ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:
G. Scott Williams, Esq. (SBN 226516)
SELTZER CAPLAN McMAHON VITEK
750 B Street, Suite 2100
San Diego, California 92101
TELEPHONE NO.: 619-685-3151 FAX NO. *(Optional)*:
E-MAIL ADDRESS *(Optional)*: swilliams@scmv.com
ATTORNEY FOR *(Name)*: Surf Cup Sports, LLC

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
STREET ADDRESS: 330 West Broadway
MAILING ADDRESS:
CITY AND ZIP CODE: San Diego, California 92101
BRANCH NAME: Central Division

PLAINTIFF/PETITIONER: FRIENDS OF THE SAN DIEGUITO RIVER VALLEY
DEFENDANT/RESPONDENT: CITY OF SAN DIEGO, et al.

NOTICE OF ENTRY OF JUDGMENT OR ORDER

CASE NUMBER: 37-2016-00030312-CU-TT-CTL

(Check one): ☑ **UNLIMITED CASE** (Amount demanded exceeded $25,000) ☐ **LIMITED CASE** (Amount demanded was $25,000 or less)

TO ALL PARTIES :

1. A judgment, decree, or order was entered in this action on *(date)*: February 20, 2019

2. A copy of the judgment, decree, or order is attached to this notice. Please see Attachment 1.

Date: March 14, 2019

G. Scott Williams, Esq.
(TYPE OR PRINT NAME OF ☑ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

s/ G. Scott Williams
(SIGNATURE)

Form Approved for Optional Use
Judicial Council of California
CIV-130 [New January 1, 2010]

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER: 37-2016-00030312-CU-TT-CTL

PROOF OF SERVICE BY FIRST-CLASS MAIL
NOTICE OF ENTRY OF JUDGMENT OR ORDER

(NOTE: You cannot serve the* Notice of Entry of Judgment or Order *if you are a party in the action. The person who served the notice must complete this proof of service.)

1. I am at least 18 years old and **not a party to this action.** I am a resident of or employed in the county where the mailing took place, and my residence or business address is *(specify):*

PLEASE SEE ATTACHED PROOF OF SERVICE.

2. I served a copy of the *Notice of Entry of Judgment or Order* by enclosing it in a sealed envelope with postage fully prepaid and *(check one):*
   a. ☐ deposited the sealed envelope with the United States Postal Service.
   b. ☐ placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.
3. The *Notice of Entry of Judgment or Order* was mailed:
   a. on *(date):*
   b. from *(city and state):*
4. The envelope was addressed and mailed as follows:
   a. Name of person served:
      Street address:
      City:
      State and zip code:
   b. Name of person served:
      Street address:
      City:
      State and zip code:
   c. Name of person served:
      Street address:
      City:
      State and zip code:
   d. Name of person served:
      Street address:
      City:
      State and zip code:

   ☐ Names and addresses of additional persons served are attached. *(You may use form POS-030(P).)*
5. Number of pages attached _____.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF DECLARANT) ▶ (SIGNATURE OF DECLARANT)

ATTACHMENT 1

SELTZER CAPLAN MCMAHON VITEK
750 B STREET, SUITE 2100
SAN DIEGO, CALIFORNIA 92101-8177

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CENTRAL DIVISION

FRIENDS OF THE SAN DIEGUITO RIVER VALLEY, a California Non-Profit Public Benefit Corporation,

Petitioner,

v.

CITY OF SAN DIEGO, a public entity; and DOES 1 through 5, inclusive,

Respondents,

SURF CUP SPORTS, LLC, a limited liability company; and OCEAN INDUSTRIES, INC., a corporation of unknown origin; and DOES 6 through 10,

Real Parties in Interest.

Case No. 37-2016-00030312-CU-TT-CTL

~~[PROPOSED]~~ JUDGMENT DENYING SECOND AMENDED PETITION FOR WRIT OF MANDATE

[EFILE]

Judge: Hon. Gregory Pollack
Dept.: C-71

Action Date: August 29, 2016
Trial Date: January 28, 2019

The Court enters Judgment in this case with respect to the following facts:

1. On August 29, 2016, Petitioner Friends of the San Dieguito River Valley ("Petitioner") filed a Petition for Writ of Mandate, naming the City of San Diego as Respondent and Surf Cup Sports, LLC ("Surf") and Ocean Industries, Inc. as real parties in interest. Ocean Industries never entered an appearance in this action.

