



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

FILED
Feb 27, 2026 12:43 PM
JORDAN Z. MARKS
SAN DIEGO COUNTY CLERK
File # 2026-000202
State Receipt # 37022720260185

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

SAGE CANYON APARTMENTS

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** February 27, 2026
Posted February 27, 2026 **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 Christina M. Bustamante
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: Sage Canyon Apartments

Project Location: South East corner of Sage Canyon Drive and South El Camino Real, APN: 262-061-85

Project Applicant: Dennis Szuberla, CFO, representative of Sage Canyon Investors LLC
Telephone Number: 858-535-1475

Project Description: *9191 TOWNE CENTRE DR #180, SAN DIEGO CA 92122*
The project includes a density bonus, design review permit (DR), and coastal development permit (CDP) to construct a 120-unit multi-family apartment development on a 5.23-acre vacant site. Twenty-two (22) units will be deed restricted to low-income households (80% Area Median Income or AMI) in perpetuity and two (2) low income (80% AMI) units will be deed restricted to be available to low-income households for fifty-five (55) years, for a total of 24 Low Income (80% AMI) units. All units, market rate and low income, will be built in a single phase of the project. The applicant has chosen to provide additional units in accordance with State density bonus law which then qualifies the project to request to use waivers and concessions. Other characteristics of the project include a leasing office, a club room, a fitness room and a pool area. The project features one vehicular access point from Sage Canyon Drive. As conditioned, and with waivers allowed for qualifying density bonus projects through the State Density Bonus Law (reference Government Code Sections 65915 (d) and (e)), the project is consistent with the objectives and policies of the General Plan and demonstrates compliance with the Municipal Code, with the exception of the requirement to install frontage improvements. Below is a summary of the scope of work and associated planning applications approved for the proposed project. Project Numbers: MULTI-007196-2024, DR-007229-2024, CDP-007230-2024, APPEAL-008659-2026

Agency Approving Project: City of Encinitas

City Contact Person: Christina M. Bustamante Telephone Number: (760) 943-2207

Date Form Completed: February 26, 2026

This is to advise that the City of Encinitas has 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: 65583.2(h)
 - Categorical Exemption. Section 15301(c)
 - 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: The project is statutorily exempt from CEQA under Government Code Sections 65583.2(h) and (i), which provide that, if a project is located on a site designated for 'by right' approval, contains at least 20 percent of the units affordable to lower income households, and is not requesting a subdivision, the City of Encinitas may only require design review and coastal development permit approval of the project, and approval shall not constitute a "project" under CEQA. The State Department of Housing and Community Development, in their letter to the City of Encinitas dated October 8, 2019, stated that the "20 percent calculation is based upon the total number of units in the development exclusive of additional units provided by a density bonus."

The Sage Canyon project is statutorily exempt from CEQA in that it is located in the R-30 Overlay Zone, which is designated for 'by right' approval by Encinitas Municipal Code Chapter 30.09 (Zoning Use Matrix, Note 35), proposes that 24 of 120 units (20 percent of base density), will be affordable to lower income households; and is not requesting a subdivision.

Signature:  Telephone: (760) 943-2207

Name (Print): Christina M. Bustamante Title: Senior Planner

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.