

PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS LOS ANGELES DISTRICT

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APPLICATION FOR PERMIT MERGE 56 DEVELOPMENT PROJECT

Public Notice/Application No.: SPL-2014-00015-CJA

Project: Merge 56 Roadway Project

Comment Period: April 25, 2018 through June 9, 2018

Project Manager: Christopher J. Allen; (760) 602-4836; Christopher.Allen@usace.army.mil

Applicant

Gary Levitt Sea Breeze 56, LLC 3525 Del Mar Heights Road # 246 San Diego, California 92130-2122

Contact

Greg Mason Alden Environmental, Inc. 3245 University Avenue, #1188 San Diego, California 92104

Location

The Merge 56 Roadway Project is situated in the communities of Torrey Highlands and Rancho Peñasquitos immediately adjacent to the State Route 56 (SR-56) right-of-way in the City and County of San Diego (32.95467, -117.151259). As shown on the U.S. Geological Survey 7.5-minute Del Mar Quadrangle map, the site occurs in Section 23, Township 14S, and Range 3W.

Regional access to the site is from SR-56, Interstate 5 and Interstate 15. SR-56 is present across the northeastern portion of the project area, and Carmel Mountain Road extends into the northeastern portion, crossing SR-56. The present northern terminus of Camino Del Sur occurs in the southeastern section of the site, and the present southern terminus of Camino Del Sur occurs in the northwestern corner.

<u>Activity</u>

The activity as proposed would construct and extend Camino Del Sur Road and Caramel Mountain Road to support a mixed-use development and to provide existing communities with alternative access to and from State Route 56. See below for a detailed project description.

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawings. We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the

record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act. Comments should be mailed to:

DEPARTMENT OF THE ARMY LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS REGULATORY DIVISION ATTN: Christopher J. Allen 5900 LA PLACE COURT, SUITE 100 CARLSBAD, CALIFORNIA 92008

Alternatively, comments can be sent electronically to: christopher.allen@usace.army.mil

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material,

the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made an environmental impact statement is not required for the proposed work.

<u>Water Quality</u>- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

<u>Coastal Zone Management</u>- This project is located outside the coastal zone and preliminary review indicates it would not affect coastal zone resources. After a review of the comments received on this public notice and in consultation with the California Coastal Commission, the Corps will make a final determination of whether this project affects coastal zone resources after review of the comments received on this Public Notice.

<u>Essential Fish Habitat</u>- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH is affected by the proposed project.

<u>Cultural Resources</u>- Cultural resource inventories were completed to identify cultural resources that are eligible for listing on the National Register of Historic Places (NRHP). The 2010 and 2012 inventories included a pedestrian survey and a records search update at the South Coastal Information Center (SCIC) for a one-mile radius around the project area. The cultural resource surveys identified two potential sites in the vicinity. The Corps will evaluate the sites to determine if they are eligible for listing on the NRHP.

Endangered Species-

Preliminary determinations indicate the proposed activity may affect San Diego fairy shrimp (*Branchinecta sandiegonensis*) and California gnatcatcher (*Polioptila californica californica*), federally-listed endangered or threatened species, and their critical habitat. Therefore, the Corps will initiate consultation under Section 7 of the Endangered Species Act. The Corps will complete the required consultation prior to finalizing a permit decision.

<u>Public Hearing</u>- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

The Merge 56 Development Project would include public road improvements, including Camino Del Sur North and Camino Del Sur South. The roadway improvements would complete undeveloped segments of Camino Del Sur and Carmel Mountain Road. Both public roads front the Merge 56 Mixed Use site and would intersect at its southern boundary. Rights-of-way for both road extensions are predominantly undeveloped.

Camino Del Sur and Carmel Mountain Road Improvements

Carmel Mountain Road is also a capital improvement project identified in the Rancho Peñasquitos PFFP and would be designed in accordance with City Street Design as a four-lane major roadway, including a 92-ft to 142-ft wide right-of-way, with a 72-ft to 112-ft curb-to-curb width and a 14-ft to 24-ft wide median. The existing, paved segment of Carmel Mountain Rd. would be realigned northwest, widened, and extended south from Sundance Avenue to its planned intersection with Camino Del Sur as a two-lane roadway. Together, these roads would provide local access to the Merge 56 Mixed Use site and surrounding properties.

A 16-inch public water main and an eight-inch diameter recycled water line would be installed within the Carmel Mountain Road right-of-way.

Camino Del Sur- South Extension

The Camino Del Sur extension would be constructed from its current terminus south of SR- 56 to its planned intersection with Carmel Mountain Road southerly approximately 0.5 mile to Dormouse Road in neighboring Park Village area. Camino Del Sur and Carmel Mountain Road are capital improvement projects identified in the Torrey Highlands and Rancho Peñasquitos Public Facilities Financing Plans (PFFP). The roadway would be designed in accordance with City Street Design as a four- to six- lane major roadway, including a 98-ft to 142-ft wide right-of-way with a 78-ft to 112-ft curb-to-curb width and a 14-ft to 24-ft wide median.

A 16-inch public water main and a 24-inch diameter recycled water line would be installed within the Camino Del Sur right-of-way.

A new segment of trail, coordinated with the City Park and Recreation Department, would be extended from the sidewalk along Camino Del Sur-South to the bottom of Darkwood Canyon where it would meet up with an existing trail. Additionally, sidewalks and an unpaved pathway would be constructed parallel to the proposed extension of Camino Del Sur to facilitate linkages for pedestrians and bicyclists between the Park Village area to the south and the areas to the north such as Torrey Highlands. The location and design would be contained entirely within the impact footprint for Camino Del Sur-South.

<u>Basic Project Purpose</u>- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs).

The basic project purpose for the proposed project is to provide the local communities of Rancho Peñasquitos and Torrey Highlands with roadway extensions and improvements. The project is not water dependent.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed.

The applicant's stated project purpose is to construct a public roadway improvement for Camino Del Sur and Caramel Mountain Road. The roadway improvements would construct the final segments of Camino Del Sur, SR 56, and Park Village Road. The roadway extensions and improvements are needed to serve the Rancho Peñasquitos and Torrey Highlands communities.

Additional Project Information

Baseline information-

The project site is largely undeveloped, with several dirt access roads and signs of previous agricultural activities. SR-56 crosses the northeastern portion, and Carmel Mountain Road crosses SR-56 and also extends into the northeast. The northern segment of Camino Del Sur currently terminates at the northwestern corner, and the southern segment of Camino Del Sur begins at the southern end. An approximately 150-foot (ft) wide SDG&E utility easement crosses through the central portion in a northeast-southwest direction. No utility facilities are located within the easement. Residential development exists north, south, and east of the project site.

