

CEQA DETERMINATION OF EXEMPTION

Subject: This California Environmental Quality Act (CEQA) Determination of Exemption is in compliance with Carlsbad Municipal Code Section 19.04.060. An appeal to this determination must be filed in writing with the required fee within ten (10) calendar days of the City Planner's decision consistent with Carlsbad Municipal Code Section 21.54.140.

City Planner Decision Date: June 7, 2022

Project Number and Title: ZCA 2022-0002/LCPA 2022-0014 – 2022 Zoning Ordinance Cleanup

Project Location - Specific: Citywide

Project Location - City: Carlsbad

Project Location - County: San Diego

Description of Project: The project proposes miscellaneous cleanup amendments to various titles of the Carlsbad Municipal Code, including Title 21 – Zoning Ordinance. These amendments are proposed to reflect state-mandated changes, correct errors, resolve ambiguities or inconsistencies, add clarifications and make minor additions for new requirements. The project consists of text changes only that apply citywide, there are no zoning designations being changed.

Name of Public Agency Approving Project: City of Carlsbad

Name of Person or Agency Carrying Out Project: City of Carlsbad, Community Development Department

Name of Applicant: Corey Funk, Associate Planner

Applicant's Address: 1635 Faraday Avenue, Carlsbad, CA 92008

Applicant's Telephone Number: 442-339-2645

Name of Applicant/Identity of person undertaking the project (if different from the applicant above):
N/A

Exempt Status: *(Check One)*

- Ministerial (Section 21080(b)(1); 15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269 (b)(c));
- Categorical Exemption - State type and section number: _____
- Statutory Exemptions - State code number: Section 15061(b)(3) _____
- Common Sense Exemption (Section 15061(b)(3))
- Criteria for Subsequent EIR (Section 15162)

Reasons why project is exempt: The proposed project includes 15 separate amendments to the Carlsbad Municipal Code, including the Zoning Ordinance. Given the diverse nature of the amendments, separate exemptions under CEQA are applicable.

Amendments 1 – 9 and 11 – 15:

The City Planner has determined that the amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to the common sense exemption, Section 15061(b)(3) of the CEQA Guidelines, since there would be no possibility of a significant effect on the environment because:

- The proposed amendments do not directly or indirectly authorize or approve any actual changes in the physical environment
- Certain amendments are proposed for compliance with state or federal law and the scope of city discretion is limited
- Requirements that are proposed to be added or deleted are minor in nature
- Certain amendments address errors, inconsistencies and terminology updates

Amendment 10:

Pursuant to the California Environmental Quality Act, (CEQA, Public Resources Code section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Section 15168 set the criteria for use of a Program Environmental Impact Report (EIR) for later activities to determine if an additional environmental document must be prepared. Section 15168 (c) (2) directs a Program EIR to utilize the specific process referenced in Sections 15162 through 15164 that sets forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified EIR covering the project for which a subsequent discretionary action is required.

As part of its approval of the Comprehensive General Plan Update on Sept. 22, 2015, the City Council adopted Resolution 2015-242, certifying EIR 13-02 and adopting Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program. EIR 13-02 is available as part of the General Plan Update documents page of the Planning Division at <https://www.carlsbadca.gov/departments/community-development/planning/general-plan/related-documents>.

Subsequently, on April 6, 2021 the City Council approved an update of the city's Housing Element for the 6th cycle (2021 – 2029) by Resolution 2021-073, which included an Addendum consistent with Section 15164 of the CEQA Guidelines to study impacts of the Goals, Policies, Programs and Objectives contained in the Housing Element. On July 13, 2021 the California Department of Housing and Community Development found the element to be in substantial compliance with all applicable laws. The Addendum and resolution are available at: 2021-04-06; City Council; Resolution 2021-073 (carlsbadca.gov) The Addendum included an evaluation of the Housing Element Goals, Policies, Programs and Objectives that will be implemented throughout the eight-year housing cycle. Additionally, the Housing Element did not include any changes to Land Uses in the General Plan or Zoning Ordinance.

The proposed project includes amendments to implement a portion of Housing Element Program 1.3(g), specifically making amendments to bring the zoning ordinance into compliance with state law with respect to employee housing and residential care facility parking. The proposed amendments breaks no new legal ground and is within the scope of the of the Addendum. During adoption of the General Plan, EIR 13-02 considered and evaluated all land use impacts for the components of the proposed project. The Addendum evaluated all direct and indirect impacts, in addition to cumulative impacts, that would result from Housing Element implementation.

Amendment 10 falls under the scope of the Addendum and is internally consistent with other provisions of the code, and the land use regulations and requirements set forth in the city's General Plan and Local Coastal Program. As these programs were considered in the April 6, 2021 Addendum, there are no cumulative impacts that have not been considered and studied, and there are no unanticipated environmental impacts or changes in circumstances. Additionally, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3) and none of the triggers for a subsequent/supplemental EIR apply. Therefore, the Addendum to the EIR and certified EIR are adequate without modification.

On the basis of this analysis, the City Planner has determined that there are no substantial changes proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects.

Lead Agency Contact Person: Corey Funk, Associate Planner **Telephone:** 442-339-2645



DON NEU, City Planner

6/7/22

Date