

# **Attachment B**

**CEQA Notice of Exemption for Ratification of the 2023 Consolidated Fire Code, Repeal of the County Fire Code, and Amendment of the Defensible Space Ordinance**

**NOTICE OF EXEMPTION**

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

FROM: County of San Diego  
SAN DIEGO COUNTY FIRE, PUBLIC SAFETY GROUP, M.S. O-302  
Attn: David Sibbet, Fire Services Coordinator

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

Project Name: Amendments to the County Fire Code

Project Location: The unincorporated area of the County of San Diego

Project Applicant: County of San Diego, San Diego County Fire

Address: 5560 Overland Avenue, Suite 400, San Diego, CA 92123

Telephone Number: (858) 974-5999

Project Description: Adopt ordinances ratifying the 2023 Consolidated Fire Code, repealing the County Fire Code, and amending the Defensible Space Ordinance

Agency Approving Project: County of San Diego

County Contact Person: David Sibbet Telephone Number: (619) 672-7112

Date Form Completed: January 22, 2023

This is to advise that the County of San Diego Board of Supervisors has approved the above-described project on March 14, 2023 / Item # and found the project to be exempt from the CEQA under the following criteria:

- 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:
  - ☒ 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.
- Mitigation measures ☐ were ☒ not made a condition of the approval of the project.
- A Mitigation reporting or monitoring plan ☐ was ☒ not adopted for this project.

Statement of reasons why project is exempt: ~~The proposed amendments are either administrative, procedural or will impose more stringent regulations than presently required by the State code. The adoption of ordinances is not a "project" as defined in the Public Resources Code section 21065 and California Environmental Quality Act (CEQA) Guidelines section 15378 and therefore is not subject to CEQA pursuant to CEQA Guidelines section 15060(c)(3). A project, as defined by CEQA, is the whole of an action that has the potential to result in either a direct or physical change or reasonably foreseeable indirect physical change to the environment. An action that restates or codifies existing law is not a project under CEQA because it does not cause physical changes to the environment. In addition, the ordinances do not authorize or ban any development or exempt any project from CEQA review, and therefore there is no possibility that their adoption may have a significant effect on the environment. Alternatively, the adoption of ordinances is subject to the commonsense exemption in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that adopting the ordinances may have a significant effect on the environment.~~  
~~as a result of local climatic, geological, or topographical conditions within San Diego County. The code amendments do not result in any physical changes to the environment. Also, it has been determined that the project would not result in damage to a scenic highway; is not on a hazardous waste site; and would not cause substantial change in the significance of a historical resource. For these reasons, there is no possibility that the project may have a significant effect on the environment and the project is not subject to CEQA.~~

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

Signature: \_\_\_\_\_ Telephone: (619) 672-7112

Name (Print): David Sibbet Title: Fire Services Coordinator

This Notice of Exemption has been signed and filed by the County of San Diego.

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.