

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: October 19, 2022

Project Number and Title: El Camino Real Widening – Sunny Creek to Jackspar Project HDP 2022-0008/CDP 2021-0044/SUP 2021-0002/ SUP2022-0002 (PUB 2020-0009)

Project Location - Specific: Sunny Creek to Jackspar

Project Location - City: Carlsbad

Project Location - County: San Diego

Description of Project: The project is a Coastal Development Permit and Special Use Permit (El Camino Real Corridor), Special Use Permit (Floodplain), to widen a segment of El Camino Real northbound lanes for approximately 2,300 feet between Rancho Carlsbad Drive/Jackspar Drive and Sunny Creek Road. The improvements include widening the existing 2-lane northbound direction to 3- lanes, a bicycle lane, and a sidewalk from Rancho Carlsbad Drive to approximately 150 feet south of Sunny Creek Road. In addition, the project includes improvements at the intersections of ECR with Rancho Carlsbad Drive/Jackspar Drive and Sunny Creek Road.

The project site is located on El Camino Real between Rancho Carlsbad Drive/Jackspar Drive and Sunny Creek Road and is predominantly within the right of way and adjacent to Assessor Parcel Numbers (APN) 209-060-5800, 209-060-5300, 209-060-4800, 209-090-1100. These properties feature limited improvements and are mostly vacant. Along these properties a right of way acquisition and temporary construction easements are proposed. Earthwork will consist of 5,400 cubic yards of cut and 1,500 cubic yards of fill. The following project design considerations are also being proposed to minimize impacts and address community character: El Camino Real Corridor Development Standards and Hillside Development and Design Standards.

Name of Public Agency Approving Project: City of Carlsbad

Name of Person or Agency Carrying Out Project: Public Works

Name of Applicant: Brandon Miles

Applicant's Address: 1635 Faraday Avenue

Applicant's Telephone Number: 442-339-2745

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: 15303 (d) Class 3
- Statutory Exemptions - State code number: _____
- Common Sense Exemption (Section 15061(b)(3))

Reasons why project is exempt: The project is consistent with 15303 (d) Class 3 because it consists of construction limited to new facilities, such as street improvements of reasonable length to serve such construction. The project fills in an existing gap in pedestrian and street facilities.

Exceptions to the Use of Categorical Exemptions

Planning staff evaluated all the potential exceptions to the use of Categorical Exemptions for the proposed project (in accordance with CEQA Guidelines Section 15300.2) and determined that none of these exceptions apply as explained below:

- Cumulative Impact - "All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant." The exception applies when, although a particular project may not have a significant impact, the impact of successive projects, of the same type, in the same place, over time is significant. While several projects have been and will be implemented along El Camino Real, this current Project involves minor roadway widening so that the roadway can be restriped for three northbound travel lanes and a bicycle lane, utilities can be relocated/installed, and a sidewalk can be constructed within an existing gap in pedestrian facilities.
- Significant Effect - "A categorical exemption shall not be used for any activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Examples include projects, which may affect scenic or historical resources. There are no unusual circumstances that would have a significant impact on the environment due to the project. The Project does not involve any unusual circumstances, such as the presence of sensitive biological or cultural environmental resources. Regarding any potential traffic impacts, a Vehicle Miles Traveled (VMT) analysis was conducted, which utilized the City's VMT Analysis Guidelines to determine the appropriate analysis methodology and significance thresholds. The City's guidelines generally follow state guidance provided in the Office of Planning and Research's (OPR) Technical Advisory but add detail that is specific to the San Diego region and the City of Carlsbad. The qualitative analysis identified that the project does not have an impact to VMT.
- Scenic Highway - "A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR." This exception applies when a project may result in damage to scenic resources within a duly designated scenic highway. While El Camino Real in general is considered a historical and scenic corridor throughout Carlsbad, it is not a highway officially designated as a State Scenic Highway. As the Project involves a slight widening of the existing 5-lane facility to match the existing 6-lane facility located immediately north and south of the Project area, implementation of the Project will result in similar visual conditions compared with a no project scenario.
- Hazardous Waste Site - "A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. This exception applies when a project is located on a site or facility listed pursuant to California Government Code 65962.5. A review of available records and a field inspection did not identify any sites which are included on any list compiled pursuant to Section 65962.4 of the Government Code.
- Historical Resources - "A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource." This exception applies when a project may cause a substantial adverse change in the significance of a historical resource. Based on negative survey results, there is no potential for the Project to impact intact subsurface cultural resources which would qualify as a historical resource or tribal cultural resource, as defined under CEQA; therefore, the undertaking will result in no effect to historical resources or tribal cultural resources.

Planning staff also evaluated the potential exceptions to the use of Categorical Exemptions as defined by Section 19.04.070 of the Carlsbad Municipal Code and determined that none of these exceptions apply as explained below:

- Grading and clearing activities affecting sensitive plant or animal habitats – A categorical exemption shall apply when there is earth moving activities “which disturb, fragment or remove such areas as defined by either the California Endangered Species Act (Fish and Game Code Sections 2050 et seq.), or the Federal Endangered Species Act (16 U.S.C. Section 15131 et seq.); sensitive, rare, candidate species of special concern; endangered or threatened biological species or their habitat (specifically including sage scrub habitat for the California Gnatcatcher); or archaeological or cultural resources from either historic or prehistoric periods.” The Project would result in permanent impacts to the following vegetation community: non-native grassland (0.68 acres). While some isolated native shrub species found onsite may be used by the California gnatcatcher for foraging, this area is fragmented, completely surrounded by urban development and/or disced fields, and has no connection to high quality habitat. Therefore, the isolated shrubs are not considered a sensitive vegetation community or habitat for the California gnatcatcher. No other plant or animal species would be impacted. No waters of the State or waters of the US would be impacted.
- Impacts to biological species or their habitats or archeological or cultural resources – “Parcel maps, plot plans and all discretionary development projects otherwise exempt but which affect sensitive, threatened or endangered biological species or their habitat (as defined above), archaeological or cultural resources from either historic or prehistoric periods, wetlands, stream courses designated on U.S. Geological Survey maps, hazardous materials, unstable soils or other factors requiring special review, on all or a portion of the site.” No previously recorded cultural resources were identified within the Project Area. Based on these disturbances and the negative survey results, there is no potential for the Project to impact intact subsurface cultural resources which would qualify as a historical resource or tribal cultural resource, as defined under CEQA; therefore, the undertaking will result in no effect to historical resources or tribal cultural resources.

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Eric Lardy, City Planner

10/19/22
Date