Topographically, the site is comprised of mesa tops, with an approximate elevation of 400 feet above mean sea level (AMSL). The site is situated in Section 23, Township 14S, and Range 3W as shown on the U.S. Geological Survey 7.5-minute Del Mar Quadrangle map. Finger canyons extend to Deer Canyon and Los Peñasquitos Canyon, and water flowing through these canyons ultimately reaches Los Peñasquitos Lagoon. Seventeen vegetation communities occur within the project area, six of which are wetland/riparian habitats and 11 are upland.

Project description-

The Merge 56 Development Project includes roadway extensions and improvements. The roadway extensions and improvements will complete undeveloped segments of Camino Del Sur and Carmel Mountain Road. Both of these roads front the Merge 56 Mixed Use site and would intersect at its southern boundary. Rights-of-way for both road extensions are predominantly undeveloped.

Camino Del Sur and Carmel Mountain Road Improvements

Camino Del Sur and Carmel Mountain Road are capital improvement projects identified in the Torrey Highlands and Rancho Peñasquitos Public Facilities Financing Plans (PFFP). Camino Del Sur and Carmel Mountain Road were designed as separate projects in the event that the Mixed Use portion of the Project is not built. Some of the roadway grading occurs where development associated with the Mixed Use component would be built, but all of the impacts in the Camino Del Sur-North impact footprint have been attributed to the roadway impacts.

Camino Del Sur- North

- Camino Del Sur-North has been designed to avoid direct impacts to the San Diego National
 Wildlife Refuge immediately to the west by pulling the roadway slope back to the east and
 constructing a retaining wall. The construction grading, the retaining wall, and the roadway
 would be located outside the San Diego National Wildlife Refuge. Camino Del Sur would be
 constructed from its current terminus at the intersection with Torrey Santa Fe Road, south to
 its planned intersection with Carmel Mountain Road, as a four-lane roadway.
- An unpaved, multi-use trail connection (Del Mar Mesa Trail Connection) from Camino Del Sur-North would also be constructed along the roadway's western fill slope and entirely within the Camino Del Sur-North impact footprint. The trail would connect with an existing hike/bike trail identified in the Carmel Mountain/Del Mar Mesa Trails Community Plan Amendments and Natural Resources Management Plan Adoption. The trail connection would be five feet wide and would be dirt or other native material consistent with City Trail Policies and Standards.

Carmel Mountain Road

- Carmel Mountain Road is also a capital improvement project identified in the Rancho Peñasquitos PFFP and would be designed in accordance with City Street Design as a fourlane major roadway, including a 92-ft to 142-ft wide right-of-way, with a 72-ft to 112-ft curb-tocurb width and a 14-ft to 24-ft wide median. The existing, paved segment of Carmel Mountain Rd. would be realigned northwest, widened, and extended south from Sundance Avenue to its planned intersection with Camino Del Sur as a two-lane roadway. Together, these roads would provide local access to the Merge 56 Mixed Use site and surrounding properties.
- A 16-inch public water main and an eight-inch diameter recycled water line would be installed within the Carmel Mountain Road right-of-way.

Camino Del Sur -South Extension

- The Camino Del Sur extension would be constructed from its current terminus south of SR-56 to
 its planned intersection with Carmel Mountain Road southerly approximately 0.5 mile to
 Dormouse Road in neighboring Park Village area. Camino Del Sur would be designed in
 accordance with City Street Design as a four- to six-lane major roadway, including a 98-ft to
 142-ft wide right-of-way with a 78-ft to 112-ft curb-to-curb width and a 14-ft to 24-ft wide
 median.
- A 16-inch public water main and a 24-inch diameter recycled water line would be installed within the Camino Del Sur right-of-way.
- A new segment of trail, coordinated with the City Park and Recreation Department, would be extended from the sidewalk along Camino Del Sur-South to the bottom of Darkwood Canyon where it would meet up with an existing trail.

Additionally, sidewalks and an unpaved pathway would be constructed parallel to the proposed extension of Camino Del Sur to facilitate linkages for pedestrians and bicyclists between the Park Village area to the south and the areas to the north such as Torrey Highlands. The location and design would be contained entirely within the impact footprint for Camino Del Sur-South.

<u>Proposed Mitigation</u> – The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance and Minimization Measures

The roadway design with buffer width relative to adjacent wetlands in order to maintain wetland functions and values. This will avoid indirect drainage impacts from the roadways on the vernal pool watersheds.

Impacts to vernal pools and their watersheds outside the project boundary have been avoided through project design. The preserved vernal pool areas immediately adjacent to the project would be permanently fenced to prevent pedestrian and off-highway vehicle access. Impacts to the San Diego National Wildlife Refuge have also been avoided.

To ensure minimal effect to downstream water during construction, standard construction BMPs would be implemented during all phases of the project. All temporary impacts will be restored to preproject topography and contours.

Compensatory Mitigation

Camino Del Sur-North/Carmel Mountain Road

For the two roadway footprints, the applicant has proposed mitigated in-kind and achieve no net loss of wetland function and value. Mitigation is proposed at a 3:1 ratio for wetland habitat impacts and at 2:1 and 1:1 ratios for non-wetland drainage.

Table 2					
Merge 56 Development Project Proposed Mitigation for CDS-North/ Carmel Mountain Rd Component					
Wetlands					
Freshwater marsh	0.15	3:1	0.45		
Southern willow scrub	0.32	3:1	0.96		
Mule fat scrub	0.03	3:1	0.09		
Subtotal wetlands	0.50		1.50		
Non-wetland WUS					
Drainage	0.04	2:1	0.08		
Subtotal Non-wetlands	0.04		0.08		
TOTAL	0.54		1.58		

For the Camino del Sur North/Carmel Mountain Road impacts (0.54 acre), mitigation would be in the form of 1.58 acre of habitat restoration within the MHP, along the creek in McGonigle Canyon approximately 1.5 miles northwest of the project. The mitigation site is located within the MHP along the creek in McGonigle Canyon, approximately 1.5 miles northwest of the project, and supports existing wetland/riparian habitat along the creek. Proposed mitigation effort would widen the creek in an area that has been filled and used for agricultural purposes. A total of 1.58 acres of wetland/riparian habitat would be created at this location as project mitigation. A separate Merge 56

Development Project Wetland Mitigation Plan (Alden Environmental, Inc. 2016c) has been prepared to direct this mitigation. Some of the required mitigation could be met through the use of remaining available credits in the El Cuervo Norte Wetland Mitigation Site and, if so, the mitigation required at McGonigle Canyon would be reduced accordingly.

Camino Del Sur -South

For the Camino del Sur South drainage impact (0.05 acre), the Applicant is working with the City to purchase advanced permitee responsible mitigation lands at the El Cuervo wetland mitigation project.

Impacts to 0.05 acre of non-wetland WUS/WS from Camino Del Sur-South are proposed to be mitigated at a 1:1 ratio through the use of 0.05 acre of creation credits at the El Cuervo Norte Wetland Mitigation Site in Los Peñasquitos Canyon Preserve (Table 3). The City completed the El Cuervo habitat restoration effort in order to meet agency mitigation requirements for several projects, including Camino Del Sur-South, and have confirmed the set aside of 0.08 acre of creation credits and 0.01 acre of enhancement credit for the impacts. The El Cuervo mitigation site was approved by the Corps on July 7, 2010 following the five-year maintenance and monitoring period.

Table 3 Merge 56 Development Project Proposed Mitigation for Camino Del Sur-South Component					
Jurisdictional Area	Impact	Ratio	Requirement		
Non-wetland WUS					
Drainage	0.05	1:1	0.05		
Subtotal Non-wetlands	0.05		0.05		
TOTAL	0.05		0.05		

The proposed extension of Camino Del Sur-South as part of the project would be two lanes. 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 previously approved for Camino Del Sur, a 1:1 ratio is proposed.

For additional information please call Christopher J. Allen at 760-602-4836 or via e-mail at christopher.allen@usace.army.mil.



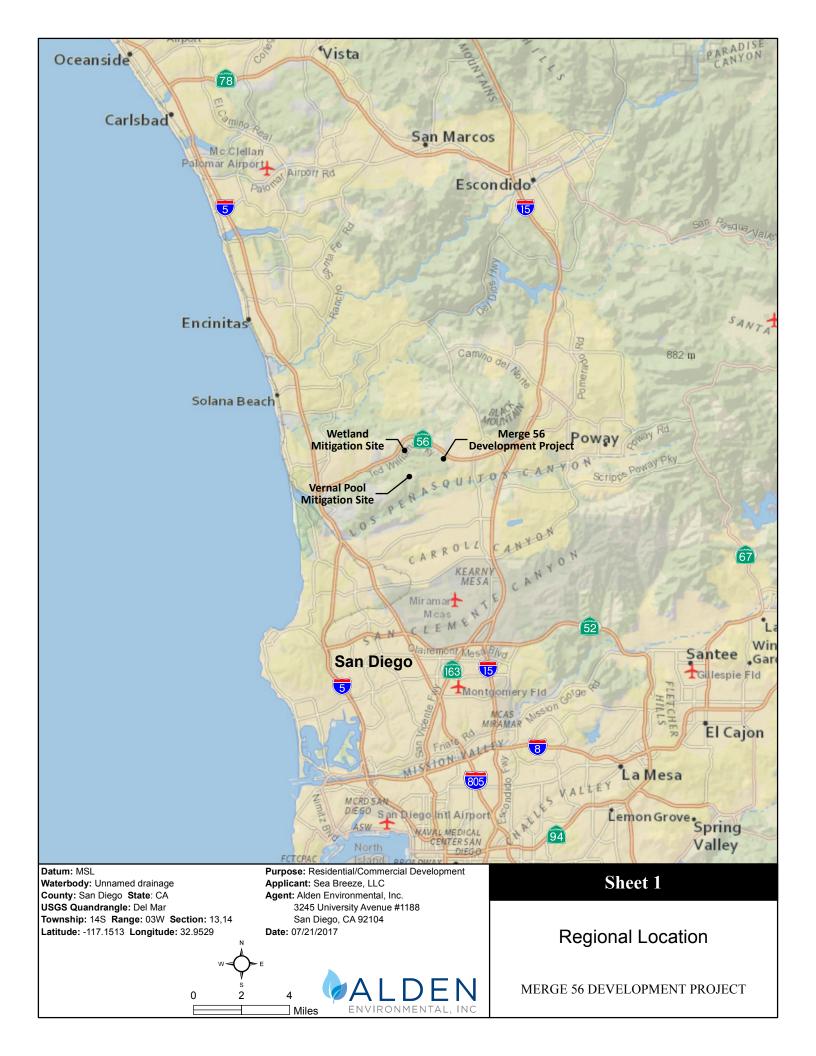
Regulatory Program Goals:

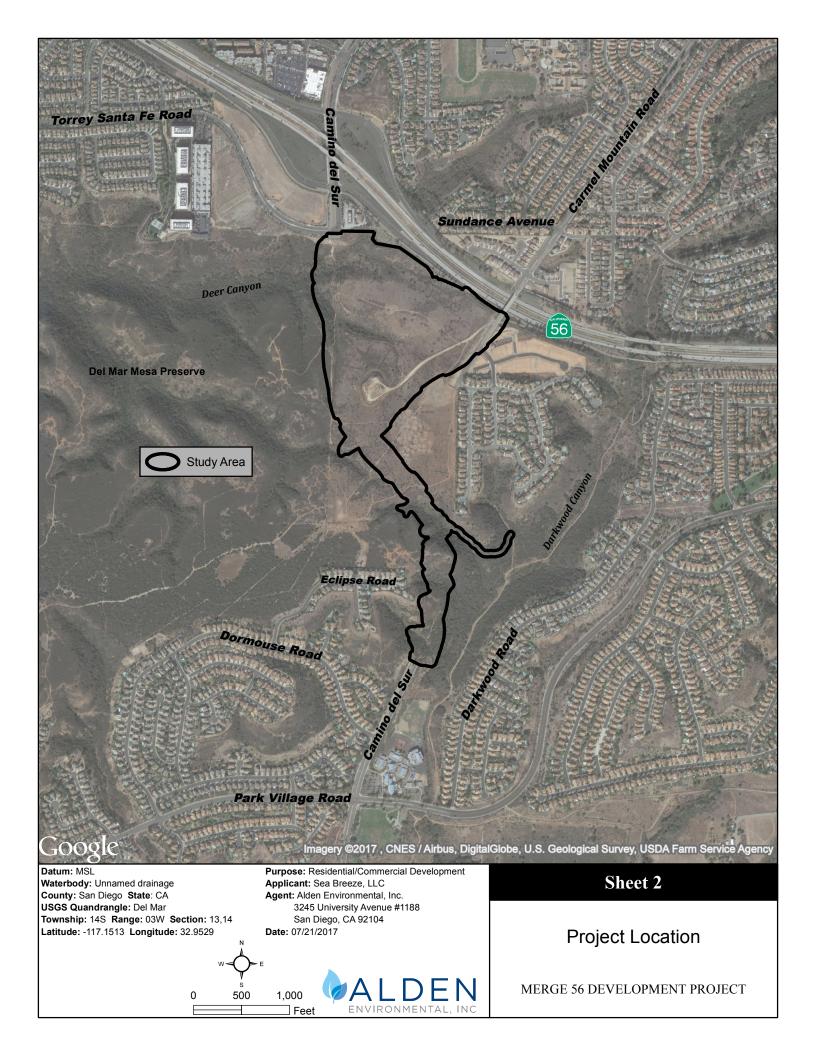
- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

