

DOCKETED

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| Docket Number: | 22-BSTD-07 |
| Project Title: | Local Ordinance Applications Exceeding the 2022 Energy Code |
| TN #: | 247525-9 |
| Document Title: | Encinitas CEQA Notice of Exemption |
| Description: | Plain text of Encinitas CEQA notice of exemption |
| Filer: | Danuta Drozdowicz |
| Organization: | California Energy Commission |
| Submitter Role: | Commission Staff |
| Submission Date: | 11/18/2022 2:02:29 PM |
| Docketed Date: | 11/18/2022 |



**SAN DIEGO COUNTY CLERK
CEQA FILING COVER SHEET**

FILED
Nov 01, 2022 02:45 PM
Ernest J. Dronenburg, Jr.
SAN DIEGO COUNTY CLERK
File # 2022-000879
State Receipt # 37110120220769

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

**ORDINANCE NOS. 2022-13 AND 2022-14 ADOPTING AMENDMENTS TO
CHAPTER 23.12 OF THE ENCINITAS MUNICIPAL CODE**

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** November 1, 2022
Posted November 1, 2022 **Removed** _____
Returned to agency on _____
DEPUTY _____

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 EXEMPTION

TO: Recorder/County Clerk
Attn: CEQA Notices
1600 Pacific Highway, M.S. A33
San Diego, CA 92101

FROM: City of Encinitas
c/o Crystal Najera
Development Services
505 South Vulcan Avenue
Encinitas, CA 92024

SUBJECT: FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 21108 OR 21152

Project Name: Ordinance Nos. 2022-13 and 2022-14 adopting amendments to Chapter 23.12 of the Encinitas Municipal Code.

Project Location: City of Encinitas (Citywide)

Project Applicant: City of Encinitas Telephone Number: 760-633-2600

Project Description: The activity consists of adoption of City Council Ordinance Nos. 2022-13 and 2022-14 which would amend Section 23.12.080 and 23.12.110 of Chapter 23.12 of the Encinitas Municipal Code to include local energy efficiency and green building regulations citywide.

Agency Approving Project: City of Encinitas

City Contact Person: Crystal Najera Telephone Number: (760) 943-2285

Date Form Completed: November 1, 2022

This is to advise that the City of Encinitas has approved the above described project on October 26, 2022 and found the project to be exempt from the CEQA under the following criteria:

1. Exempt status and applicable section of the CEQA ("C") and/or State CEQA Guidelines ("G"): (check only one)
 - Declared Emergency [C 21080(b)(3); G 15269(a)]
 - Emergency Project [C 21080(b)(4); G 15269(b)(c)]
 - Statutory Exemption. C Section:
 - Categorical Exemption. G Section: 15301 – Existing Facilities
 - G 15061(b)(3) - It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to the CEQA.
 - G 15182 – Residential Projects Pursuant to a Specific Plan
 - G 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning
 - Activity is exempt from the CEQA because it is not a project as defined in Section 15378.
2. Mitigation measures were were not made a condition of the approval of the project.
3. A Mitigation reporting or monitoring plan was was not adopted for this project.

Statement of reasons why project is exempt: It has been determined that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines. This section exempts projects related to the maintenance of existing structures or facilities involving negligible or no expansion of the existing use. None of the exceptions in Section 15300.2 of the CEQA Guidelines are applicable to the project.

The following is to be filled in only upon formal project approval by the appropriate City of Encinitas decision-making body.

Signature: Crystal Najera Telephone: (760) 943-2285

Name (Print): Crystal Najera Title: Sustainability Manager

This Notice of Exemption has been signed and filed by the City of Encinitas.

This notice must be filed with the Recorder/County Clerk as soon as possible after project approval by the decision-making body. The Recorder/County Clerk must post this notice within 24 hours of receipt and for a period of not less than 30 days. At the termination of the posting period, the Recorder/County Clerk must return this notice to the Department address listed above along with evidence of the posting period. The originating Department must then retain the returned notice for a period of not less than twelve months. Reference: CEQA Guidelines Section 15062.