



SAN DIEGO COUNTY CLERK
CEQA FILING COVER SHEET

FILED

Sep 13, 2023 02:30 PM
JORDAN Z. MARKS
SAN DIEGO COUNTY CLERK
File # 2023-000725
State Receipt # 37091320230654
Document # 2023-NOD-108

THIS SPACE FOR CLERK'S USE ONLY

Complete and attach this form to each CEQA Notice filed with the County Clerk

TYPE OR PRINT CLEARLY

Project Title

MERGE 56 EV

Check Document being Filed:

- Environmental Impact Report (EIR)
- Mitigated Negative Declaration (MND) or Negative Declaration (ND)
- Notice of Exemption (NOE)
- Other (Please fill in type):

FILED IN THE OFFICE OF THE SAN DIEGO	
COUNTY CLERK ON <u>September 13, 2023</u>	
Posted <u>September 13, 2023</u>	Removed <u>OCT 13 2023</u>
Returned to agency on <u>OCT 13 2023</u>	
DEPUTY	<u>Maia Gomez</u>

M. Gomez

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office. For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.

**NOTICE OF DETERMINATION
(Consistency Determination Pursuant to CEQA Section 15162)**

(Choose one)

To: Recorder/County Clerk
P.O. Box 1750, MS A33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

From: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Number: 650819

State Clearinghouse Number: 2014071065

Project Title: Merge 56 EV

Project location: Near 8049 Eclipse Road San Diego, CA 92129

Project description: The project is a request for a partial Public Service Easement Vacation of a storm drain on the west side of Camino Del Sur located at 8049 Eclipse Road within Lot 37 Map 13309 APN 309-581-01 within the boundaries and part of the implementation of the previously approved Merge 56 project.

The City of San Diego previously prepared an Environmental Impact Report for the Merge 56 project (Project No. 360009/SCH# 2014071065). The Environmental Impact Report was certified by the City of San Diego City Council on May 22, 2018, Resolution No. R-311775. The Merge 56 project Environmental Impact Report analyzed a mixed-use development and public roadway improvements 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). The partial Public Service Easement Vacation of a storm drain is within the scope of the previously adopted EIR and no further environmental review is required.

Pursuant to Public Resources Code Section 21166 and CEQA guidelines 15162 and 15163 (related to EIR's), the City has determined that: (1) there is substantial evidence that none of the conditions requiring preparation of a subsequent or supplemental EIR or subsequent Negative Declaration/Mitigated Negative Declaration exist, and (2) the City will rely on the previous environmental document, which adequately addresses this project.

The proposed project would, or would not introduce additional impacts or increase the severity of impacts beyond those already analyzed in Environmental Impact Report.

Project applicant: Heather Galloway, Latitude 33, 9968 Hilbert St. 2nd Floor San Diego, CA 92131; 858.751.0633

This is to advise that the Development Services Department of the City of San Diego on August 14, 2023 approved the above described project and made the following determinations:

- (1) No Substantial changes are proposed in the project which will require major revisions of the previous Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and,
- (2) No Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or,

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Environmental Impact Report was certified, shows any of the following:
- a. The project will have one or more significant effects not discussed in the previous Environmental Impact Report;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous Environmental Impact Report;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Environmental Impact Report would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

It is hereby certified that the final environmental report, including comments and responses, is available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego, CA 92101.

Analyst: Sara Osborn

Telephone: (619)446-5381

Filed by: Sara Osborn
Signature

Senior Planner
Title

[Attach Copy of Check, Proof of CDFG Payment, or No Effect Form]
Reference: California Public Resources Code, Section 15162/63.



State of California - Department of Fish and Wildlife
2018 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 12/15/15) Previously DFG 753.5a

RECEIPT NUMBER:
 37-2018- 0551
 STATE CLEARINGHOUSE NUMBER (If applicable)
 2014071065

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF SAN DIEGO	LEAD AGENCY EMAIL --	DATE 06/15/2018
COUNTY/STATE AGENCY OF FILING San Diego County	DOCUMENT NUMBER *20180118*	

PROJECT TITLE
 MERGE 56 (AKA MERGE 56 DEVELOPMENT PROJECT)

PROJECT APPLICANT NAME GARY LEVITT, SEA BREEZE 56 LLC	PROJECT APPLICANT EMAIL --	PHONE NUMBER 858-504-0604
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PROJECT APPLICANT ADDRESS 5550 CARMEL MOUNTAIN ROAD, SUITE 204	CITY SAN DIEGO	STATE CA	ZIP CODE 92130
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PROJECT APPLICANT (Check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

