

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
(760) 602-4600

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: Trieste Slope Repair Project

Project Location - Specific: Trieste Drive and El Camino Real

Project Location - City: Carlsbad

Project Location - County: San Diego

Description of Project: The proposed Project aims to repair and stabilize the slope between Trieste Drive and El Camino Real, located within the city's right-of-way. The total area of impact approximately half an acre and involves the excavation of 20,000 cubic feet of soil.

Name of Public Agency Approving Project: City of Carlsbad

Name of Person or Agency Carrying Out Project: City of Carlsbad, Public Work

Name of Applicant: Scott Lyle, Senior Engineer

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

Applicant's Telephone Number: 442-339-2505

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: Section 15301 (d & f): Existing Facilities (Class 1)
- Statutory Exemptions - State code number: _____
- Common Sense Exemption (Section 15061(b)(3))

Reasons why Project is exempt: The California Environmental Quality Act ("CEQA"), and its implementing regulations ("CEQA Guidelines") adopted by the Secretary of the California Natural Resources Agency, list classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from further environmental review under CEQA. City staff completed a review of the Project and potential environmental impacts associated with the Project pursuant to CEQA and concluded that the Project qualified for an exemption pursuant to CEQA Guidelines section 15301(d) and section 15301(f) (Existing Facilities).

The CEQA Guidelines include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA.

CEQA Guidelines Section 15301 is a Class 1 exemption for existing facilities. It includes (d) the Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety and (f) the addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features. The improvements to the slope involve restoring and installing safety mechanisms to prevent any future movements of the slope from damaging the surrounding residential properties.

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 exemptions 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." The Trieste Slope Repair Project is not part of additional improvements to this area or other major projects that would create significant impacts over time.
- Significant Effect – "A categorical exemption shall not be used for any activity where there is a reasonable possibility that the activity will significantly affect 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 circumstance, such as the presence of sensitive biological or cultural environmental resources.
- 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 that 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." This Project is near El Camino Real, and while it is generally considered a historical and scenic corridor throughout Carlsbad The Project involves repairing a slope that is not visible from El Camino Real. Thus, implementing the Project will not change the existing visual conditions. Additionally, El Camino Real is not a highway officially designated as a State Scenic Highway.
- 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 did not identify any sites which are included on any list compiled pursuant to Section 659.62.4 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. There is no potential for the Project to impact intact subsurface cultural resources as it involves the repair of a slope. No additional excavation will be part of this Project.

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 proposed Project will not impact the aforementioned species and will only affect soil that has already been disturbed on a pre-existing manufactured slope. Additionally, the Project location is not within a protected open space or in proximity to sensitive ecological areas.

- 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.

For the reasons stated above, the action is categorically exempt from CEQA under CEQA Guidelines Section 15301(d & f).

Lead Agency Contact Person: Izzak Mireles **Telephone:** (442) 339-2693

Eric Lardy

Jan 25, 2023

ERIC LARDY, City Planner

Date

Date received for filing at OPR: