a)(1)(A) Recovery Permit) shall survey appropriate habitat (coastal sage scrub) areas within the MHPA that lie within 500 feet of the project footprint and would be subject to construction noise levels exceeding 60 dB hourly average for the presence of the gnatcatcher. If no appropriate habitat is present, then the surveys will not be required. If appropriate habitat is present, gnatcatcher surveys shall be conducted pursuant to USFWS protocol survey guidelines within the breeding season prior to commencement of any construction. If gnatcatchers are present within the MHPA, the following conditions must be met:

- I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted within the MHPA. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and
- II. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB hourly average at the edge of occupied gnatcatcher habitat within the MHPA. An analysis showing that noise generated by construction activities would not exceed 60 dB hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under supervision of a Qualified Biologist; or
- III. At least two weeks prior to commencement of construction activities and under direction of a Qualified Acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB hourly average at the edge of habitat (within the MHPA) occupied by the gnatcatcher. Concurrent with commencement of construction activities and construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of occupied habitat area within the MHPA to ensure that noise levels do not exceed 60 dB hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Qualified Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

*Construction noise shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity to verify that noise levels at the edge of occupied habitat within the MHPA are maintained below 60 dB hourly average or to the ambient noise level if it already exceeds 60 dB hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels within occupied MHPA habitat to below 60 dB hourly average or to the ambient noise level if it already exceeds 60 dB hourly average. Such measures may include but are not limited to limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If gnatcatchers are not detected within the MHPA during the protocol survey, the Qualified Biologist shall submit substantial evidence to the City Manager and applicable wildlife agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
 - I. If evidence indicates high potential for gnatcatcher presence based on historical records or site conditions, Condition A.III shall be adhered to as specified above.

If evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

9.3 TRANSPORTATION/CIRCULATION

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.

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.

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.

Tra-4 Black Mountain Road/ SR-56 Westbound Ramps

Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (17.7%) toward the unfunded portion of *Rancho Peñasquitos PFFP Project No. T-2D* (corresponding to *Black Mountain Ranch PFFP Project No. T-57*, *Pacific Highlands Ranch PFFP Project No. T-11.1*) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its ultimate classification as a Six-Lane Primary Arterial, to the satisfaction of the City Engineer. This improvement shall include the restriping of the temporary striping on Black Mountain Road overpass at SR-56 to provide three (3) thru lanes in the northbound direction, to the satisfaction of the City Engineer.

Tra-5 Black Mountain Road/ SR-56 Eastbound Ramps

Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (25.2 percent) toward the unfunded portion of *Rancho Peñasquitos PFFP Project No. T-2D* (corresponding *Black Mountain Ranch PFFP Project No. T-57*, *Pacific Highlands Ranch PFFP Project No. T-11.1*) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its ultimate classification as a Six-Lane Primary Arterial to the satisfaction of the City Engineer. This would include the restriping of the temporary striping on Black Mountain Road overpass at SR 56 to provide three (3) thru lanes in the northbound direction, to the satisfaction of the City Engineer.

Tra-6 Black Mountain Road/ Park Village Road

Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (36.1 percent) toward the unfunded portion of *Rancho Peñasquitos PFFP Project No. T-2D* (corresponding *Black Mountain Ranch PFFP Project No. T-57, Pacific Highlands Ranch PFFP Project No. T-11.1*) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its ultimate classification as a Six-Lane Primary Arterial, to the satisfaction of the City Engineer.

Tra-7 Black Mountain Rd from SR-56 Eastbound Ramps to Park Village Road

Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (35.9 percent) toward the unfunded portion of *Rancho Peñasquitos PFFP Project No. T-2D* (corresponding *Black Mountain Ranch PFFP Project No. T-57, Pacific Highlands Ranch PFFP Project No. T-11.1*) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its ultimate classification as a six-lane primary arterial, to the satisfaction of the City Engineer.

Tra-8 Black Mountain Rd from Park Village Rd to Mercy Rd

Prior to issuance of the first building permit, the owner/permittee shall provide a fair share contribution (37.4 percent) toward the unfunded portion of *Rancho Peñasquitos PFFP Project No. T-2D* (corresponding *Black Mountain Ranch PFFP Project No. T-57, Pacific Highlands Ranch PFFP Project No. T-11.1*) to widen Black Mountain Road from Twin Trails Drive to the Community Plan boundary to its ultimate classification as a six-lane primary arterial, to the satisfaction of the City Engineer.

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.

9.4 BIOLOGICAL RESOURCES

Bio-1 Biological Resource Protection During Construction

I. Prior to Construction

- A. **Biologist Verification:** The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination section stating that a Project Biologist (Qualified Biologist), as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Pre-construction Meeting:** The Qualified Biologist shall attend a pre-construction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.

- C. **Biological Documents:** The Qualified Biologist shall submit all required documentation to Mitigation Monitoring Coordination verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, MSCP, ESL Ordinance, project permit conditions; CEQA; endangered species acts; and/or other local, State or federal requirements.
- D. **Biological Construction Mitigation/Monitoring Exhibit:** The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit which includes the biological documents in C, above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements, avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City Assistant Deputy Director/Mitigation Monitoring Coordination. The Biological Construction Mitigation/Monitoring Exhibit shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The Biological Construction Mitigation/Monitoring Exhibit shall be approved by Mitigation Monitoring Coordination and referenced in the construction documents.
- E. **Resource Delineation:** Prior to construction activities including the erection of any permanent fencing (e.g., around the vernal pool preserves adjacent to the project), the Qualified Biologist shall supervise the placement of silt and orange construction fencing or equivalent along the limits of disturbance and verify compliance with any other project conditions as shown on the Biological Construction Mitigation/Monitoring Exhibit. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora and fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site. Temporary construction fencing shall be removed upon construction completion.
- F. **Education:** Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

II. During Construction

- A. **Monitoring:** All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the Biological Construction Mitigation/Monitoring Exhibit. The Qualified Biologist shall monitor construction activities as

needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record. The Consultant Site Visit Record shall be e-mailed to Mitigation Monitoring Coordination on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery. The Qualified Biologist shall monitor, as is feasible, for the presence of sensitive animals species and shall, if practicable, direct or move these animals out of harm's way (i.e., to a location of suitable habitat outside the impact footprint).

- B. **Subsequent Resource Identification:** The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna on site (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, State or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL Ordinance and MSCP, CEQA, and other applicable local, State and federal laws. The Qualified Biologist shall submit a final Biological Construction Mitigation/Monitoring Exhibit/report to the satisfaction of the City Assistant Deputy Director/Mitigation Monitoring Coordination within 30 days of construction completion.

Bio-2 Sensitive Natural Communities

I. Vernal Pools and Road Pools

Prior to the issuance of the first construction and/or grading permit, impacts to vernal pools and road pools shall be mitigated through off-site creation of vernal pool habitat in accordance with a vernal pool mitigation plan approved by the City, USFWS, and CDFW. The mitigation shall occur at a 3:1 ratio.

Vernal/road pool impacts and their associated mitigation requirements for both the Mixed-Use Development and Public Road project components are presented together in Table 5.3-6, *Mitigation for Impacts to Vernal/Road Pools*. The mitigation for the Mixed-Use vernal pool impacts and the Public Road vernal pool and road pool impacts is proposed to occur at a City-owned parcel on Del Mar Mesa (see Figure 7, *Vernal Pool Mitigation Site*, in Appendix C1). In total, the project requires 0.123 acre of vernal pool mitigation. The proposed effort on the City-owned parcel would, however, provide 0.193 acre of created vernal pool habitat. This would leave approximately 0.070 acre of surplus vernal pool surface area that could be used by the City as mitigation for other City projects. Additionally, the Applicant will enhance an existing vernal pool (0.021 acre) as part of the overall effort on the City-owned parcel. The creation of surplus vernal pool habitat and enhancement of the existing vernal pool are being conducted to compensate for the use of City-owned land for private (i.e., the Mixed-Use) mitigation. The final mitigation, however, shall be determined through consultation with the City

and USFWS, and a final vernal pool mitigation plan shall be submitted to the USFWS for approval within 120 days of the Applicant receiving the final Biological Opinion.