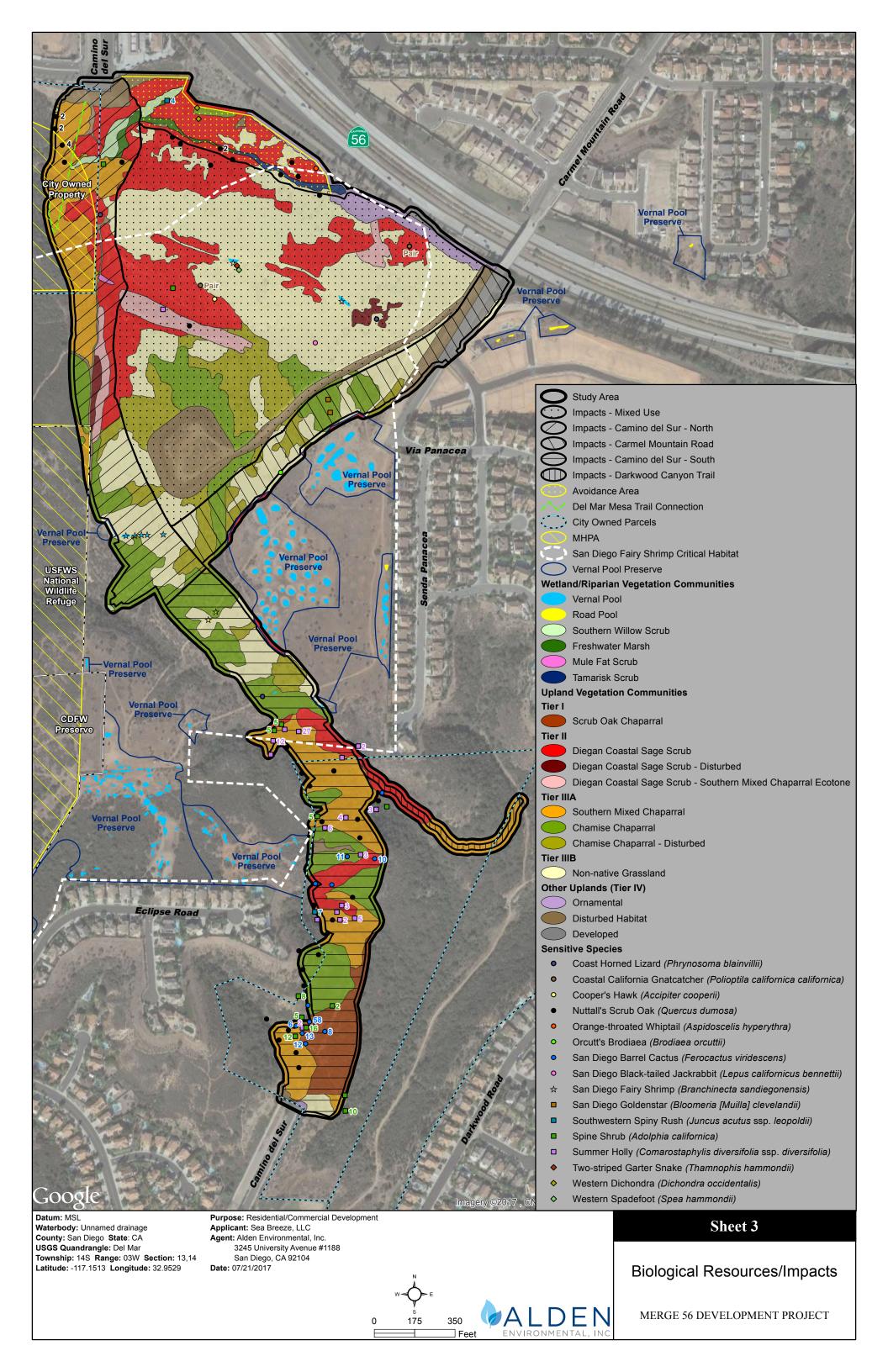
DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
5900 LA PLACE COURT, SUITE 100

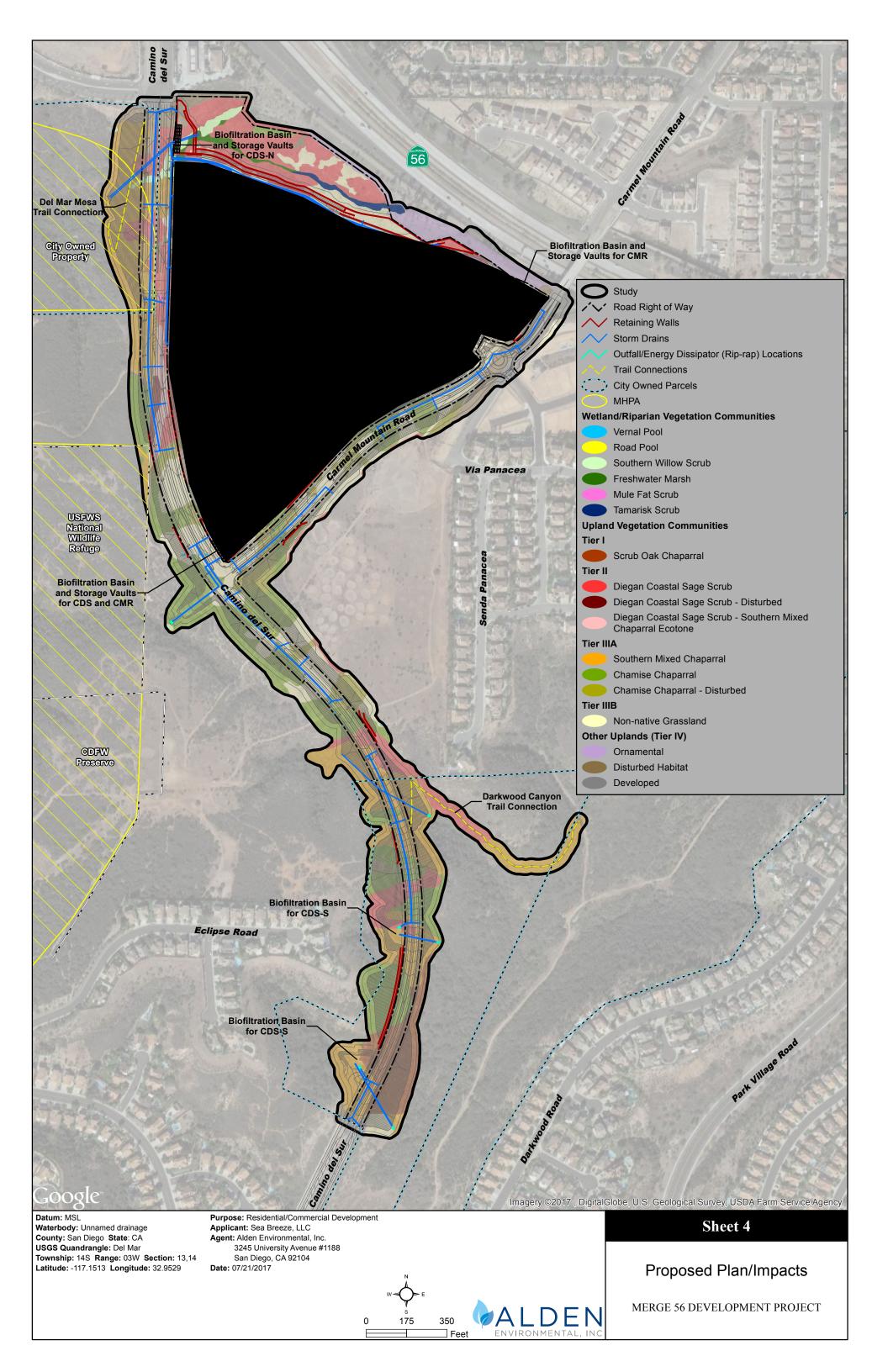
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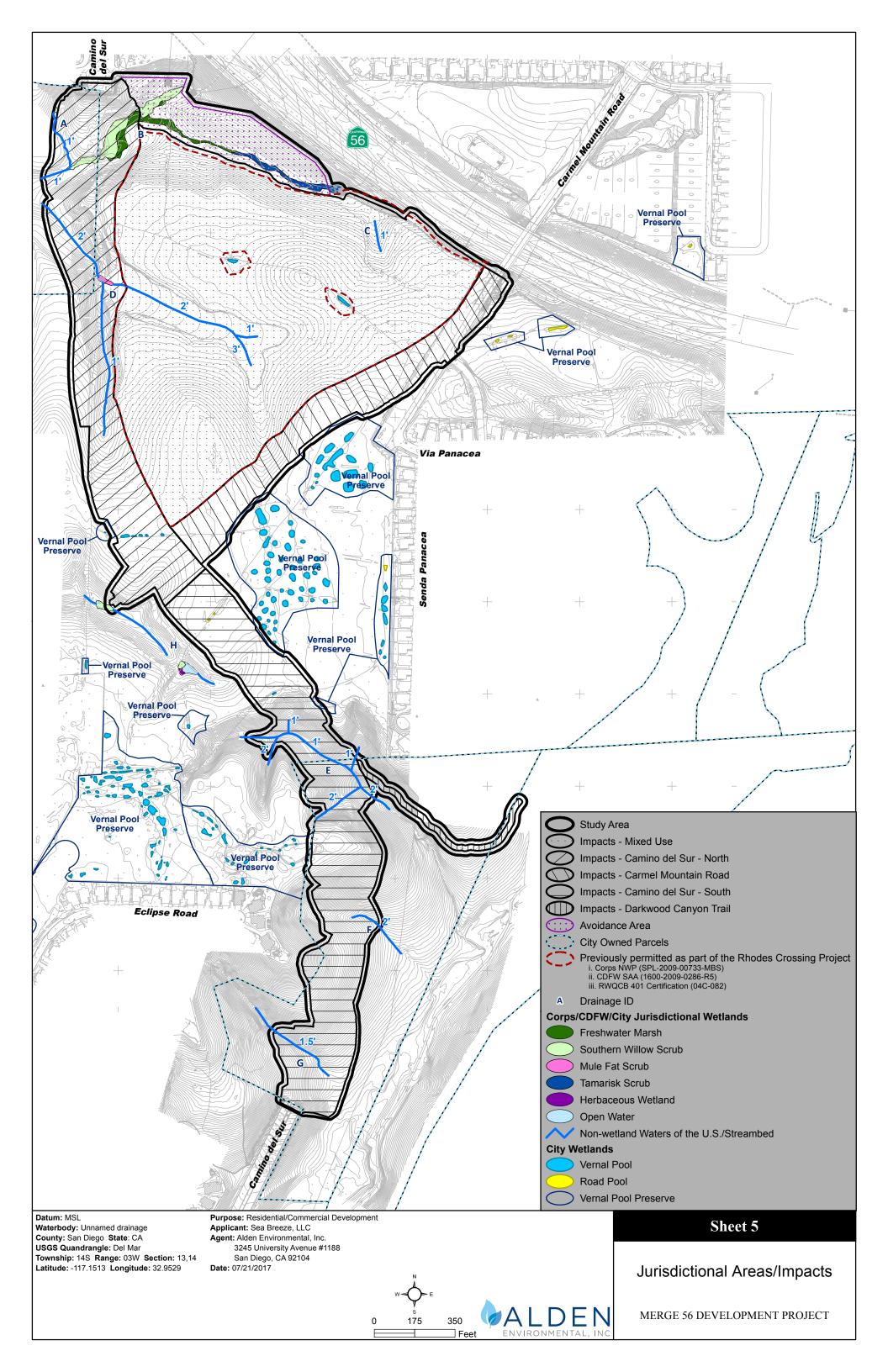
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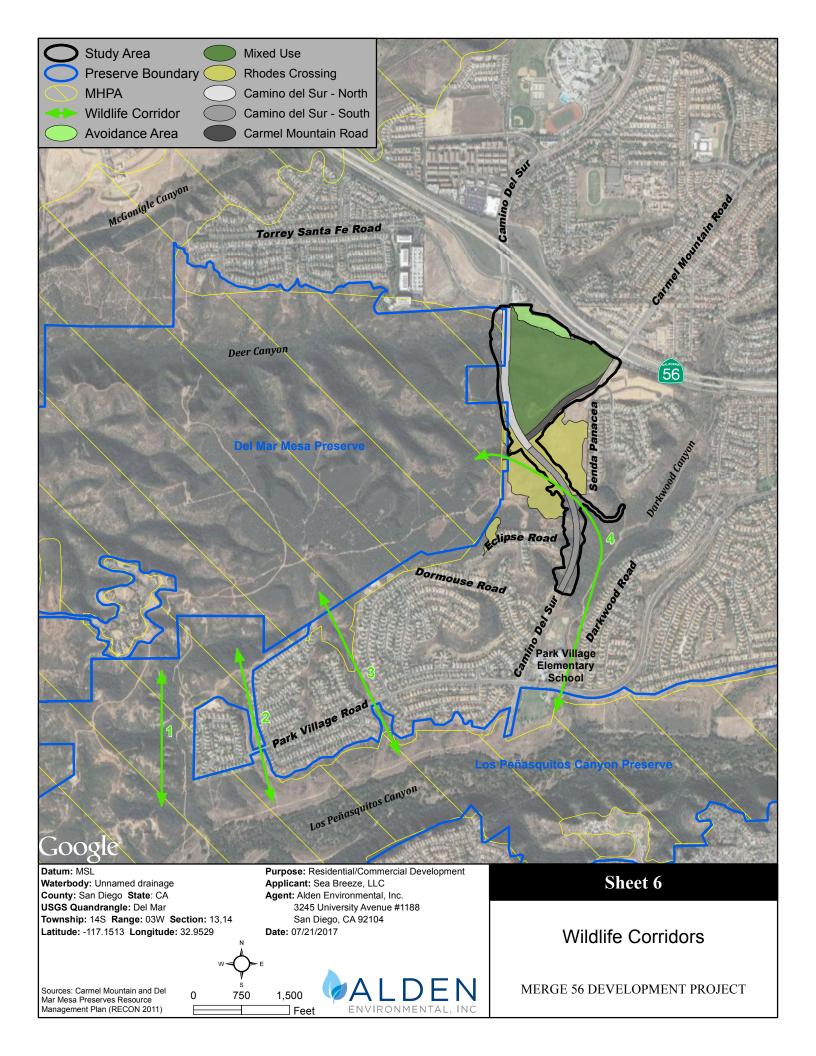


