



SAN DIEGO COUNTY CLERK
CEQA FILING COVER SHEET

FILED

Nov 29, 2023 09:07 AM
JORDAN Z. MARKS
SAN DIEGO COUNTY CLERK
File # 2023-000962
State Receipt # 37112920230876
Document # 2023-NOD-152

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 AMENDMENT #2

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>November 29, 2023</u> | |
| Posted <u>November 29, 2023</u> | Removed <u>DEC 29 2023</u> |
| Returned to agency on <u>DEC 29 2023</u> | |
| DEPUTY <u><i>[Signature]</i></u> | C. Teran |

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 (SUBSEQUENT ACTION)

(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: PRJ-1059203

State Clearinghouse Number: 2014071065

Project Title: Merge 56 Amendment #2

Project location: South of State Route 56 at Camino Del Sur, West of Carmel Mountain Road San Diego CA, 92129

Description of Previous Action/Project: The City of San Diego previously prepared an Environmental Impact Report for the Merge 56 Development project (Project No. 360009). The Environmental Impact Report was certified by the City of San Diego City Council on May 22, 2018, Resolution No. 311775.

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

Project Applicant: Sea Breeze 56, LLC, 5550 Carmel Mountain Rd, Suite 204 San Diego CA, 92130, (858) 205-1199

This is to advise that the Hearing Officer of the City of San Diego on November 1, 2023 approved the above described project and made the following determinations:

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 No. 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 report, 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: Marlene Watanabe

Telephone: (619) 446-5129

Filed by: 

Signature

Senior Planner

Title

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 Medina
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 Mendora



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 |
| PROJECT APPLICANT ADDRESS 5550 CARMEL MOUNTAIN ROAD, SUITE 204 | CITY SAN DIEGO | STATE CA |
| | | ZIP CODE 92130 |

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) | \$2,280.75 | \$ | |
| <input type="checkbox"/> Certified Regulatory Program document (CRP) | \$1,077.00 | \$ | |

180118

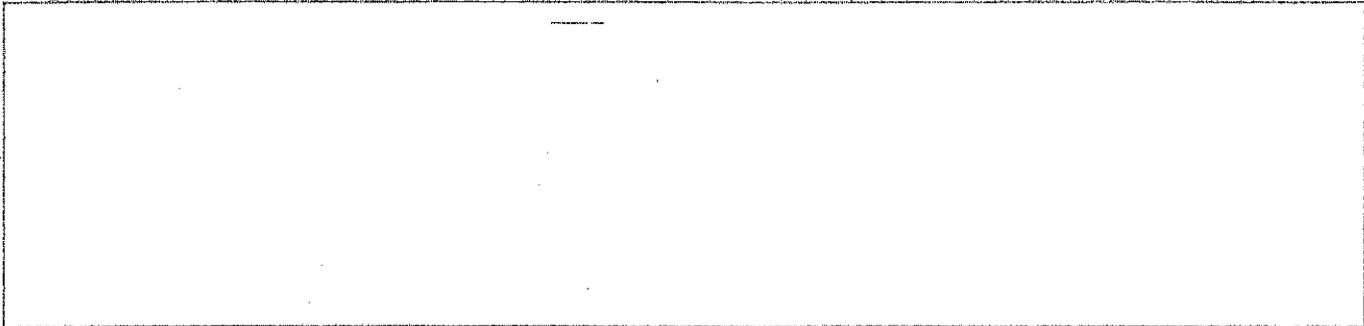
Exempt from fee
 Notice of Exemption (attach)
 CDFW No Effect Determination (attach)
 Fee previously paid (attach previously issued cash receipt copy)

| | | | |
|---|----------|----|---------|
| <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 |
|-----------------------------------|---|





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

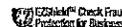
Total Payments \$3,218.00

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
CEQA NOD

MEMO

AUTHORIZED SIGNATURE

⑈001252⑈ ⑆122238200⑆ 1001048147⑈

Security features. Details on back.

San Diego County



Transaction #: 7507852
Receipt #: 2023417805

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
www.sdarcc.gov

Cashier Date: 11/29/2023
Cashier Location: SD

Print Date: 11/29/2023 9:07 am

Payment Summary

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

Payment

CHECK PAYMENT #1541 \$50.00

Total Payments \$50.00

Filing

CEQA - NOD FILE #: 2023-000962 Date: 11/29/2023 9:07AM Pages: 7

State Receipt # 37-11/29/2023-0876

Fees: Fish & Wildlife County Administrative Fee \$50.00

Total Fees Due: \$50.00

Grand Total - All Documents: \$50.00



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: 37-11/29/2023-0876 |
| 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 11/29/2023 |
| COUNTY/STATE AGENCY OF FILING SAN DIEGO | DOCUMENT NUMBER 2023-NOD-0152 | |

PROJECT TITLE
MERGE 56 AMENDMENT #2

| | | |
|--|-------------------------|------------------------------|
| PROJECT APPLICANT NAME SEA BREEZE 56 LLC | PROJECT APPLICANT EMAIL | PHONE NUMBER 858-205-1199 |
| PROJECT APPLICANT ADDRESS 5550 CARMEL MOUNTAIN RD SUITE 204 | CITY SAN DIEGO | STATE CA |
| | | ZIP CODE 92130 |

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 |
|----------------|---|

Payment Reference #: CHECK # 1541 REM 06/15/2018 RECEIPT #37-2018-0551 DOC#20180118