Location and Pool Type	Impacts (acre)	Mitigation	
		Ratio	Required (acre)
Mixed-Use Development			
Vernal Pool	0.022	3:1	0.066
Subtotal	0.022	-	0.066
Public Roads¹			
Vernal Pool	0.016	3:1	0.048
Road Pool	0.003	3:1	0.009
Subtotal	0.019	-	0.057
TOTAL	0.041		0.123

Source: Alden Environmental, Inc. 2017

¹ There would be no impacts to vernal/road pools from the construction of Carmel Mountain Road.

Upon completion of the mitigation, there shall be a five-year maintenance and monitoring period to ensure successful habitat creation followed by implementation of a long-term habitat management plan approved by the City. The mitigation shall, at a minimum, replace the functions and services lost through impacts to vernal and road pools from the project. All of the pools also shall support reproducing populations of San Diego fairy shrimp. With the completed mitigation, it is expected that functions and services (water filtration, sensitive wildlife and plant habitat, etc.) would be greater in the created pools than in the impacted pools by the end of the five-year mitigation effort. This realization of target functions and values shall be documented by conducting quantitative and qualitative analyses throughout the five-year monitoring period.

Long-term management (after the five-year maintenance and monitoring period) and funding of the City roadway portion of the vernal pool mitigation area would be the responsibility of the City. Long-term management and funding of the Mixed-Use vernal pool mitigation area would be the responsibility of owner/permittee to prepare a Property Analysis Record and provide an endowment to ensure adequate long-term funding for the Mixed-Use vernal pool mitigation component. Long-term management and funding of the surplus pools would be determined through consultation between the City and owner/permittee. Actual management activities would be implemented by the City and/or a third-party entity approved and authorized by the City. All mitigation for impacts to vernal pools and road pools (and San Diego fairy shrimp) shall occur as defined in the final permits/authorizations to be issued by the Corps, USFWS, and City prior to issuance of grading permits.

Other Wetland/Riparian Areas

The northern portion of Camino Del Sur would impact a total of 0.5 acre of wetland/riparian habitat (other than vernal pools, i.e., southern willow scrub, mule fat scrub, and freshwater marsh; Table 5.3-1). Prior to the issuance of the first construction and/or grading permit, mitigation for these impacts shall be met through off-site creation of wetland habitat at a 3:1 ratio (1.5 acres of mitigation for these impacts). The proposed mitigation site is located along the creek in McGonigle Canyon approximately

1.5 miles northwest of the project (See Figure 8, *Off-Site Wetland/ Riparian Mitigation Site*, in Appendix C1). The mitigation site supports existing wetland habitat along the creek and is located within the MHPA. The mitigation shall include widening the creek to the south in an area that has been filled and used for agricultural purposes. The mitigation area shall be constructed specifically for the Camino Del Sur portion of the City's roadway project component and shall not be a part of any current or proposed future mitigation banking agreement. The total acreage to be created at this location is 1.58 acres, which includes the 1.5 acres required for this wetland/riparian habitat mitigation plus an additional 0.08 acre required for impacts to non-wetland streambeds as described in Mitigation Measure Bio-8, *Jurisdictional Areas*.

Wetland/riparian habitat shall be created by expanding the width of the existing creek and creating a mosaic of site-appropriate wetland/riparian associated habitats through the installation of a broad species mix. The habitats to become established are anticipated to range from freshwater marsh adjacent to the central portions of the channel that experience steady water flows, to riparian scrub and forest habitats along the periphery of the wetland mitigation area. As with the vernal pool mitigation discussed above, the wetland mitigation effort shall include a five-year maintenance and monitoring period, a long-term HMP, and an endowment to provide long-term management funding. See Section 7.1.2, *Mitigation for Impacts to Other Jurisdictional/Wetland Areas*, in Appendix C1 for additional details.