2. On April 27, 2018, this Court issued a Minute Order sustaining the City's and Surf's

demurrer to the fifth cause of action in Petitioner's First Amended Petition for Writ of Mandate with leave to amend.

3. After Petitioner filed its Second Amended Petition for Writ of Mandate, this Court on August 10, 2018, issued a Minute Order sustaining the City's and Surf's demurrer to the fifth cause of action in the Second Amended Petition for Writ of Mandate without leave to amend, a copy of which is attached hereto and incorporated herein by reference as Exhibit A.

4. On January 28, 2019, this Court conducted a final hearing on the remaining causes of action in Petitioner's Second Amended Petition for Writ of Mandate. Julie Hamilton and Joseph Bruno appeared on behalf of Petitioner; Deputy City Attorney Jenny Goodman appeared on behalf of the City; and G. Scott Williams appeared on behalf of Surf.

Having heard and considered the briefs and arguments of counsel at the January 28 hearing; having reviewed the administrative record; and having issued a Minute Order containing its final ruling in this case on January 30, 2019, a copy of which is attached hereto and incorporated herein by reference as Exhibit B, now:

THEREFORE, GOOD CAUSE APPEARING, IT IS ORDERED, ADJUDGED, AND DECREED, AS FOLLOWS:

1. The Second Amended Petition, and each Count therein, is DENIED in its entirety for the reasons explained in the August 10, 2018 Minute Order and the January 30, 2019 Minute Order.

2. Judgment is entered in favor of the City and Surf on the Second Amended Petition, and against Petitioner.

\ \ \

\ \ \

\ \ \

\ \ \

SELTZER CAPLAN MCMAHON VITEK
750 B STREET, SUITE 2100
SAN DIEGO, CALIFORNIA 92101-8177

3. Statutory costs in the Superior Court shall be awarded to the City and Surf from Petitioner in an amount to be determined by the Court and pursuant to the procedures in Code of Civil Procedure section 1032 *et seq*. and California Rule of Court 3.1700. Superior Court costs to City shall be $_____, and costs to Surf shall be $_____.

IT IS SO ORDERED.

Dated: February 20, 2019

Hon. Gregory W. Pollack
Judge of the Superior Court

SELTZER CAPLAN MCMAHON VITEK
750 B STREET, SUITE 2100
SAN DIEGO, CALIFORNIA 92101-8177

EXHIBIT A

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL

MINUTE ORDER

DATE: 08/10/2018 TIME: 09:30:00 AM DEPT: C-71

JUDICIAL OFFICER PRESIDING: Gregory W Pollack
CLERK: Terry Ray
REPORTER/ERM: Veronica S Thompson CSR# 6056
BAILIFF/COURT ATTENDANT: L. Wilks

CASE NO: **37-2016-00030312-CU-TT-CTL** CASE INIT.DATE: 08/29/2016
CASE TITLE: **Friends of the San Dieguito River Valley vs. CITY OF SAN DIEGO [E-FILE]**
CASE CATEGORY: Civil - Unlimited CASE TYPE: Toxic Tort/Environmental

---

EVENT TYPE: Demurrer / Motion to Strike
MOVING PARTY: Surf Cup Sports LLC
CAUSAL DOCUMENT/DATE FILED: Demurrer, 07/11/2018

APPEARANCES
Arezoo Jamshidi, specially appearing for counsel Julie M Hamilton, present for Petitioner(s).
Jenny K Goodman, counsel, present for Respondent(s).
G. Scott Williams, counsel, present for Real Party In Interest (Rpii),Interested Party(s).
Arezoo Jamshidi, counsel, present for Surf Cup Sports.
Joseph Bruno, counsel, present for Petitioner.

The Court, having taken the above-entitled matter under submission on and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

The Court rules on real party in interest Surf Cup Sports, LLC (RPI) and respondent City of San Diego's (City) demurrer and motion to strike as to the second amended petition for writ of mandate (SAP) as follows:

As a preliminary matter, RPI and City's request for judicial notice is granted. Petitioner's request for judicial notice is also granted except as to Exhibit 1 (unpublished opinion of *City of San Diego v. 1735 Garnet, LLC).* The RPI and City's objection to said Exhibit is sustained.

Demurrer. The demurrer to the fifth cause of action for Code of Civil Procedure section 1085 (section 1085) is sustained without leave to amend for the reasons stated below.

Petitioner's opposition is largely premised on conflating the generalized duty to comply with the law with the ministerial duty of a person in public office to perform in a prescribed manner when a given state of facts exists. (*Flores v. Cal. Dept. of Corr. And Rehab.* (2014) 224 Cal.App.4th 199, 205.) As this Court previously noted in its prior ruling on RPI and the City's demurrer to the fifth cause of action, none of the provisions of the San Diego Municipal Code cite by Petitioner impose upon the City, by virtue of its position as a governmental entity, the obligation to perform a particular act. (Jamshidi Dec., Exh. F (Minute Order dated 4/27/18.) Nothing Petitioner has pled in its SAP shows that the facts and law

applicable to this case are at all analogous to the situation present in *Morris v. Harper* (2001) 94 Cal.App.4th 52 (hereafter *Morris*). Unlike this case, *Morris* involved a situation where the defendant was obligated by statute to act. That is clearly not the case here. This case is also distinguishable from *Morris* in that there is no agreement among the parties that a conditional use permit was necessary or that grading violations occurred.

Petitioner also glosses over the fact that the City has the discretion determine whether to investigate alleged municipal code violations over other potential violations to merit allocation of its scarce enforcement resources (*Gananian v. Wagstaffe* (2011) 199 Cal.App.4th 1532, 1543) and to determine whether a permit is required e.g., (SDMC, §131.0110) in its effort to compel the Court to micromanage how the City should operate. (See *People v. Parmar* (2001) 86 Cal.App.4th 781, 793.) This the Court cannot do unless it wishes to run afoul of the separation of powers doctrine. (Cal. Const., art. IV, §1.) The Court declines to do so. Contrary to Petitioner's contention, *Morris* does not support its contention that the City should be compelled to comply with the municipal code via a writ of mandate in this case and cited no other case to support its position. Notably, the City stated that no such case law exists.

The Lease provisions set forth in the SAP do not assist Petitioner either. *Terminal Plaza Corp. v. City* (1986) 186 Cal.App.3d 814 is distinguishable from the present case in that it addressed the enforcement of a resolution, not a lease between a public entity and a private party. Furthermore, the resolution passed by the City contained no mandatory language requiring it to enforce the lease provisions. (*Kavanaugh v. West Sonoma County Union High School Dist.* (2003) 29 Cal.4th 911, 916.) Moreover, mandamus will not lie to enforce a purely contractual obligation. (*Shaw v. Regents of Univ. of Cal.* (1997) 58 Cal.App.4th 44, 52.) Finally, Petitioner provided no authority allowing it to enforce a contract that it is not a party to.

Finally, in conceding that it cannot allege a nuisance action i.e., it "has not alleged nor can it allege it has suffered and injury different or greater than that suffered by the general public" (Oppo., p. 14), Petitioner has not only contradicted allegations set forth in paragraph 4 and 5 of the SAP but has also admitted that it does not meet the beneficial interest requirement for mandamus relief. (Code Civ. Proc., ¶1086; *SJJC Aviation Servs., LLC v. City of San Jose* (2017) 12 Cal.App.5th 1043, 1053.)

Motion to Strike. Given the Court's ruling on the RPI and City's demurrer, the motion to strike is largely moot. However, with respect to Petitioner's amendment substituting Fairbanks Polo Club HOA (Fairbanks HOA) as a real party in interest, the Court grants the motion. If Fairbank HOA wishes to be a party to this action, it must file a motion to intervene in order to do so.

IT IS SO ORDERED.