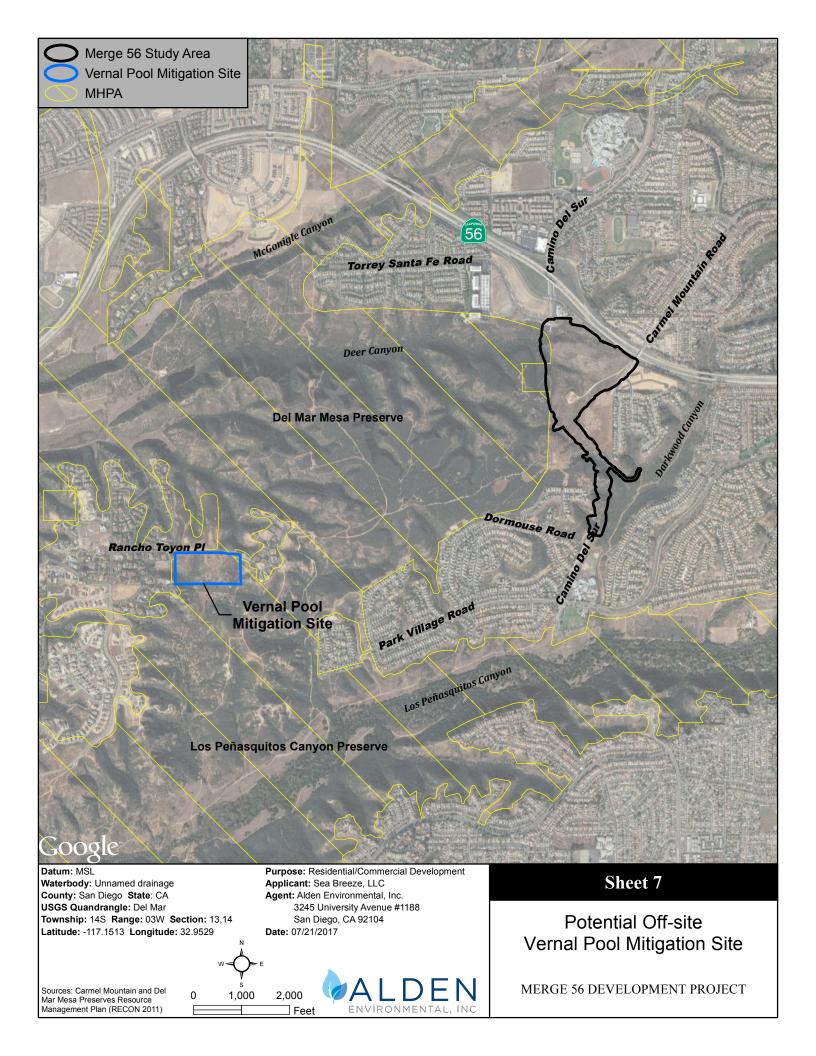


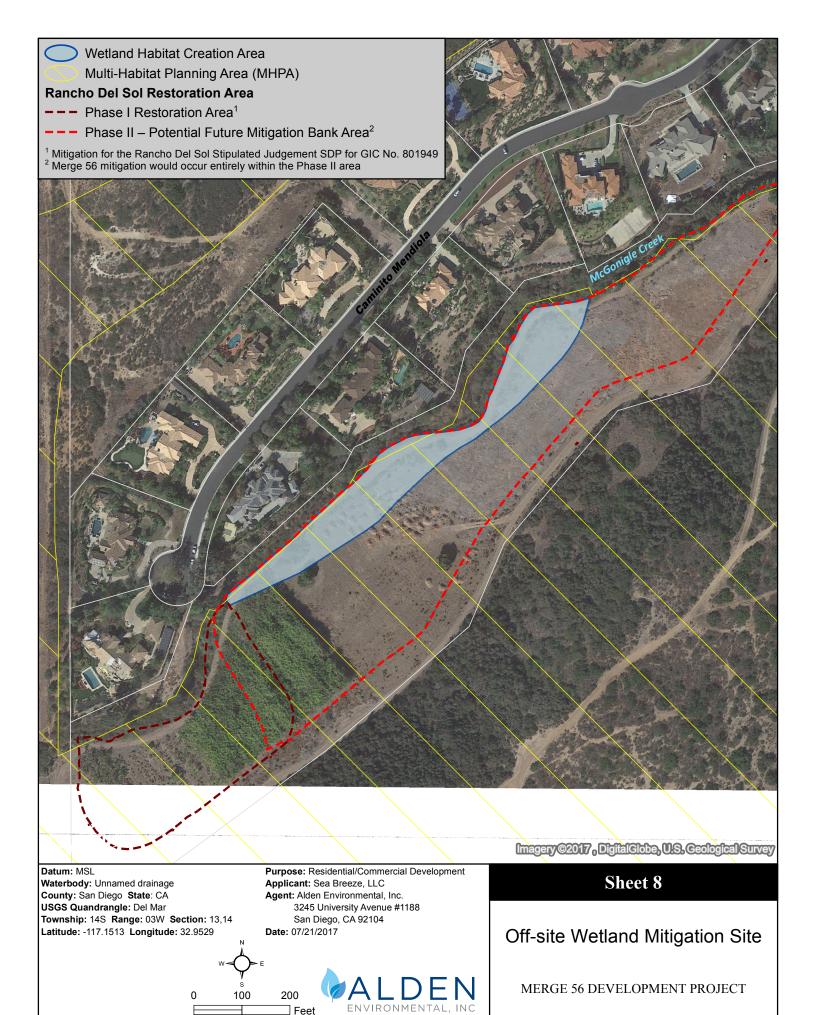


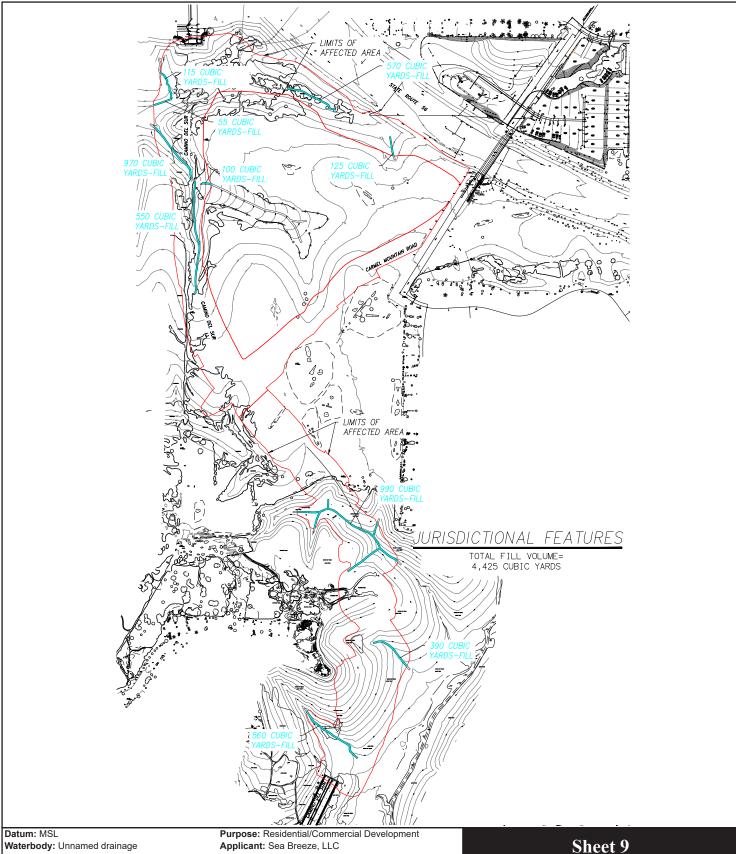












Waterbody: Unnamed drainage County: San Diego State: CA USGS Quandrangle: Del Mar

Township: 14S Range: 03W Section: 13, 14 Latitude: -117.1513 Longitude: 32.9529

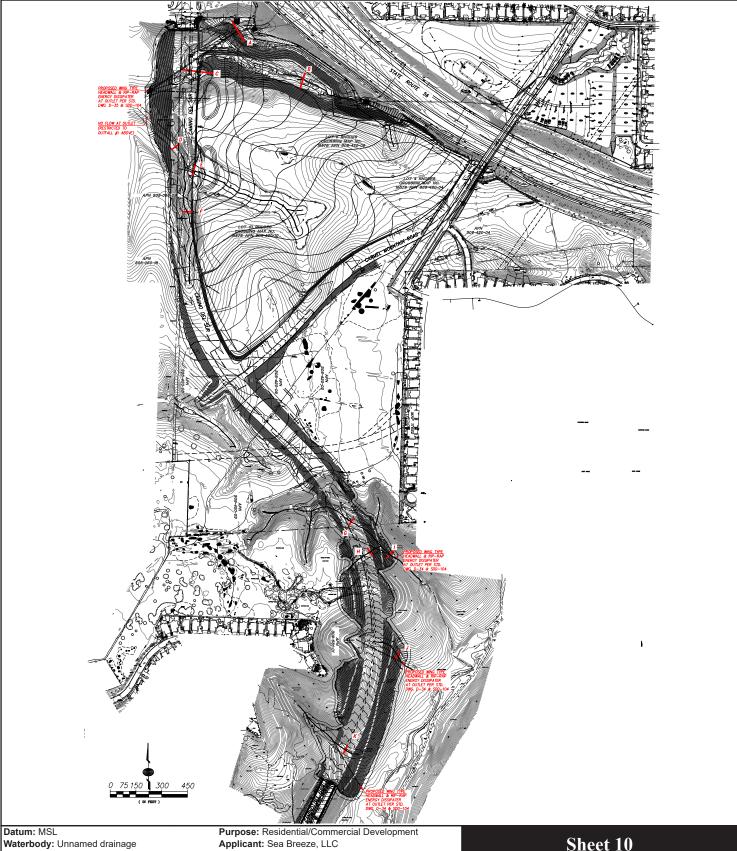
Applicant: Sea Breeze, LLC
Agent: Alden Environmental, Inc.
3245 University Avenue #1188
San Diego, CA 92104

Date: 07/21/2017

Exhibit of Fill Volumes

MERGE 56 DEVELOPMENT PROJECT





Waterbody: Unnamed drainage County: San Diego State: CA USGS Quandrangle: Del Mar

Township: 14S Range: 03W Section: 13, 14 Latitude: -117.1513 Longitude: 32.9529

Agent: Alden Environmental, Inc. 3245 University Avenue #1188 San Diego, CA 92104

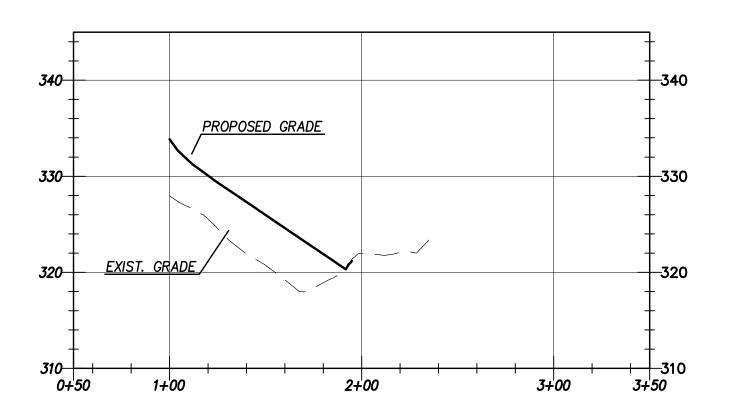
Date: 07/21/2017



Sheet 10

Exhibit of Fill Locations

MERGE 56 DEVELOPMENT PROJECT



SECTION A-A

SCALE: 1"=50' HORIZONTAL

1"=10' VERTICAL

Datum: MSL

Waterbody: Unnamed drainage County: San Diego State: CA USGS Quandrangle: Del Mar

Township: 14S Range: 03W Section: 13, 14 Latitude: -117.1513 Longitude: 32.9529

Purpose: Residential/Commercial Development

Applicant: Sea Breeze, LLC
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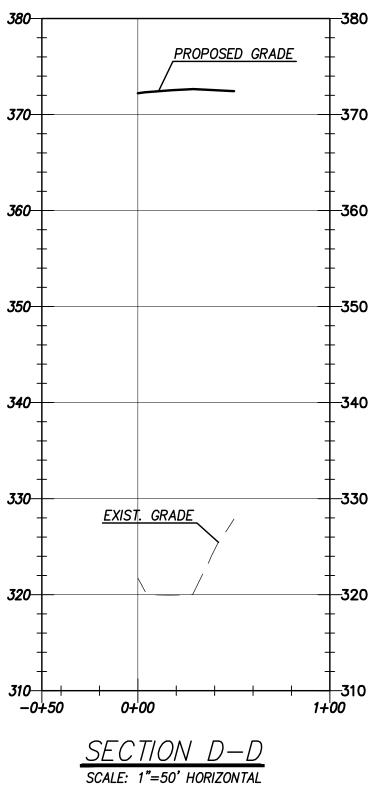
Date: 07/21/2017



Sheet 11

Cross-Section A-A through Wetland

MERGE 56 DEVELOPMENT PROJECT



SCALE: 1"=50' HORIZONTAL 1"=10' VERTICAL

Datum: MSL

Waterbody: Unnamed drainage County: San Diego State: CA USGS Quandrangle: Del Mar

Township: 14S Range: 03W Section: 13, 14 Latitude: -117.1513 Longitude: 32.9529

Purpose: Residential/Commercial Development

Applicant: Sea Breeze, LLC Agent: Alden Environmental, Inc. 3245 University Avenue #1188 San Diego, CA 92104

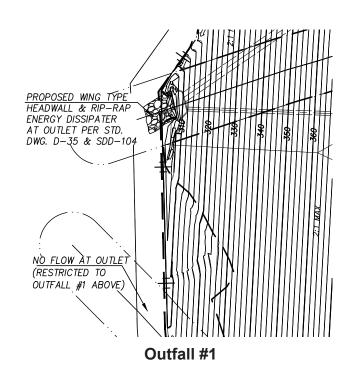
Date: 07/21/2017

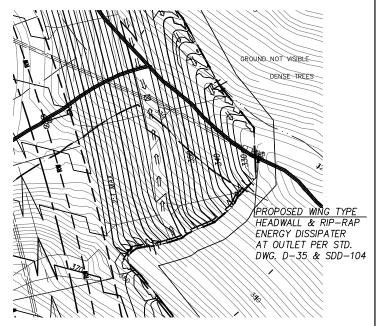


Sheet 12

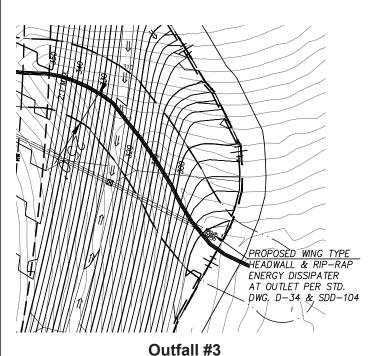
Cross-Section D-D through Drainage

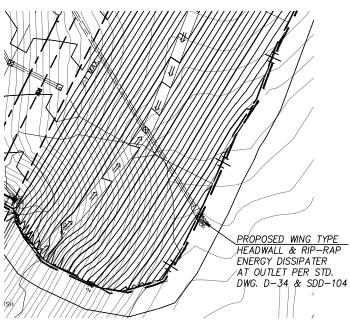
MERGE 56 DEVELOPMENT PROJECT





Outfall #2





Outfall #4

Datum: MSL

Waterbody: Unnamed drainage County: San Diego State: CA USGS Quandrangle: Del Mar

Township: 14S Range: 03W Section: 13, 14 Latitude: -117.1513 Longitude: 32.9529

Purpose: Residential/Commercial Development

Applicant: Sea Breeze, LLC
Agent: Alden Environmental, Inc.
3245 University Avenue #1188
San Diego, CA 92104

Date: 07/21/2017

Sheet 13

Plan View of Outfalls 1-4

MERGE 56 DEVELOPMENT PROJECT