All mitigation for the impacts shall occur as defined in the final permits/authorizations to be issued by the Corps, CDFW, USFWS, and City prior to issuance of grading permits.

Bio-3 Upland Vegetation Communities

Prior to the issuance of the first construction and/or grading permit, mitigation for direct impacts to 61.2 acres of sensitive upland vegetation communities and Nuttall's scrub oak shall be accomplished through preservation of a minimum of 51.8 acres of suitable habitat/mitigation credit. The impacts and potential mitigation ratios and acreages are presented in Table 5.3-7, *Mitigation for Impacts to Sensitive Upland Vegetation Communities from the Mixed-Use Development*, and Table 5.3-8, *Mitigation for Impacts to Sensitive Upland Vegetation Communities from the Public Roads* and are based on Table 3, Upland Mitigation Ratios, of the City's Biology Guidelines (and the Torrey Highlands Subarea Plan [THSP] for impacts on the Mixed-Use Development site).

The following acquisition and preservation of mitigation in the THSP MHPA and/or purchase of credits from mitigation banks shall be provided for project impacts to upland habitats in accordance with the City's Biology Guidelines.

Table 5.3-7 MITIGATION FOR IMPACTS TO SENSITIVE UPLAND VEGETATION COMMUNITIES FROM THE MIXED-USE DEVELOPMENT (acres)				
Vegetation Community	Impacts¹ (acres)	Mitigation¹		
		Mitigation Ratio (acre)	Required Mitigation Acreage	Avoided
Tier II				
Diegan coastal sage scrub	7.7	2:1 ²	15.4	2.4
Diegan coastal sage scrub- disturbed	0.3	2:1 ²	0.6	-
Diegan coastal sage scrub- southern mixed chaparral ecotone	1.3	2:1 ²	2.6	-
Subtotal	9.3	-	18.6	2.4
Tier IIIA				
Southern mixed chaparral	<0.1	0.5:1	0.1	0.1
Chamise chaparral	2.2	0.5:1	1.1	-
Chamise chaparral-disturbed	3.4	0.5:1	1.7	-
Subtotal	5.6	-	2.9	0.1
Tier IIIB				
Non-native grassland	16.5	0.5:1	8.3	0.5
Subtotal	16.5	-	11.2	0.5
TOTAL	31.4	--	32.7	3.0

Source: Alden Environmental, Inc. 2017

¹Impact is outside the MHPA, and mitigation is within the MHPA.

²Since the project proposes to mitigate for impacts to Diegan coastal sage scrub communities outside the THSP MHPA, the ratio has been doubled to 2:1.

Table 5.3-8 MITIGATION FOR IMPACTS TO SENSITIVE UPLAND VEGETATION COMMUNITIES FROM THE PUBLIC ROADS					
Vegetation Community¹	Impacts		Mitigation		
	Camino Del Sur	Carmel Mountain Road	Total Impact (acre)	Ratio² (acre)	Required Mitigation
Tier I					
Scrub oak chaparral	1.7	-	1.7	1:1	1.7 ³
Subtotal	1.7	-	1.7	-	1.7
Tier II					
Diegan coastal sage scrub	3.5	-	3.5	1:1	3.5
Diegan coastal sage scrub-within MHPA	0.3	-	0.3	1:1	0.3
Diegan coastal sage scrub-disturbed	0.2	-	0.2	1:1	0.2
Diegan coastal sage scrub-southern mixed chaparral ecotone	0.4	-	0.4	1:1	0.4
Diegan coastal sage scrub-southern mixed chaparral ecotone-within MHPA	0.1	-	0.1	1:1	0.1
Subtotal	4.5	-	4.5	-	4.5
Tier IIIA					
Southern mixed chaparral	6.2	-	6.2	0.5:1	3.1
Southern mixed chaparral-within MHPA	1.8	-	1.8	1:1	1.8
Chamise chaparral	6.3	1.1	7.4	0.5:1	3.7
Chamise chaparral-within MHPA	0.2	-	0.2	1:1	0.2
Chamise chaparral-disturbed	1.1	1.0	2.1	0.5:1	1.1
Subtotal	15.6	2.1	17.7	-	9.9
Tier IIIB					
Non-native grassland	3.8	2.1	5.9	0.5:1	3.0
Subtotal	3.8	2.1	5.9	-	3.0
TOTAL	25.6	4.2	29.8	--	19.1

Source: Alden Environmental, Inc. 2017

¹Impact is outside the MHPA unless otherwise stated.

