

**NOTICE OF DETERMINATION
(SUBSEQUENT ACTION)**

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-1075505

State Clearinghouse Number: 84053008 (City of Poway) and 2000011053 (City of San Diego)

Project Title: 141100 Stonebridge Parkway

Project Location: 141100 Stonebridge Parkway, San Diego, CA 92131. Accessor's Parcel Numbers (APNs): 325-070-11-00, 325-070-13-00, 325-070-15-00, 325-070-16-00, and 325-090-15-00.

City/County: San Diego/San Diego

Description of Previous Action/Project: The City of Poway adopted Resolution No. P-85-45 on July 30, 1985 for their South Poway Planned Community (SPPC) Development Plan Environmental Impact Report (State Clearinghouse Number (SCH No.) 84053008 that included a 2,500-acre planned community where the proposed Nighthawk Battery Energy Storage System (BESS) project is located. On July 26, 1988 the City of Poway duly certified the Subsequent Environmental Impact Report (SCH No. 880427161) to the SPPC Plan that analyzed amendments to the SPPC Development Plan to expand the CalMat-Poway Extraction Facility by a Conditional Use Permit for the Project (Resolution No. P-91-48R). The Council of the City of San Diego on August 7, 2001, via Resolution No. R-295401, adopted the Program Environmental Impact Report (PEIR) No. 99-1094/SCH No. 200011053 for the Rancho Encantada Precise Plan an area South of Beeler Canyon Road where the proposed transmission line for the BESS facility would be constructed to connect to the San Diego Gas & Electric (SDG&E) Sycamore Canyon Substation located on federal lands south of Stonebridge Parkway. The City of Poway, as lead agency, prepared an Addendum (SCH No. 84053008) to the certified SPPC Development Plan EIR and Rancho Encantada Precise Plan EIR that covered both the BESS facility within the City Poway's jurisdiction and the transmission line within the City of San Diego's jurisdiction. On August 20, 2024, the City of Poway, as Lead Agency under the California Environmental Quality Act (CEQA), approved the Specific Plan Amendment 22-0002 and Development Review 22-0001 and adopted the Addendum via Resolution No. 24-060. The City of San Diego, as a Responsible Agency under CEQA, reviewed and considered the adopted Addendum and determined the document to be adequate. On September 19, 2024, the City of San Diego's Planning Commission approved a Site Development Permit, Conditional Use Permit, and Neighborhood Development Permit, adopted the City of Poway's Findings of Fact and Statement Overriding Considerations for the SPPC Development Plan EIR, and adopted a specific Mitigation, Monitoring and Reporting Program for the 14110 Stonebridge Parkway project. The Wildlife Agencies (US Fish & Wildlife Service and California Department of Fish and Game) provided

concurrence to allow a one-time partial release of the recorded conversation easements solely for the purpose to construct the transmission line within the City of San Diego's jurisdiction.

Description of Current Project: Site Development Permit, Conditional Use Permit, Neighborhood Development Permit, and a one-time release from the City of San Diego conveyed easements to construct a high-voltage (138 kV) underground generation interconnection transmission line (gen-tie line) within an existing privately owned road, Green Valley Court, public right-of-way (Beeler Canyon Road and Stonebridge Parkway) and open space area south of Beeler Canyon Road located within the City of San Diego. The proposed gen-tie line would connect a proposed battery energy storage facility located in the City of Poway to the San Diego Gas & Electric (SDG&E) Sycamore Canyon Substation located on federal lands (Miramar Marine Corps Base). LEGAL DESCRIPTION: Accessor's Parcel Numbers 325-070-11-00, 325-070-13-00, 325-070-15-00, 325-070-16-00, and 325-090-15-00).

Project Applicant: Sohail Suryavanshi, Nighthawk Energy Storage, LLC., 8800 North Gainey Center Drive, Suite 100, Scottsdale, AZ 85258, (515) 661-9238.

Determination: This is to advise that the Planning Commission of the City of San Diego on September 19, 2024, 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 Addendum to an Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.

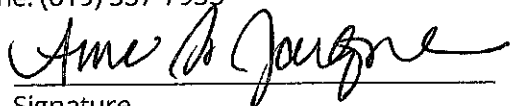
Record of project approval may be examined at the City of San Diego Development Services Department, located at 1222 First Avenue, San Diego, CA 92101.

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, if any, is available to the public on the City's CEQA webpage at <https://www.sandiego.gov/ceqa/final>.