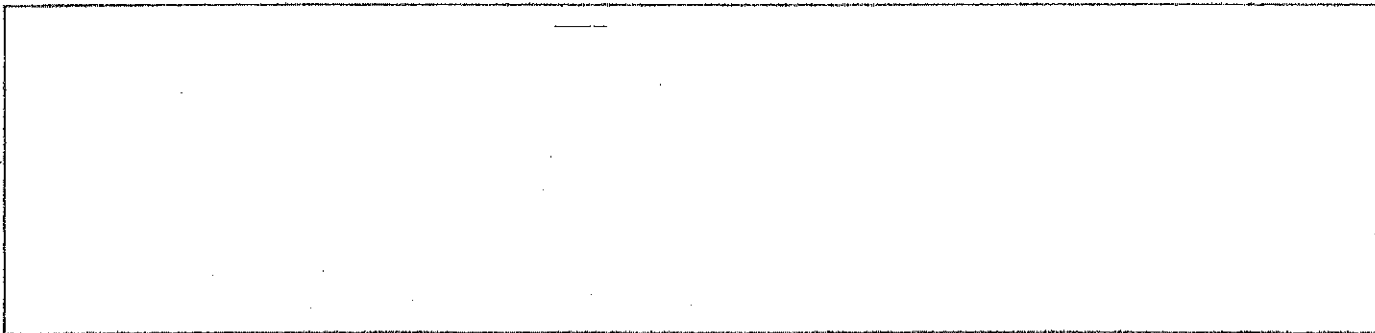
<input checked="" type="checkbox"/> Environmental Impact Report (EIR)	\$3,168.00	\$	\$3,168.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	180118	\$	
<input type="checkbox"/> Certified Regulatory Program document (CRP)	\$1,077.00	\$	
<input type="checkbox"/> Exempt from fee			
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	
<input checked="" type="checkbox"/> County documentary handling fee		\$	\$50.00
<input type="checkbox"/> Other		\$	

PAYMENT METHOD:

Cash
 Credit
 Check
 Other CHECK #1252
 TOTAL RECEIVED \$ 3,218.00

SIGNATURE <i>X [Signature]</i>	AGENCY OF FILING PRINTED NAME AND TITLE San Diego County CARMELO MENDOZA DOMINGUEZ , Deputy
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NOTICE OF DETERMINATION

(choose one)

TO: X Recorder/County Clerk
P.O. Box 1750, MS A33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422
X Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

FILED
Ernest J. Dronenburg, Jr. Recorder County Clerk

JUN 15 2018

BY Caruelo
DEPUTY

180118

PROJECT NUMBER: 360009

STATE CLEARINGHOUSE NUMBER: 2014071065

PROJECT TITLE: Merge 56 (aka Merge 56 Development Project)

PROJECT LOCATION: 72.34-acre undeveloped project site, City and County of San Diego

PROJECT DESCRIPTION: 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, 12 Community Commercial zoned lots, 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.

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.

PROJECT APPLICANT: Gary Levitt, Sea Breeze 56 LLC, 5550 Carmel Mountain Road, Suite 204, San Diego, CA 92130 (858) 504-0604.

This is to advise that the City of San Diego City Council on June 12, 2018 approved the above described project and made the following determinations: R-311775

- 1. The project in its approved form will, will not, have a significant effect on the environment.
- 2. An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA.
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
 An Addendum to Negative Declaration / Mitigated Negative Declaration / Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.

Record of project approval may be examined at the address above.

- 3. Mitigation measures were, were not, made a condition of the approval of the project; and a mitigation, monitoring and reporting program was, was not, adopted for the project.
- 4. (EIR only) Findings were, were not, made pursuant to CEQA Guidelines Section 15091.
- 5. (EIR only) A Statement of Overriding Considerations was, was not, adopted for this project.

It is hereby certified that the final environmental document, including comments and responses, is available to the general public at the office of the Development Services Department, 1222 First Avenue, San Diego, CA 92101.