²The ratios are for mitigation inside the MHPA.

³Habitat mitigation would also compensate for impacts to Nuttall's scrub oak.

- The Applicant shall meet the 32.7-acre upland mitigation requirement for the Mixed-Use Development through the assignment of credits in the Deer Canyon Mitigation Bank and/or the purchase of credits in the City's Marron Valley Cornerstone Lands Mitigation Bank and/or the acquisition of land available at the Crescent Heights site owned by Pardee Homes and/or the acquisition of land available in the East Elliot community. Any MHPA land acquired from Pardee Homes or others for project mitigation would be dedicated in fee title to the City of San Diego. Conveyance of any land in fee title to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director. Final mitigation compliance may be a combination of these three options; would be dependent upon credit/land availability; and would be subject to City and wildlife agency approval prior to issuance of the first grading permit.
- Mitigation for Camino Del Sur impacts to scrub oak chaparral (a Tier I habitat) shall be met through use of 1.7 acre of credits in the Deer Canyon Mitigation Bank in the MHPA west of

the project that have been allocated by Mr. Keith Rhodes for the “Rhodes Crossing Project.” The Deer Canyon Mitigation Bank has 13.81 acres of remaining Tier I mitigation credits that were previously allocated and currently owned by Mr. Keith Rhodes.

- The remaining 17.4 acres of mitigation for Camino Del Sur and Carmel Mountain Road impacts to Tier II and Tier III habitats shall occur at the Anderprizes mitigation site (in the City of San Diego) in accordance with the Conservation Credit Agreement among SANDAG and other signatories for regional transportation projects and local streets and roads (SANDAG et al. 2014). The Anderprizes mitigation site has 5.76 acres of Tier I and 24.88 acres of Tiers II and III mitigation credits available (SANDAG et al. 2014).

Bio-4 San Diego Fairy Shrimp

Prior to the issuance of the first construction and/or grading permit, mitigation for direct impacts to San Diego fairy shrimp and direct impacts to San Diego fairy shrimp designated Critical Habitat shall be determined through consultation with the USFWS through a Section 7 Consultation with the Corps and addressed in an amended and/or new Biological Opinion.

Mitigation for impacts to the San Diego fairy shrimp shall be met through vernal pool habitat creation in the off-site mitigation identified in Mitigation Measure Bio-2, *Sensitive Natural Communities*. All of the created pools shall support reproducing populations of San Diego fairy shrimp as part of the vernal pool mitigation effort. The mitigation shall be conducted in accordance with a mitigation plan to be approved by the USFWS and City prior to issuance of grading permits.

The following measures shall also be implemented to protect San Diego fairy shrimp and its habitat in the off-site vernal pool preserves adjacent to the project. Additional measures to protect San Diego fairy shrimp and its habitat in the off-site vernal pool preserves adjacent to the project are listed below in Mitigation Measure Bio-8, *Jurisdictional Areas*.

- A Biological Monitor shall be on site full time during initial grading near the vernal pool preserves and throughout the remaining grading/excavation activities at a minimum frequency of three times per week to ensure that grading limits are observed.
- The Biological Monitor will periodically monitor the vernal pool preserves and adjacent habitats for excessive amounts of dust (i.e., if a visible film of dust is observed on the surface or on adjacent plants) and will recommend remedial measures to address dust control if necessary.
- No staging/storage areas for equipment and materials shall be located within or adjacent to the vernal pool preserves; no equipment maintenance shall be conducted within or near the vernal pool preserves.
- Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or installation of sediment traps shall be used to control erosion and deter drainage during construction activities into the vernal pool preserves.

