

NOTICE OF EXEMPTION

To: Assessor/Recorder/County Clerk
Attn: Fish and Wildlife Notices
1600 Pacific Highway, Suite 260
San Diego CA 92101
MS: A-33

From: **CITY OF CARLSBAD**
Planning Division
1635 Faraday Avenue
Carlsbad, CA 92008
(442) 339-2600

Subject: Filing of this Notice of Exemption is in compliance with Section 21152b of the Public Resources Code (California Environmental Quality Act).

Project Number and Title: Kelly Drive Sewer Replacement Project, CIP Project No. 5548

Project Location - Specific: Along 585 linear feet of the street centerline of Kelly Drive, immediately south of the intersection with El Camino Real.

Project Location - City: Carlsbad

Project Location - County: San Diego

Description of Project: The project will replace approximately 585 linear feet of 12-inch vitrified clay pipe (VCP) sewer with new 15-inch PVC pipe. The project will achieve compliance with gravity sewer main performance standards and will serve existing development. 585 linear feet of existing 12-inch sewer main is installed with less slope than the connecting upstream and downstream 12-inch main segments, resulting in less capacity than the adjacent segments. All work will occur along the trench line of the existing sewer main and within the public right-of-way.

Name of Public Agency Approving Project: City of Carlsbad

Name of Person or Agency Carrying Out Project: Neil Irani, Associate Engineer

Name of Applicant: City of Carlsbad Public Works - Utilities

Applicant's Address: 5950 El Camino Real, Carlsbad, CA 92008

Applicant's Telephone Number: 442-339-2305

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

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: 15302(c) – replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.
- Statutory Exemptions - State code number:
- Common Sense Exemption (Section 15061(b)(3))

Reasons why project is exempt: The project is consistent with 15302(c) because it consists of the replacement of an existing sewer pipe with a new sewer pipe that will be located on the same site and have substantially the same purpose and capacity as the pipe to be replaced.

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

Section 19.04.070 B. Exceptions. Even though a project may otherwise be eligible for an exemption, no exemption shall apply in the following circumstances:

1. Grading and clearing activities affecting sensitive plant or animal habitats, 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;
or

2. 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.

Response: All work will occur along the trench line of the existing sewer main and within the public right-of-way. Cultural resources monitoring was completed within the last 3 years for a separate Carlsbad Municipal Water District project that installed utilities within Kelly Drive in a new utility trench parallel to this sewer project. No cultural resources were encountered. The project site is not located within an area of known sensitive environmental resources or on a listed hazardous material site and would not have a significant effect or cumulative impact on the environment.

Lead Agency Contact Person: Scott Donnell **Telephone:** 442-339-2618


ERIC LARDY, City Planner

12/21/2022
Date

Date received for filing at OPR: