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

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

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

Project Number: PRJ-1117421

State Clearinghouse Number: 2004651076

Project Title: 2440 Cactus Road (Epoca K)

Project Location: 2440 Cactus Road, San Diego, California

City/County: San Diego/San Diego

Description of Previous Action and Project: The City of San Diego previously prepared a Program Environmental Impact Report (PEIR) for the Otay Mesa Community Plan Update (Project No. 30330/304032). The PEIR was certified by the City of San Diego City Council on March 11, 2014, Resolution No. R-308810. The OMCP involved an update to the Otay Mesa Community Plan, a General Plan Amendment, rescission of the Otay Mesa Development District, adoption of a Rezone Ordinance to replace the Otay Mesa Development District with citywide zoning and creation of two new CPIOZs, amendments to the City's Land Development Code (LDC), and an update of the Otay Mesa Community Plan Public Facilities Financing Plan (PFFP). Subsequently, the City of San Diego prepared an Addendum to the PEIR for the Central Village Specific Plan adopted by City Council per Resolution No. R-11019, on April 13, 2017 and an Addendum to the PEIR for the Lumina project adopted by City Council per Resolution No. R-312589, on July 29, 2019.

Description of Current Project: The 2240 Cactus Road project (herein, "project") requests a Neighborhood Development Permit (NDP) for the construction of 74 multi-family dwelling units, including 24 2-bedroom, 34 3-bedroom, and 16 4-bedroom units, and 155 parking spaces consisting of 148 garage parking spaces and 7 surface parking spaces. The project would also construct associated infrastructure and amenities, including landscaping, private streets, curbs, gutters, walkways, private water, sewers, storm drains. The project is located in CVSP Planning Area 8 and would require a density transfer of 21 units from Planning Area 5 to Planning Area 8, resulting in a density of 21.3 dwelling units per acre (du/ac) within Planning Area 8. The General Plan specifies the project site for "Residential – Low Medium to Medium (10-29 du/ac) land uses, with a target density of 15-29 du/ac. The project site is designated Community Village and is within the RM-2-5 zone (Residential-Multiple Unit) per the Otay Mesa Community Plan. Additionally, the project site is located within the Airport Land Use Compatibility Overlay Zone (Brown Field), the Airport Influence Area (Brown Field, Review Area 2), the Federal Aviation Administration Part 77 Noticing Area (Brown Field), the Very High Fire Hazard Severity Zone, and Transit Priority Area.

Project Applicant: Rita Mahoney, CR Lumina Group, LLC., 444 West Beech Street, Suite 300, San Diego, California 92101, (858) 490-2343

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

This is to advise that the Development Services Department of the City of San Diego on September 25, 2025 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 Program 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 Program 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 Program 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 Program Environmental Impact Report;

b. Significant effects previously examined will be substantially more severe than shown in the previous Program 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 Program 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.

Furthermore, the City has made the following determinations:

1. The project in its approved form ☐ would, or ☒ would not have a significant effect on the environment.
2. The proposed project ☐ would, or ☒ would not introduce additional impacts or increase the severity of impacts beyond those already analyzed in Program Environmental Impact Report.
3. Mitigation measures ☒ were, ☐ were not, made a condition of the approval of the project;
4. New Findings ☐ were, ☒ were not, required pursuant to CEQA Guidelines Section 15091.

5. New Statement of Overriding Considerations ☐ were, ☒ were not, required.

It is hereby certified that the CEQA 15162 Consistency Analysis Memorandum and final environmental document(s) are available to the public at the office of the City's Development Services Department, 1222 First Avenue, San Diego, CA 92101.

Analyst: M. Dresser

Telephone: (619) 446-5404

Filed by: _____
Signature

DPM
Title

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

State of California—Natural Resources Agency
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

2014 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT#
SD2014 0310
STATE CLEARING HOUSE # *(If applicable)*
2004651076

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY	DATE
CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT	04/18/2014
COUNTY/STATE AGENCY OF FILING	DOCUMENT NUMBER
SAN DIEGO	20140088

PROJECT TITLE OTAY MESA COMMUNITY PLAN

PROJECT APPLICANT NAME			PHONE NUMBER
CITY OF SAN DIEGO PLANNING, NEIGHBORHOODS AND ECONOMIC DEVELOPMENT DEPARTMENT			619-235-5206
PROJECT APPLICANT ADDRESS	CITY	STATE	ZIP CODE
1222 1ST AVENUE	SAN DIEGO	CA	92101

PROJECT APPLICANT *(Check appropriate box)*:

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

CHECK APPLICABLE FEES:

140063

☑ Environmental Impact Report (EIR)	$3,029.75	$ $0.00
☐ Negative Declaration (ND)(MND)	$2,181.25	$
☐ Application Fee Water Diversion *(State Water Resources Control Board Only)*	$850.00	$
☐ Projects Subject to Certified Regulatory Programs (CRP)	$1,030.25	$
☑ County Administrative Fee	$50.00	$ $50.00
☐ Project that is exempt from fees		
☐ Notice of Exemption		
☑ CDFW No Effect Determination (Form Attached)		
☐ Other _____		$

PAYMENT METHOD:

☐ Cash ☐ Credit ☑ Check ☐ Other CHK# 0001338665 TOTAL RECEIVED $ $50.00

SIGNATURE	TITLE
X D.N. Hernandez	Deputy

ORIGINAL - PROJECT APPLICANT COPY - CDFW/ASB COPY - LEAD AGENCY COPY - COUNTY CLERK FG 753.5a (Rev. 11/12)

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

CEQA Filing Fee No Effect Determination

Applicant Name and Address:
City of San Diego
1222 First Avenue
San Diego, CA 92101

CEQA Lead Agency: City of San Diego, Department of Development Services

Project Name: Otay Mesa Community Plan Update

CEQA Document Type: Environmental Impact Report

State Clearing House Number and/or local agency ID number: SCH No. 2004051076, PTS 30330/304032

Project Location: The Otay Mesa Community Planning Area includes approximately 9,300 acres in the southeastern portion of the City of San Diego. It is bordered by the City of Chula Vista to the north, the County of San Diego to the east, the international border with Mexico to the south, and the San Ysidro and Otay Mesa-Nestor planning areas to the west.

Brief Project Description: The project is an update to the 1981 Otay Mesa Community Plan. The updated plan implements the City of San Diego's General Plan with respect to the distribution and arrangement of land uses, local street and transit network, prioritization and provision of public facilities, community and site-specific urban design guidelines, and recommendations to preserve and enhance natural and cultural resources within the Otay Mesa community.

Determination: Based on a review of the project as proposed, the Department of Fish and Wildlife has determined that for purposes of the assessment of CEQA filing fees (Fish and Game Code [FGC] Section 711.4(c)) the project has no effect on fish, wildlife or their habitat and the project as described does not require payment of a CEQA filing fee. This determination does not in any way imply that the project is exempt from CEQA and does not determine the significance of any potential project effects evaluated pursuant to CEQA.

Please retain this original determination for your records. Local lead agencies are required to file two copies of this determination with the county clerk at time of filing of the Notice of Determination (NOD) after the project is approved. State lead agencies are required to file two copies of this determination with the Office of Planning and Research (State Clearinghouse) at the time of filing the NOD. If you do not file a copy of this determination as appropriate with the county clerk or State Clearinghouse at the time of filing of the NOD, the appropriate CEQA filing fee will be due and payable.

Without a valid CEQA Filing Fee No Effect Determination form or proof of fee payment, the project will not be operative, vested, or final and any local permits issued for the project will be invalid, pursuant to FGC Section 711.4(c)(3).

DFG Approved By: _____ Bryand Duke Date: 03/20/2014

Title: Senior Environmental Scientist (Specialist)

FILED
Ernest J Dronenburg, Jr. Recorder County Clerk

APR 18 2014

BY DN. Hernandez DEPUTY

NOTICE OF DETERMINATION

: X 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

X OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

140063

PROJECT NUMBER: 30330/304032 PERMIT NUMBER: N/A STATE CLEARINGHOUSE NUMBER: 2004651076
PROJECT TITLE: OTAY MESA COMMUNITY PLAN

PROJECT LOCATION: The Otay Mesa community encompasses approximately 9,300 acres in the southeastern portion of the City of San Diego. The community is bordered by the San Ysidro and Otay Mesa-Nestor communities on the west, the City of Chula Vista and the Otay Valley Regional Park on the north the County of San Diego on the east and the US/Mexico border and the City of Tijuana on the south, Council District 8, in the City and County of San Diego.

DESCRIPTION OF ACTION: **City Council approval of a updated Otay Mesa Community Plan, General Plan Amendment, Rescission of Otay Mesa Development District (OMDD) and Adoption of a Rezone ordinance (to replace the OMDD with citywide zoning), approval of the Public Facilities Financing Plan (PFFP), and amendments to the City's Land Development Code (LDC) as further described below.** The Otay Mesa Community Plan Update (CPU) is a comprehensive update of the 1981 community plan. Approval of the CPU would establish land use designations and policies to guide future development consistent with the City's General Plan (2008). The CPU is intended to implement the General Plan policies through the provision of community-specific recommendations. The concurrent rezone would rescind the existing OMDD and implement development regulations consistent with citywide zoning classifications. Amendments to the City's LDC are required to create new and revised implementing zones, including two new Community Plan Implementation Overlay Zones (CPIOZ Type A and Type B) for proposed commercial and industrial land use designations under the CPU and for the creation of new zones to implement the new International Business and Trade (IBT 1-1) and Business Park Residential Permitted (BRTBPRP) land use designations. An updated PFFP would be adopted with the CPU to allow for implementation of the CPU. The CPU would additionally serve as the basis for guiding a variety of other actions, such as parkland acquisitions, transportation improvements and public facilities. The update includes modifications to the various elements of the Plan to incorporate current planning policies and practices in the City of San Diego, as well as to make the Plan reflective of the substantial land use changes (e.g., adopted alignments of SR-905 and SR-125) that have occurred over the last twenty-five years.

PROJECT APPLICANT: City of San Diego, Planning, Neighborhoods and Economic Development Department.
Contact: Theresa Millette, 1222 1st Avenue, MS 413, San Diego, CA. (619) 235-5206

This is to advise that the City of San Diego City Council as Lead Agency under CEQA on 03-11-2014 approved the above described project and made the following determinations: R-308809

1. The project in its approved form X will, __ will not, have a significant effect on the environment.
2. X An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA.
3. Mitigation measures X were, _____ were not, made a condition of the approval of the project.
4. (EIR only) Findings X were, _____ were not, made pursuant to CEQA Guidelines Section 15091.
5. (EIR only) A Statement of Overriding Considerations X was, _____ was not, adopted for this project.

Record of project approval may be examined at the address above

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.

alyst: M.Herrmann Telephone: (619)446-5372

Filed by: Nancy L Bragado
Signature
Deputy Director
Title

Reference: California Public Resources Code, Sections 21108 and 21152.

FILED IN THE OFFICE OF THE COUNTY CLERK

San Diego County on APR 18 2014

Posted APR 18 2014 Removed MAY 19 2014

Returned to agency on MAY 19 2014

Deputy D.N. Hernandez