

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: Marin
3501 Civic Center Drive
San Rafael, CA 94903

From: (Public Agency): City of Novato
922 Machin Avenue
Novato, CA 94945
(Address)

Project Title: Hoog Park Playground and Accessibility Enhancements

Project Applicant: City of Novato

Project Location - Specific:
Josef Hoog Park, 551 Marin Oaks Drive, Novato, CA 94949

Project Location - City: Novato Project Location - County: Marin

Description of Nature, Purpose and Beneficiaries of Project:
The project will remove and replace the the existing play structures and install ADA improvements required at the park.

Name of Public Agency Approving Project: City of Novato

Name of Person or Agency Carrying Out Project: City of Novato

- Exempt Status: (check one):
[] Ministerial (Sec. 21080(b)(1); 15268);
[] Declared Emergency (Sec. 21080(b)(3); 15269(a));
[] Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: CEQA Section 15301, Existing Facilities, Subsection (d)
[] Statutory Exemptions. State code number:

Reasons why project is exempt:
The proposed improvements fall within the "negligible or no expansion of use" requirement of the exemption, and satisfy the requirements of subsection (d) "Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety."

Lead Agency Contact Person: Elisa Sarlatte Area Code/Telephone/Extension: (415) 899-8963

- If filed by applicant:
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: [Signature] Date: 10/22/2024 Title: Sr. Civil Engineer

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR:
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

New CEQA Filing Requirements for Local Agencies

12.18.2023

When a local agency files a notice of determination (“NOD”) or notice of exemption (“NOE”) as set forth in the California Environmental Quality Act (“CEQA”), it shortens the statute of limitations for challenges to its project approval and CEQA determinations. On October 13, 2023, Governor Gavin Newsom signed Senate Bill 69 (Cortese) (“SB 69”) introducing new requirements to the NOD and NOE filing processes.

Changes Introduced by SB 69 for Local Agencies

Effective January 1, 2024, SB 69 will require local agencies to adhere to the following procedures pursuant to Public Resources Code (“PRC”) section 21152:

Notice of Determination: If a local agency files an NOD with the county clerk of each county in which the project is located, the local agency must also file the NOD with the State Clearinghouse in the Office of Planning and Research (“OPR”).

Notice of Exemption: If a local agency files an NOE with the county clerk of each county in which the project is located, the local agency must also file the NOE with the State Clearinghouse in the OPR.

Posting Requirements: SB 69 mandates that NODs and NOEs, filed pursuant to PRC section 21152, including any subsequent or amended notice, be posted in both the office and website of the applicable county clerk and by the OPR on the State Clearinghouse website within 24 hours of receipt, and must remain posted for 30 days.

Statute of Limitations: SB 69 provides that the statute of limitations under PRC section 21167 does not commence until the local agency fulfills all notice-related requirements.

Electronic Filing Requirement: Local agencies are mandated to electronically file NODs and NOEs with the State Clearinghouse in the OPR. *- SEE EMILY FOR E-FILING*

As noted in the March 13, 2023, Senate Committee on Environmental Quality legislative analysis, Senator Dave Cortese, author of SB 69, aims to enhance transparency in the CEQA notification process, aligning local agencies with the posting practices of state agencies.

Please feel free to contact the Authors of this Alert or your regular AALRR counsel with any questions.

Special thanks to our law clerk, Farrah Ghaffarirafi, for her assistance with this alert.

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