Analyst: Shearer-Nguyen

Telephone: 619 533-4022

Filed by: Linda Bruen
Signature

Deputy City Clerk
Title

FILED IN THE OFFICE OF THE COUNTY CLERK

San Diego County on JUN 15 2018

Posted JUN 15 2018 Removed _____

Returned to agency on _____

Deputy Carmelo Mendez



San Diego County



Transaction #: 3188949
Receipt #: 2018267651

Ernest J. Dronenburg, Jr.
Assessor/Recorder/County Clerk
1600 Pacific Highway Suite 260
P. O. Box 121750, San Diego, CA 92112-1750
Tel. (619) 237-0502 Fax (619) 557-4155
www.sdarcc.com

Cashier Date: 06/15/2018
Cashier Location: SD

Print Date: 06/15/2018 3:04 pm

Payment Summary

Total Fees:	\$3,218.00
Total Payments:	\$3,218.00
Balance:	\$0.00

Payment

CHECK PAYMENT \$3,218.00

Total Payments \$3,218.00

Miscellaneous Item

FISH & WILDLIFE FEES

Fees:	Fish & Wildlife County Administrative Fee	\$50.00
Fees:	Fish & Wildlife Environmental Impact Report	\$3,168.00
Total Fees Due:		\$3,218.00

Grand Total - All Documents: \$3,218.00



1252

SEA BREEZE 56 LLC
3525 DEL MAR HEIGHTS RD #246
SAN DIEGO, CA 92130

PACIFIC WESTERN BANK
SAN DIEGO, CA 92101
90-3820-1222

4/12/2018

PAY TO THE ORDER OF San Diego County Clerk

\$ **3,218.00

Three Thousand Two Hundred Eighteen and 00/100*****

DOLLARS

City of San Diego
Development Services Dept
Attn: Cashier
1222 First Avenue MS#301C
San Diego, CA 92101

MEMO
CEQA NOD

AUTHORIZED SIGNATURE

⑈001252⑈ ⑆122238200⑆ 10010481⑈

Security features. Details on back.





State of California - Department of Fish and Wildlife
2023 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 01/01/23) Previously DFG 753.5a

RECEIPT NUMBER:
 37-09/13/2023-0654
 STATE CLEARING HOUSE NUMBER (If applicable)
 2014071065

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT	LEAD AGENCY EMAIL	DATE 09/13/2023
COUNTY/STATE AGENCY OF FILING SAN DIEGO	DOCUMENT NUMBER 2023-NOD-0108	

PROJECT TITLE
MERGE 56 EV

PROJECT APPLICANT NAME HEATHER GALLOWAY, LATITUDE 33	PROJECT APPLICANT EMAIL	PHONE NUMBER 858-751-0633
PROJECT APPLICANT ADDRESS 9968 HILBERT ST. 2ND FLOOR	CITY SAN DIEGO	STATE CA
		ZIP CODE 92131

PROJECT APPLICANT (Check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

<input checked="" type="checkbox"/> Environmental Impact Report (EIR)	\$3,839.25	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)/(ND)	\$2,764.00	\$	0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW.	\$1,305.25	\$	0.00
<hr/>			
<input type="checkbox"/> Exempt from fee			
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input checked="" type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<hr/>			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other		\$	0.00

PAYMENT METHOD:

Cash
 Credit
 Check
 Other

TOTAL RECEIVED \$ 50.00

SIGNATURE X	AGENCY OF FILING PRINTED NAME AND TITLE San Diego County Clerk, CARLOS TERAN, Deputy
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Payment Reference #: CHECK #1537 REM 06/15/2018 RECEIPT #37-2018-0551 DOC#20180118

San Diego County



Transaction #: 7372633
Receipt #: 2023323279

JORDAN Z. MARKS

Assessor/Recorder/County Clerk
1600 Pacific Highway Suite 260
P. O. Box 121750, San Diego, CA 92112-1750
Tel. (619) 237-0502 Fax (619) 557-4155

Cashier Date: 09/13/2023
Cashier Location: SD

Print Date: 09/13/2023 2:31 pm

www.sdarcc.gov

Payment Summary

Total Fees:	\$50.00
Total Payments:	\$50.00
Balance:	\$0.00

Payment

CHECK PAYMENT #1537 \$50.00

Total Payments \$50.00

Filing

CEQA - NOD FILE #: 2023-000725 Date: 09/13/2023 2:30PM Pages: 7

State Receipt # 37-09/13/2023-0654

Fees: Fish & Wildlife County Administrative Fee \$50.00

Total Fees Due: \$50.00

Grand Total - All Documents: \$50.00