Judge Gregory W Pollack

EXHIBIT B

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL

MINUTE ORDER

DATE: 01/30/2019 TIME: 09:18:00 AM DEPT: C-71

JUDICIAL OFFICER PRESIDING: Gregory W Pollack
CLERK: Terry Ray
REPORTER/ERM: Not Reported
BAILIFF/COURT ATTENDANT: L. Wilks

CASE NO: **37-2016-00030312-CU-TT-CTL** CASE INIT.DATE: 08/29/2016
CASE TITLE: **Friends of the San Dieguito River Valley vs. CITY OF SAN DIEGO [E-FILE]**
CASE CATEGORY: Civil - Unlimited CASE TYPE: Toxic Tort/Environmental

---

EVENT TYPE: Ex Parte

APPEARANCES

There are no appearances by any party.

The Court, having taken the above-entitled matter under submission on 01/28/19 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

RULING AFTER ORAL ARGUMENT: The Court rules on petitioner Friends of the San Dieguito River Valley's petition for writ of mandate as follows:

Petitioners are represented by Julie M. Hamilton and Joseph Bruno.

Respondent City of San Diego (City) is represented by Mara W. Elliott, George Schaefer, and Jenny K. Goodman of the Office of the City Attorney. Real Party in Interest Surf Cup Sports, LLC (RPI) is represented by G. Scott Williams of Seltzer Caplan McMahon Vitek, APC.

Petitioner challenges the City's approval, on July 25, 2016, of a 28-year ground lease with RPI of property commonly referred to as the Polo Fields. (AR, 1:6-8).

The Court has reviewed the record in light of the parties' briefs, oral arguments and the applicable law and concludes the petition for writ of mandate should be denied for the reasons stated below.

Standard of Review. The substantial evidence test governs a court's review of a city's factual determination that a project falls within a categorical exemption. (Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego (2006) 139 Cal.App.4th 249, 267.) Under the deferential substantial evidence standard, the court upholds the decision if the record contains "relevant

evidence that a reasonable mind might accept as adequate support for a conclusion." (Id. at p. 264.) Importantly, it is the City's role to weigh the evidence and decide whether the evidence supports the finding; the court's limited role is only to determine whether "no reasonable municipality could have reached the same decision as the City[.]" (Kutzke v. City of San Diego (2017) 11 Cal.App.5th 1034, 1042.)

As a preliminary matter, the Court declines to strike Petitioner's argument with respect to the CUP on the ground that it failed to raise the issue during the administrative hearing process. Courts have held that "the issues raised before a court must first have been raised during the administrative process, although not necessarily by the person who subsequently seeks judicial review." (Citizens for Open Gov. v. City of Lodi (2006) 144 Cal.App.4th 865, 876; Galante Vineyards v. Monterey Peninsula Water Mgmt. Dist. (1997) 60 Cal.App.4th 1109, 1121.) Here, Petitioner cites to portions of the administrative record where the issue of the CUP was raised during the administrative process. (6 AR 582, 14 AR 365, 24 AR 2047, 29:2727.) However, the issue will not be considered since this Court previously ruled that a mandamus action is not a proper mechanism to compel the City to require a CUP. (See Minute Order dated August 10, 2018.)

The first issue is whether the City applied the proper baseline.

Under CEQA Guidelines, the baseline normally consists of "the physical environmental conditions in the vicinity of the project, as they exist at the time...environmental analysis is commenced." (CEQA Guidelines, §15125(a).) However, the California Supreme Court has interpreted this guideline to give lead agencies significant discretion in determining the appropriate existing conditions baseline. (Neighbors for Smart Rail v. Exposition Metro Line Constr. Auth. (2013) 57 Cal.4th 439, 453; see also Communities for a Better Environ. v. South Coast Air Quality Mgmt. Dist. (2010) 48 Cal.4th 310, 336.) The City's determination of baseline conditions is reviewed for substantial evidence. (Cherry Valley Pass Acres & Neighbors v. City of Beaumont (2010) 190 Cal.App.4th 316, 337.)

Here, Petitioner contends that the appropriate baseline "could" be set at the time the RFP was issued: August 2015. More specifically, Petitioner argues that setting the baseline in March 2016 allows the City to avoid consideration of the impacts that occurred in the interim i.e., removing barns and stables (AR 2713-2714), grading new roads (AR 3491-3492), increasing available parking from 300 to 2000 cars on the project site in January 2016 (AR 2053; AR 180). Notably, courts have held that the proper baseline is the existing condition of the site even if that condition may be the result of prior illegal activity. (Riverwatch v. County of San Diego (1999) 76 Cal.App.4th 1428, 1452; Eureka Citizens for Responsible Gov. v. City of Eureka (2007) 147 Cal.App.4th 357, 371.) At oral argument, the City argued that the issue of whether the baseline was set in August 2015 or March 2016 was irrelevant since it used existing and historical conditions at the property to determine the baseline conditions. (AR 2775-2777.) More specifically, the administrative record contains evidence indicating that cars have historically parked within the confines of the property (AR 385, 407, 2436-2444) and that the City factored in the existence of the barns and clubhouse in its analysis of baseline conditions (AR 2775). Finally, the record evidence cited by Petitioner does not show or state that available parking was increased from 300 cars to 2000 cars.

Thus, the Court concludes that substantial evidence exists to support the City's decision to set the baseline as of March 2016.

The second issue is whether the City piecemealed the Project.

Petitioner contends that the City failed to consider the whole of the project pursuant to Public Resources Code section 21065 and CEQA Guidelines section 15378 subd. (a). A project comprises the whole of an action that has the potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (CEQA Guidelines, §15378(a); Laurel Heights Improvement Assn. v. Regents of Univ. of Cal. (1988) 47 Cal.3 376, 396.) Here, Petitioner argues that the list of activities set forth in the Hermann Memo should have been considered as activities contemplated by the Project but were not. (AR 2775.) However, evidence in the administrative record indicates that these activities were considered. (AR 80; AR 196-197.) Additionally, the NOE specifically notes that the Project included each of the component activities and a list of each of those activities which were the subject of the NOE. (AR 4.)

Thus, the Court concludes that there is substantial evidence which shows that the City did not piecemeal the Project and defer environmental review of the lease components to a later time.

The third issue is whether the Project is subject to an exception to the categorical exemptions.

"An agency's determination that a project falls within a categorical exemption includes an implied finding that none of the exceptions identified in the Guidelines is applicable. The burden then shifts to the challenging party to produce evidence showing that one of the exceptions applies to take the project out of the exempt category." (Save Our Carmel River v. Monterey Peninsula Water Mgmt. Dist. (2006) 141 Cal.App.4th 677, 689.

Petitioner argues that the unusual circumstances exception applies here. (CEQA Guidelines, §15300.2(c).) In Berkeley Hillside Preservation v. City of Berkeley (205) 60 Cal.4gh 1086, 1104, the California Supreme Court held that this exception applies only when both unusual circumstances and a significant impact as a result of those unusual circumstances are shown. Courts consider the issue of whether there is a reasonable possibility that a significant effect environmental impact will result from an unusual circumstance only if they first find that some circumstance of the project is unusual. (Ibid.) In other words, "[e]vidence that a project may have a significant effect is not alone enough to remove it" from an exempt category. (Emphasis added.) (Id. at p. 1115.) Judicial review is limited to whether the agency's determinations are supported by substantial evidence. (Id. at p. 1104.) Alternatively, courts have held that the exception applies if the project opponent can show that the project will have a significant environmental effect. (Don't Cell Our Parks v. City of San Diego (2018) 21 Cal.App.5th 338, 360.)

In response, the City notes that it specifically concluded that the Project "is not barred by one of the exceptions set forth in section 15300.2. (AR 79; AR 13.) Thus, its factual determination is not implied.

As to whether the project involved unusual circumstances, the City's environmental planner specifically rejected the contention that the Project's proximity to the San Dieguito River or other sensitive automatically renders the Project unusual. Notably, courts have held the mere proximity to riparian habitat does not automatically create an unusual circumstance. (Citizens for Environmental Responsibility v. State of Cal. ex rel. 14th Dist. Agricultural Assn. (2015) 242 Cal.App.4th 555, 585-588 (hereafter Citizens); Campbell v. Third Dist. Agricultural Assn. (1987) 195 Cal.App.3d 115, 118-119.) Here, Hermann stated that "none of the areas where renovations or improvements are proposed support sensitive biological resources that could be affected by the proposal. (AR 81.) The record also indicates that the Project "will allow for the continued use of the property for daily youth sports and youth polo instruction and occasional polo matches as it has since 1985 the non-profit Fairbanks Polo Club)...and by Surf Cup since 1992." (AR 80.) Thus, the Court concludes that substantial evidence in the record exists to support the City's finding that the Project does not involve unusual circumstances.