- No trash, oil, parking, or other construction-related activities shall be allowed outside the established limits of grading. All construction-related debris shall be removed off site to an approved disposal facility.
- The Applicant shall submit documentation to the USFWS prior to the initiation of project construction demonstrating that the distribution of San Diego fairy shrimp has not changed from the baseline (i.e., the number and distribution of pools occupied by San Diego fairy shrimp has not changed ~~from the condition described in the amended or new Biological Opinion since the most recent survey completed for the project~~). Pools already occupied do not need to be re-surveyed; however, pools and project areas supporting suitable habitat conditions shall be re-assessed and re-surveyed to protocol standards.
- A Qualified Biologist approved by the USFWS and the City shall oversee installation of fencing and erosion control measures within or up-slope of off-site vernal pool preserves a minimum of once per week and daily during all rain events to ensure that any breaks in the fence or erosion control measures are repaired immediately.
- The Applicant shall submit to the USFWS for approval, at least 30 days prior to initiating project grading, the final plans for initial clearing and grubbing of sensitive habitat and project construction. These final plans shall include photographs that show the fenced limits of impacts and the fenced limits of all areas to be avoided. If work occurs beyond the fenced or demarcated limits of impact, all work will cease until the problem has been remedied to the satisfaction of the USFWS.
- The Qualified Biologist shall be on the project site during clearing and grubbing of suitable habitat for the San Diego fairy shrimp, including all Critical Habitat, and any occupied habitat within 200 feet of the grading limits. The Qualified Biologist shall conduct weekly site visits during rough grading to ensure that the grading limits have been respected and compliance with all mitigation has been achieved. The Qualified Biologist shall be knowledgeable of vernal pool species. The Applicant shall submit the Qualified Biologist's name, address, telephone number, and work schedule on the project to the USFWS and the City at least seven days prior to initiating impacts.
- The Qualified Biologist shall halt work, if necessary, and confer with the USFWS to ensure the proper implementation of San Diego fairy shrimp and habitat protection measures. The Qualified Biologist shall also report any violation to the USFWS within 24 hours of its occurrence.
- The Qualified Biologist shall implement a contractor training program to ensure compliance with the mitigation measures to avoid and minimize incidental take of San Diego fairy shrimp.
- The Qualified Biologist shall submit:
 - Monthly letter reports (including photographs of impacted areas) to the USFWS during project construction within 200 feet of avoided San Diego fairy shrimp habitat. The

monthly reports shall document that authorized impacts were not exceeded, and general compliance with all conditions was met.

- A final report to the USFWS within 60 days of project completion that includes as-built construction drawings with an overlay of pools that were impacted or remain off site, photographs of the off-site pools, and other relevant information documenting that incidental take was not exceeded and that general compliance with the project, including all mitigation measures, was achieved.

Bio-5 Coastal California Gnatcatcher

Prior to the issuance of the first construction and/or grading permit, direct impacts to the coastal California gnatcatcher shall be mitigated through acquisition and preservation of Diegan coastal sage scrub habitat in accordance with Mitigation Measure Bio-3. Potential indirect impacts to the coastal California gnatcatcher from noise shall be mitigated through the implementation of Mitigation Measure LU-1.

Bio-6 San Diego Black-tailed Jackrabbit and Sensitive Animal Species with Moderate to High Potential to Occur

Potential direct impacts to the San Diego black-tailed jackrabbit, silvery legless lizard, Coronado skink, Bell's sage sparrow, California horned lark, Dulzura pocket mouse, and northwestern San Diego pocket mouse shall be mitigated through protection during construction required by Mitigation Measure Bio-1 and acquisition and preservation of habitat in accordance with Mitigation Measure Bio-3.

Additionally, all steep-walled trenches or excavations created during project construction shall be covered, except when being actively used, to prevent entrapment of wildlife (e.g., reptiles and small mammals). If trenches cannot be covered, exclusion fencing shall be installed around the trench or excavation. Open trenches or other excavations shall be inspected by a qualified biologist a minimum of three times per day and immediately before backfilling. Any entrapped wildlife shall be removed and relocated to a safe location by the qualified biologist. Also, if any native, vertebrate species is found in the path of construction, the biologist shall make every effort to relocate it to a safe location. Exclusionary devices, as necessary, shall be erected to prevent the migration into or the return of the species into the work area.

Bio-7 Raptor Foraging Habitat

Prior to the issuance of the first construction and/or grading permit, impacts to raptor foraging habitat shall be mitigated through acquisition and preservation of non-native grassland, in accordance with Mitigation Measure Bio-3.

Bio-8 Jurisdictional Areas

Prior to the issuance of the first construction and/or grading permit, impacts to 0.05 acre of non-wetland, federal and State jurisdictional streambeds (non-City jurisdictional) from the southern portion of Camino Del Sur shall be mitigated through the use of credits at the El Cuervo Norte Wetland

Mitigation Site in Los Peñasquitos Canyon Preserve. The City pursued and completed the El Cuervo Norte habitat restoration effort in order to meet agency jurisdictional mitigation requirements for several City projects, including Camino Del Sur. A total of 0.08 acre of creation credits and 0.01 acre of enhancement credit was set aside for Camino Del Sur (south) impacts (i.e., from Carmel Mountain Road to 1,600 feet North of Park Village Road, which is the same area analyzed in this report). The acreage set aside was based on the impacts from Camino Del Sur (four lanes; 0.07 acre) analyzed in the Final EIR for Camino Del Sur (City 2005). The proposed southern extension of Camino Del Sur as part of the project would be two lanes. The mitigation site received final sign-off from the Corps on July 7, 2010 following the five-year maintenance and monitoring period.

Given that the El Cuervo project has been completed well in advance of the project impacts (no temporal loss), and that the current project impacts (0.05 acre) are reduced from those approved previously (0.07 acre), a 1:1 mitigation ratio is considered appropriate. The 0.03 acre of surplus creation credit and 0.01 acre of remaining enhancement credit available at El Cuervo Norte would be available for other City projects (e.g., Camino Del Sur [north]). The suitability of this previously completed mitigation effort shall be determined and verified by the Corps, CDFW, and RWQCB as part of the jurisdictional permit process.

Camino Del Sur (north) would impact 0.04 acre of non-wetland, federal and State jurisdictional streambed (non-City jurisdictional). Mitigation for this impact shall occur at a 2:1 ratio (0.08 acre) through off-site creation of wetland/riparian habitat along the creek in McGonigle Canyon as described in Mitigation Measure Bio-2. A total of 1.58 acres of wetland habitat shall be created at this location for Camino Del Sur (north) impacts to wetlands (1.5 acres created; see Mitigation Measure Bio-2) and non-wetland streambeds (0.08 acre created per this measure, Mitigation Measure Bio-98).

~~Mitigation Measure Bio-4 shall also be implemented to avoid or minimize potential indirect impacts to off-site vernal pool preserves. Additional measures contained in the Land Use Adjacency Guidelines to protect the adjacent MHPA from indirect edge effects would also provide protection for these off-site vernal pool preserves.~~

The following measure is also required.

- Prior to any construction-related activities that would impact jurisdictional areas (including earthwork and fencing), the Applicant shall schedule a pre-construction meeting with Mitigation Monitoring Coordination and submit to the Development Services Department written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the pre-construction meeting for that phase of work. The Applicant shall provide evidence¹ of the following to the City Manager:
 - A. Compliance with the Corps Section 404 permit;
 - B. Compliance with the Regional Water Quality Control Board Section 401 Water Quality certification; and,
 - C. Compliance with the CDFW Section 1601-1603 SAA.

¹ Evidence shall include either copies of permits issued, letter of resolutions issued by the responsible agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the City Manager.

Bio-9 Vernal Pool Protection During and After Construction

Construction monitoring shall be conducted throughout the rainy season by a Qualified Biologist during grading of the public roads in the vicinity of the off-site vernal pool preserves and for the 3 years following road construction. Monitoring shall consist of observing the hydrological characteristics (i.e., ponding) of the off-site vernal pool preserves during and post-construction. In the event that sufficient rainfall to demonstrate adequate ponding does not occur during the 3 years following project construction, monitoring shall continue in 1-year increments, to a maximum of 5 years after the completion of road construction. A monitoring report shall be submitted to the USFWS by September 1 following each monitoring season. If monitoring within the prescribed monitoring period detects impacts to the ponding of the off-site vernal pools from construction and/or operation of the project, the project applicant shall implement remedial measures to eliminate and repair observed hydrologic changes, to the satisfaction of the USFWS and CDFW.

9.5 HISTORICAL RESOURCES

Hist-1 The following measures shall be implemented prior to issuance of construction permits, prior to the start of construction, during construction and after construction within 100 feet of the two previously recorded sites (i.e., SDI-13078 and SDI-13077H) on the Merge 56 project site and the right-of-way for Camino Del Sur and within the eastern trail alignment to Darkwood Canyon:

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 Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

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 archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.

3. Prior to the start of work, the applicant must obtain written 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 (1-mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center 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.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1-mile radius.

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, Native American consultant/monitor (only where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological 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
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME 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 site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

- A. Monitor(s) Shall be Present During Grading/Excavation/Trenching
 1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **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 AME.**
 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop, and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
 4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSVs 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 Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources 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.
 4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource, specifically if Native American resources are encountered.
- C. Determination of Significance
1. The PI and Native American consultant/monitor, where Native American resources are discovered, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - 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.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, 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. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

- A. Notification
1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
- B. Isolate discovery site
1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a

- determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
 3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains **ARE** determined to be Native American
1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
 3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
 4. The MLD will have 48 hours to make recommendations to the property owner or representative for the treatment or disposition, with proper dignity, of the human remains and associated grave goods.
 5. Disposition of Native American Human Remains will be determined between the MLD and the PI and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner; THEN
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures, the human remains and items

associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

- D. If Human Remains are **NOT** Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. 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 of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III – During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III – During Construction and IV–Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of 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 and/or weekend 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.

VI. 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 Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation.
The PI shall be responsible for recording (on the appropriate State of California Department of Parks and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center 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 Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
 3. The cost for curation is the responsibility of the property owner.

- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. **THIS WOULD ALSO REQUIRE THE INCLUSION OF ALL PRIOR ARCHAEOLOGICAL WORK CONDUCTED WHERE MATERIALS WERE COLLECTED IN 1996 BY PIGNIOLO, 2003 BY BFS AND 2012 BY ASM. REFER TO HISTORICAL RESOURCES (CULTURAL RESOURCES/CURATION AND FINAL REPORT PREPARATION OF PREVIOUS ARCHAEOLOGICAL WORK CONDUCTED MMRP CONDITION).** This shall be completed in consultation with MMC and the Native American representative, as applicable.
 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.
 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy 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 and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

9.6 PALEONTOLOGICAL RESOURCES

Paleo-1 The following mitigation measures contain project conditions that have been developed by the City to reduce potential paleontological impacts to below a level of significance. These requirements comprise a comprehensive program to address potential impacts to moderate to high-sensitivity paleontological resources associated with the Linda Vista Formation, Mission Valley Formation, Stadium Conglomerate and Friars Formation, and are consistent with standard programs employed at other sites in the City. Implementation of these mitigation measures would allow preservation and future scientific study of any important paleontological resources encountered, thereby reducing impacts to below a level of significance.

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.

9.7 NOISE

~~**Noi-1** Prior to issuance of a residential building permit for lots fronting Private Drive M, Camino Del Sur, Carmel Mountain Road and SR-56, an exterior to interior noise analysis shall be completed once the architectural floor plans are available, to determine if the related interior noise standard of 45 dBA CNEL is met. Appropriate noise attenuation measures identified in the interior noise analysis shall be incorporated into the project design to ensure compliance with the General Plan Noise Element Land Use - Noise Compatibility Guidelines.~~

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