Analyst: A. Jarque

Telephone: (619) 557-7953

Filed by: 
Signature

Senior Planner
Title



State of California - Department of Fish and Wildlife
2024 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753 5a (Rev 01/01/24) Previously DFG 753 5a

RECEIPT NUMBER 37-08/27/2024-0687
STATE CLEARING HOUSE NUMBER(If applicable) 1984053008

SEE INSTRUCTIONS ON REVERSE TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF POWAY	LEAD AGENCY EMAIL	DATE 08/27/2024
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COUNTY/STATE AGENCY OF FILING SAN DIEGO	DOCUMENT NUMBER 2024-NOD-0094
--------------------------------------------	----------------------------------

PROJECT TITLE
NIGHTHAWK ENERGY STORAGE PROJECT AS FURTHER DESCRIBED IN ADDENDUM TITLE

PROJECT APPLICANT NAME NIGHTHAWK ENERGY STORAGE, LLC	PROJECT APPLICANT EMAIL	PHONE NUMBER 480-480-2850
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PROJECT APPLICANT ADDRESS 8800 N GAINNEY CENTER DR	CITY SCOTTSDALE	STATE AZ	ZIP CODE 85258
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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)	\$4,051 25	\$	4,051 25
<input type="checkbox"/> Mitigated/Negative Declaration (MND)/(ND)	\$2,916 75	\$	0 00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,377 25	\$	0 00

- 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	\$	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 \$ 4,101 25

SIGNATURE X <i>ERS</i>	AGENCY OF FILING PRINTED NAME AND TITLE San Diego County Clerk, ELVA STOPKE, Deputy
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Payment Reference #: CHECK #24944 CHECK #24933



SAN DIEGO COUNTY CLERK
CEQA FILING COVER SHEET

FILED
Aug 27, 2024 04:07 PM
JORDAN Z. MARKS
SAN DIEGO COUNTY CLERK
File # 2024-000746
State Receipt # 37082720240687
Document # 2024-NOD-94

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

NIGHTHAWK ENERGY STORAGE PROJECT AS FURTHER DESCRIBED IN
ADDEMDUM TITLE

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)

<p>FILED IN THE OFFICE OF THE SAN DIEGO COUNTY CLERK ON <u>August 27, 2024</u></p> <p>Posted <u>August 27, 2024</u> Removed _____</p> <p>Returned to agency on _____</p> <p>DEPUTY _____</p>

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.

Print Form

Subsequent Notice of Determination

Appendix D

To: Office of Planning and Research
U.S. Mail: P.O. Box 3044 Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113 Sacramento, CA 95814
From: Public Agency City of Poway
Address 13325 Civic Center Drive Poway, CA 92064
Contact Stan Donn
Phone: 858-688-4604
County Clerk
County of San Diego
Address: 1600 Pacific Highway San Diego, CA 92101
Lead Agency (if different from above)
Address
Contact
Phone

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse) SCH No 1984053008 (see attachment)

Project Title: Nighthawk Energy Storage Project as further described in Addendum title

Project Applicant: Nighthawk Energy Storage, LLC, 480-480-2850, 8800 N Galney Center Dr., Scottsdale AZ 85258

Project Location (include county): 13501 Kirkham Way, City of Poway, in County of San Diego, California

Project Description: 216 (0) 40-3629-4753

See attached NOD (Subsequent Action) with Description of Previous Action/Projects & the Project Description. Project consists of construction/operation of 300 MW battery energy storage system on a 10 acre portion of APN 320-031-0300 & gen-tle line connecting to SDG&E substation MCAS Miramar. Impacts are analyzed in Addendum to the various previously certified CEQA documents as described in the attached, including SCH#s 1984053008, 880427161, 89010025, 2000011053, and incorporates CATEX Decision Memorandum (NEPA Mrell20220070) relating to portions in MCAS Miramar.

This is to advise that the City of Poway City Council has approved the above (Lead Agency or Responsible Agency)

described project on August 20, 2024 and has made the following determinations regarding the above (date)

described project

- 1. The project will have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was adopted for this project
5. A statement of Overriding Considerations was adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

https://poway.org/329/Recent-Projects-Environmental-Documents: Poway Development Services Department

Signature (Public Agency) Stan Donn Title City Planner

Date August 23, 2024 Date Received for filing at OPR

Notice of Determination (Subsequent Action):
Description of Previous Actions/Projects:

The City of Poway previously prepared an EIR for the South Poway Planned Community (SPCC) Development Plan in 1985. The EIR (State Clearinghouse [SCH] No. 1984053008) provided a comprehensive single environmental document that allowed the City of Poway, as Lead Agency under CEQA, to carry out the entire plan. The City certified the EIR, adopted findings of fact and adopted a statement of overriding considerations and a mitigation monitoring and reporting plan on July 30, 1985, via Resolution No. P-85-45.

Subsequent to City Council approval of the SPPC Development Plan and certification of the 1985 EIR, the City prepared and certified a Subsequent EIR (SCH #880427161) to the 1985 EIR that analyzed the proposed amendments to the SPPC Development Plan Text and a number of city-initiated amendments to the adopted SPPC Development Plan. The SEIR was certified via Resolution No. P-88-074 on July 26, 1988 (1988 SEIR).

In 1990, the City prepared an SEIR (SCH #89010025) to the 1985 EIR (1990 SEIR) to analyze the potential environmental impacts that could result from implementation of the proposed CalMat-Poway Project. The Poway City Council certified the SEIR and approved the CalMat-Poway Project's Conditional Use Permit (CUP) 89-05 via Resolution P-01-48R and Reclamation Plan 89-05 via Resolution No. 91-078 on July 23, 1991. An MMRP and Statement of Overriding Considerations for remaining significant impacts on landform/aesthetics and biology was adopted under Resolution P-91-48R.

On August 7, 2001, the City of San Diego certified an EIR for the Rancho Encantada Precise Plan via Resolution No. 295401 on August 7, 2001 (LDR No. 99-0194; SCH No. 2000011053). The EIR analyzed implementation of the Precise Plan as a whole including development within the Sycamore Estates Vesting Tentative Map in which Project components are located. Project components within Miramar Marine Corps Base were analyzed in compliance with the NEPA and determined to qualify under Categorical Exclusion 24 CFR 775.6(g) pursuant to Categorical Exclusion Decision Memorandum (NEPA Mrell20220070) dated January 23, 2023.

Project Description: This Addendum considers the environmental issues analyzed in the previously certified 1985 EIR and its subsequent EIRs and the Rancho Encantada Precise Plan EIR as well as project-specific environmental analysis pursuant to CEQA for the Nighthawk Energy Storage Project including the analysis in the Categorical Exclusion Decision Memorandum (NEPA Mrell20220070) related to project components within the Miramar Marine Corps Base, which is incorporated by reference pursuant to CEQA guidelines section 15150. The Addendum evaluated the adequacy of the 1985 EIR and its subsequent EIRs and the Rancho Encantada Precise Plan EIR relative to the project, including the Categorical Exclusion Decision Memorandum, and documents that proposed modifications and/or refinements would not cause new or more severe significant impacts than those identified in the previously certified environmental documents.

The Nighthawk Energy Storage Project will construct and operate a 300 megawatt battery energy storage system (BESS) on APN 320-031-0300. The project will include the development of energy storage facilities and associated infrastructure including energy storage enclosures/appurtenances, power inverters/transformers, a collector substation, telecommunication facilities, site access and security, on-site access driveways, a 12-foot-tall perimeter security wall, and nighttime lighting. Power released or captured by the BESS will be transferred to and from the SDG&E Sycamore Canyon Substation via a 138 kV gen-tie line that will be located on lands within the City of Poway, City of San Diego and Miramar Marine Corps Base.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

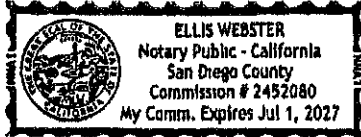
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of California)
County of San Diego)
On 8/26/2024 before me, Ellis Webster, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Stan Donn
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) 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 [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Sub. Not. of Determ. Document Date: 8/23/2024
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer -- Title(s): _____
 Partner -- Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer -- Title(s): _____
 Partner -- Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

San Diego County



Transaction #: 7965631
Receipt #: 2024308758

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: 08/27/2024
Cashier Location: SD

Print Date: 08/27/2024 4:09 pm

Payment Summary

Total Fees:	\$4,101.25
Total Payments:	\$4,101.25
Balance:	\$0.00

Payments	
CHECK PAYMENT #24944	\$1,601.25
CHECK PAYMENT #24943	\$2,500.00
Total Payments	\$4,101.25
Filing	
CEQA - NOD	FILE #: 2024-000746 Date: 08/27/2024 4:07PM Pages: 4
	State Receipt # 37-08/27/2024-0687
Fees: Fish & Wildlife County Administrative Fee	\$50.00
Fees: Fish & Wildlife Environmental Impact Report	\$4,051.25
Total Fees Due:	\$4,101.25
Grand Total - All Documents:	\$4,101.25

FEDERAL RESERVE BANK OF SAN FRANCISCO
LOUISE G LATHAM
KEITH A LATHAM
DATE September 20, 2024 68-7497
2560
PAY TO THE ORDER OF City Clerk - San Diego \$ 50.00
City Clerk 50/100 DOLLARS
NAVY FEDERAL CREDIT UNION
www.navyfcu.org
FOR PRS-1075505 Keith A Latham