As to whether a reasonable possibility of a significant impact exists due to the Project's proximity to sensitive habitat, the record indicates that the Project will continue previous uses at historical levels. (AR 4411; AR 2436-2445 (parking); see also AR 80; AR 90:15-20; AR 226:16-19.) Petitioner presents no evidence as to how the Project will trigger new significant impacts. Furthermore, an argument based on a fear that a project might violate land use restrictions in the future cannot be considered a basis for further environmental review during the project approval. (Friends of Riverside's Hills v. City of Riverside (2018) 26 Cal.App.5th 1137, 1152.) In addition, the 2010 comment letter to the 2011 Mitigated Negative Declaration (MND) cited by Petitioner cannot set forth biological impacts resulting from the Project since it was written 6 years prior to the time the Project came to fruition. Furthermore, a Site Development Permit adopted by the City for the trail project already addresses the 100-foot buffer and restricts the timing of certain construction activity i.e., grading, construction, restoration, or revegetation, within said buffer during breeding season. (AR 778-780.) Notably, having a parking lot on the buffer zone is not prohibited by the MND. In addition, the MND runs with the land. Thus, the RPI is bound to comply with its terms. Finally, the maintenance activity to be performed will be done "in compliance with the Development Plan described in Section 6.12 and with all applicable laws." (AR 458.) Thus, Petitioner has not presented substantial evidence that there is a reasonable possibility that the new lease will cause significant environmental impacts.

The fourth issue is whether there is substantial evidence to support the City's determination that the Project is subject to multiple categorical exemptions.

The City determined that the Project was exempt pursuant to CEQA Guidelines 15323 (normal operations), 15301 (existing facilities), 15304 (minor alterations), and 15311 (accessory structures). (AR 2.) Petitioner bears the burden with this argument and must demonstrate that no substantial evidence supports the City's determination. (Walters v. City of Redondo Beach (2016) 1 Cal.App.5th 809, 817; Davidon Homes v. City of San Jose (1997) 54 Cal.App.4th 106, 115.)

CEQA Guidelines section 15323. It applies to normal operations of existing facilities for public gatherings (i) for which the facilities were designed, (ii) where there is a three-year history of the facility being used for the same or similar purpose, and (iii) where there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. (CEQA Guidelines, § 15323; see also Citizens, supra, 242 Cal.App.4th at p. 573.) Here, the record indicates that the site has been used for the same or similar purpose for the last 25 years (AR 80; AR 4411) and that there is no expectation of changed uses (AR 90:15-20; AR 226:16-19.)

CEQA Guidelines section 15301. It applies to the "operation, repair, maintenance...or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use...." The maintenance activities set forth in the City's environmental memo mirror the examples set forth in Section 15301 subds. (d), (h) and (i). Furthermore, the Project does not contemplate an expansion of uses at the site. (AR 90:15-20; AR 226:16-19.)

CEQA Guidelines section 15304. It applies to "minor public or private alterations in the condition of land, water, and/or vegetation," including minor grading and new landscaping." With respect to the Project, this exemption applies only to the extent that the maintenance of the roads and the re-seeding of the fields do not fall under the above noted exemptions.

CEQA Guidelines section 15311. It applies to construction or replacement of minor structures accessory existing facilities. With respect to the Project, it applies to the planned renovation, relocation or

replacement of irrigation equipment, fencing and gates, barns, stables, storage areas, trailers, offices, and temporary caretaker housing. (AR 80.)

Thus, substantial evidence supports the City's determination that the Project is covered by these exemptions.

Based on the foregoing, the Court denies the writ. The City is directed to prepare the Judgment.

IT IS SO ORDERED.

Judge Gregory W Pollack