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: April 10, 2023

Project Number and Title: <u>CT 2022-0001 / SDP 2022-0006 (DEV2022-0030) – HOPE APARTMENTS</u>

Project Location - Specific: 1006 Carlsbad Village Drive (Motel 6), 950 Carlsbad Village Drive and 2944-46 Hope Avenue (Carl's Jr.) and 945-A, 945-B and 955 Grand Avenue, totaling 2.95 acres, Assessor Parcel Numbers 203-320-02, -20, -40, -48, -51. Generally, the project site is located on the north side of Carlsbad Village Drive, south side of Grand Avenue and east side of Hope Avenue Alley.

Project Location - City: Carlsbad Project Location - County: San Diego

Description of Project: Tentative Tract Map (CT 2022-0001) and Site Development Plan (SDP 2022-0006) to consolidate five (5) parcels into one (1) lot, demolish the existing Motel 6 and three single-family residential structures and develop a four-story, 45-foot-tall, 156-unit multiple-family residential apartment project on a 2.95-acre parcel. The project is requesting a 50% state density bonus; is proposing that 15% of the units (20 units) will be made affordable to very-low income families; and is seeking two (2) Density Bonus waivers to make the project economically feasible. Including the density bonus, the project density is 52.9 dwelling units/acre. A total of 276 parking stalls are proposed. A majority of the parking will be provided in a two-level subterranean parking garage. The existing Carl's Jr. drive-thru restaurant will be retained onsite.

Name of Public Agency Approving Project: <u>City of Carlsbad</u> Name of Person or Agency Carrying Out Project: <u>City of Carlsbad</u>

Name of Applicant: Patrick Zabrocki, Wermers Properties

Applicant's Address: <u>5120 Shoreham Place</u>, #150, San Diego, CA 92122

Applicant's Telephone Number: 858-245-2473

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: <u>Class 32, Section 15332 (In-Fill Development</u> <u>Projects)</u>
- Statutory Exemptions State code number: _____
- Common Sense Exemption (Section 15061(b)(3))

CT 2022-0001 / SDP 2022-0006 (DEV2022-0030) - HOPE APARTMENTS

Reasons why project is exempt:

Sections 15300 to 15333 of the California Environmental Quality Act ("CEQA") Guidelines provide classes of projects that have been determined not to have a significant effect on the environment and are exempt from further CEQA review. As provided below, the Project is consistent with CEQA Guidelines Section 15332, In-Fill Development Projects, and would therefore be exempt from CEQA.

Location and Project Site

The project would develop a 156-unit, four-story, multi-family apartment complex on a 2.95-acre project site in the City of Carlsbad (City) (Figure 1, Regional Location). The City is in the northwestern portion of San Diego County (County), and the project site is in the northwestern portion of the City. The addresses on the project site include 1006 Carlsbad Village Drive, 950 Carlsbad Village Drive, 2944–46 Hope Avenue, 945-A Grand Avenue, 945-B Grand Avenue, and 955 Grand Avenue. The Assessor's Parcel Numbers (APNs) included on the project site are 203-320-02, -20, -40, -41, -48, and -51. The project site is approximately 375 feet west of Interstate (I-) 5, roughly 0.5 mile southeast of Buena Vista Lagoon and 0.7 mile east of the Pacific Ocean but is outside the Coastal Zone (Figure 2, Project Location). The project site slightly slopes up from 63 feet above mean sea level on the eastern side to 68 feet on the southwestern side of the site. The project site is bounded by Grand Avenue to the north, Hope Avenue Alley to the west, Carlsbad Village Drive to the south, and a 24-foot-wide private shared driveway to the east. The site contains a 109-room motel, a Carl's Jr. restaurant, and three single-family residences (Figure 3, Project Site). The three residences are currently being leased, and both the motel and the Carl's Jr. restaurant are operational. One of the parcels (APN 203-320-41) is partially developed as a parking lot for the Carl's Jr. restaurant, and a portion of the parcel is vacant and heavily disturbed. The vacant portion is situated in the central part of the project site along the western boundary. The remainder of the project site is developed with accessory parking areas and landscaping.

Project Description

The project would construct a four-story, 45-foot-tall (with allowable architectural projections up to 50 feet), 206,048-square-foot multi-family residential building consisting of 156 one-, two-, and threebedroom apartment units, a fitness center, two open space courtyards, a barbeque gathering area, a community pool, and a parking garage (Figure 4, Site Plan). The project would provide a total of 277 parking spaces in a two-level, underground parking garage, with five of those spaces at surface level for the leasing office. Access to the project site from the north would be from Grand Avenue and from the south from Carlsbad Village Drive via an existing 24-foot-wide private drive aisle. The parking garage would also include 110 designated electrical vehicle charging spaces.

The project would demolish the existing three residences and motel on site. The existing Carl's Jr. restaurant and associated parking area for the commercial portion of the project would remain on the project site.

<u>Density</u>. The Freeway Commercial (FC) District of the Village and Barrio Master Plan allows a density range of 28 to 35 dwelling units per acre. The proposed (base) density of the site is 35 dwelling units per acre for a total of 104 dwelling units. Utilizing the provisions of the Density Bonus Ordinance, CMC Chapter 21.86, the project proposes to construct 156 units at a proposed density of 53 units per acre. Of the 156 units, 13 percent, or 20 units, would be set aside for very low-income housing to satisfy both the Density

Bonus Ordinance and the City's Inclusionary Housing Ordinance (CMC Chapter 21.85). Providing this amount of affordable housing would qualify the project for a 50 percent density bonus totaling 52 units. To physically accommodate these units on site, the project requests three waivers from the Village & Barrio Master Plan Development Standards for the FC District. The waivers are from Development Standard 2.7.4(E)(2) for private open space, Development Standard 2.7.4(G)(2)(a) and (b) for fourth floor square footage, and Development Standard 2.7.4(H)(1) for a requirement to have a 5-foot wall plane variation for every 50 feet of a public street-facing elevation.

<u>Architectural Design</u>. The project would be designed with a Modern Coastal architectural style that includes a variety of materials, including painted stucco, horizontal wood siding, and porcelain accent tiles (Figure 5, Project Renderings). The project would include a metal canopy roof with roof-mounted photovoltaic units. Mechanical ventilation (e.g., air conditioning) would be installed in all units to move air within the structure and control temperature when the windows are closed.

<u>Stormwater Features</u>. Various stormwater best management practices (BMPs) would be incorporated into the project, including trash and storage refuse areas, sustainable landscaping, biofiltration basins, trash capture BMPs and tree wells as described in the Stormwater Quality Management Plan (SWQMP) (Attachment 6) prepared for the project. Private roof gutters and drainpipes would be included throughout the site, allowing stormwater to be conveyed to biofiltration raised planters in both courtyards and along the eastern side of the building adjacent to the private drive aisle. Private storm drain inlets and a buried storm drain system would convey runoff off site. Aside from proposed biofiltration basins, the site would also implement runoff dispersion through landscaped swales. In addition, a tree well would be near the southeastern corner of the building adjacent to the parking stalls. Tree wells are also proposed in the parkway on Grand Avenue to treat runoff from proposed public improvements.

<u>Utilities</u>. The project's sewer and water laterals would connect to the City's public main pipelines. The project site's existing water system includes 6-inch pipelines north of the project site in Grand Avenue, west of the project site in Harding Street, and south of the project site in Carlsbad Village Drive. The project would obtain potable water service by making three connections to the water main in Grand Avenue for a domestic building service, a fire service, and a separate irrigation service. The project would be required to upsize the Grand Avenue water pipeline to an 8-inch diameter line from the intersection with Hope Avenue east to the existing 8-inch line in the easement to be consistent with the City's design criteria and fire flow requirements. The project would be required to upsize the Avenue water main in the water easement. The water main upsizing is required to meet Carlsbad Municipal Water District minimum engineering design requirements for required fire flow capacity, as detailed in the project's proposed water study.

The existing sewer system includes a 6-inch sewer main in Grand Avenue. A new 6-inch polyvinyl chloride (PVC) sewer lateral would be required to connect to the existing 6-inch vitrified clay pipe sewer main in Grand Avenue.

<u>Construction</u>. The project proposes to demolish the existing three residences on site, clear and grub the site, and construct a new four-story multi-family structure with 156 dwelling units, along with other hardscape and landscape improvements typical of multi-family development. The on-site grading would consist of approximately 47,500 cubic yards of cut and 650 cubic yards of fill, resulting in the export of

46,850 cubic yards. Construction would begin as early as June 2024 and would be completed in 2025. Construction would occur from 7:00 a.m. to 6:00 p.m., Monday through Friday, and from 8:00 a.m. to 6:00 p.m. on Saturdays.

Prior to demolition of the three residences, a comprehensive asbestos and lead based paint survey would be required. If such materials are identified and need to be disturbed, repaired, or removed, a licensed abatement contractor should be consulted. Suspect materials may be managed in place under an Operations and Maintenance Program until removal is dictated by renovation, demolition, or deteriorating material condition. In addition, as described above, hazardous materials would be transported and handled in accordance with federal, state, and local laws regulating the management and use of hazardous materials, reducing the potential for reasonably foreseeable upset and accident of such hazardous substances during construction and operation.

As a project design feature, the project would use Tier 4 diesel construction equipment with diesel particulate filters installed. The project would also incorporate applicable construction water quality BMPs per Volume 4 of the Carlsbad Engineering Standards and permanent water quality BMPs per Volume 5 (City's BMP Design Manual). In addition, per the Carlsbad Tribal, Cultural, and Paleontological Resources Guidelines (City of Carlsbad 2017) and consistent with Carlsbad General Plan Policies 7-P.8 and 7-P.9 (City of Carlsbad 2015a), the project would be required to implement Standard Treatment 5 (construction monitoring during construction excavation to a depth of approximately 1 meter).

Qualifications for a Categorical Exemption

CEQA Guidelines, Section 15300, includes a list of project classes that have been determined not to have a significant effect on the environment and are exempt from the provisions of CEQA. Project actions on the project site are applicable to CEQA Guidelines, Section 15332, In-Fill Development Projects (Class 32).

Per CEQA Guidelines, Section 15332, Class 32 consists of projects characterized as infill development meeting the conditions described below:

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c. The project site has no value, as habitat for endangered, rare or threatened species.
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e. The site can be adequately served by all required utilities and public services.

Justification for why the proposed project meets the infill exemption requirements described previously is provided below.

Findings in Support of a Categorical Exemption

The project will qualify for a categorical exemption under the CEQA Guidelines, Section 15332 (Class 32, In-Fill Development Projects), for the following reasons.

a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The project site is designated Village-Barrio (V-B) in the Carlsbad General Plan and is zoned Village-Barrio (V-B). The V-B zoning designation is implemented by the Village & Barrio Master Plan. The project site is located in the Freeway Commercial (FC) District in the Village & Barrio Master Plan. Multi-family residential units are permitted uses at a density range of 28 to 35 dwelling units per acre. The gross acreage of the site is 2.95 acres. The maximum number of units allowed pursuant to the FC District is 104 units (2.95 acres multiplied by 35 dwelling units per acre = 103.25 or 104 units rounding up to nearest whole number).

The proposed density of 53 units per acre for the site would be accomplished using the Village & Barrio Master Plan FC District standards and the Density Bonus Ordinance (CMC Chapter 21.86). Of the 156 units, 13 percent, or 20 units, would be set aside for very low-income housing to satisfy both the Density Bonus Ordinance and the City's Inclusionary Housing Ordinance (CMC Chapter 21.85). Providing this amount of affordable housing would qualify the project for a 50 percent density bonus equaling 52 units. To physically accommodate these units on site, the project requests three waivers from the Village & Barrio Master Plan Development Standards for the FC District. The waivers are from Development Standard 2.7.4(E)(2) for private open space, Development Standard 2.7.4(G)(2)(a) and (b) for fourth floor square footage and setbacks, and Development Standard 2.7.4(H)(1) for a requirement to have a minimum 5-foot variation in the wall plane for every 50 feet of a public street-facing elevation.

State law encourages cities to provide affordable housing through incentives to developers (i.e., State Density Bonus Law; California Government Code, Section 65915). State Density Bonus Law allows a developer to increase density on a property above the maximum density that is set under the underlying land use density designation. In this instance, the applicant is requesting to construct 156 dwelling units at a density of 53 dwelling units per acre. The State Density Bonus Law stipulates that a request for a density bonus does not constitute a valid basis on which to find that a proposed housing development project is not compliant with the underlying residential land use density designations. In addition, the State Density Bonus Law explicitly requires the City to consider "the density allowed under the land use element of the general plan" in determining maximum allowable residential density, which would also include those established by the Village & Barrio Master Plan. The proposed density of the project is deemed compliant with the underlying land use density designations.

The General Plan consists of other elements that provide applicable goals and policies. One objective of the Housing Element is to promote an equitable distribution of affordable housing opportunities throughout the city by providing incentives to include affordable housing in residential development. The project proposes the construction of 156 apartments, including 20 very low-income housing units. Providing additional residential uses in the Village & Barrio Master Plan area would increase the residential base, providing housing near employment and recreational opportunities, which will shorten and lessen the need for vehicle trips and vehicle miles traveled, advancing several policies related to circulation (Mobility Element of the General Plan).

The General Plan includes the following policies in the Land Use Element relevant to the proposed project:

2-P.13 Encourage medium to higher density residential uses located in close proximity to commercial services, employment opportunities and major transportation corridors.

The project would construct a 156-unit, four-story, multi-family apartment complex on 2.95 acres in close proximity to commercial services and employment opportunities. The project is also located in close proximity to major transportation corridors including I-5 and North County Transit District Coaster Commuter Rail.

2-P.77 Promote new investment by allowing opportunities for medium and high-density infill residential development, strategically located in the neighborhood consistent with the Land Use Map. Ensure that development is designed to enhance neighborhood quality, character, and vitality, and is sensitive to historic and cultural resources.

The project proposes a high-density (i.e., 53 du/ac) multi-family residential development on a property that is substantially surrounded by urban uses. Multi-family apartments are permitted uses in the FC District of the Village & Barrio Master Plan. The project has been designed to enhance neighborhood quality, character, and vitality through its Modern Coastal architectural style that includes a variety of materials, including painted stucco, horizontal wood siding, and porcelain accent tiles as well as the proposed streetscape, which includes the addition of street trees along Grand Avenue and Carlsbad Village Drive. The proposal to construct 156 multi-family units will further activate the area and enhance the vitality of Carlsbad Village. In addition, the project will not impact historic or cultural resources.

Therefore, the project would remain consistent with the existing land use designation and zoning for the site.

b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The project site is 2.95 acres in size, which is under the 5-acre limit for a categorical exemption. The project site is in the northwest portion of the City and is substantially surrounded by a mix of urban uses, including a 106-unit, four-story mixed use apartment building, hotel, fast food restaurant, residential condominiums, and single-family homes.

c. The project site has no value, as habitat for endangered, rare or threatened species.

The project site is currently developed with three residences, a motel, and a Carl's Jr. restaurant and includes heavily disturbed and partially paved vacant land. The project site is in the Village & Barrio Master Plan area, is surrounded by existing development, and is not within or adjacent to sensitive biological resources as identified on Figure 4-2 of the Carlsbad General Plan. Therefore, the project site has no value as habitat for endangered, rare, or threatened species.

d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality for the following reasons:

i. Traffic

The City's VMT Analysis Guidelines (City of Carlsbad 2022) provides a VMT analysis screening criteria for development projects, which identifies the level of VMT analysis methodology, level of significance, and mitigation based on the development's trip generation, the type of development, the location of the development relative to transit priority areas, and other elements. A Vehicle Miles Traveled (VMT) Screening Assessment (Attachment 1) was prepared by Urban Systems Associates in compliance with California Senate Bill 743.

As discussed previously, the project would generate an estimated net increase of 106 ADT. However, total gross project trip generation (excluding net ADT impacts from existing uses to be demolished) is 936 ADT, which is above the 110 ADT threshold for VMT analyses in the City's VMT Analysis Guidelines. Therefore, the project cannot be screened out of additional VMT analysis under Section 3.2.1, Small Projects, in the City's VMT Analysis Guidelines. However, the project is entirely within 0.5 mile of an existing major transit stop (Carlsbad Village Station) in the Downtown Village area. The Carlsbad Village Station qualifies as a major transit stop due to it being fixed rail. Using Screening Criterion 3.2.2, the project would be screened out of a VMT assessment based on its proximity to transit. Therefore, VMT impacts would be less than significant.

The project would be consistent with the adopted Carlsbad General Plan goals and policies and would be consistent with the Village & Barrio Master Plan FC designation. Consistent with development pursuant to the Carlsbad General Plan and Village & Barrio Master Plan, the project would not conflict with any policies, plans, or programs regarding public transit, roadways, bicycle, or pedestrian facilities or the performance or safety of those facilities. Impacts would be less than significant.

Furthermore, the project would be designed and constructed to City standards. The project would not include any substantial changes to the geometry of streets or intersections. Additionally, the project would adhere to Carlsbad General Plan policies and would comply with existing laws, rules, and regulations. Access to the project site would be from Carlsbad Village Drive and Grand Avenue. Project driveways would be designed and constructed according to City standards under the direction of a licensed and qualified engineer. The project site would be accessible to emergency responders during construction and operation of the project. Additionally, the project would adhere to Carlsbad General Plan policies and implementation actions related to emergency access.

ii. Noise

A Noise Study (Attachment 2) was prepared for the project and analyzed noise impacts related to the construction and operation associated with the project.

Construction Noise Levels

Construction of the project would generate temporary elevated noise levels through the use of construction equipment and vendor and haul trips throughout the site. The City's Noise Ordinance exempts noise sources associated with construction activities from 7:00 a.m. to 6:00 p.m., Monday through Friday, and from 8:00 a.m. to 6:00 p.m. on Saturdays, while typical noise limitations apply on Sundays and federal holidays. In accordance with the City's Noise Ordinance, construction of the project would occur during the permissible hours. Therefore, noise associated with construction of the project would be less than significant.

Operational Noise Levels

Modeling was done to compare existing traffic conditions to those with buildout of the project on surrounding roadways, including Carlsbad Village Drive and Grand Avenue. According to the Noise Study (Attachment 2), the project is estimated to generate 936 ADT. The existing ADT volumes on adjacent Carlsbad Village Drive are 23,414 ADT. The existing ADT volumes on adjacent Grand Avenue are 1,630 ADT. Typically, it requires a project to double (or add 100 percent) the traffic volumes to have a direct impact of 3 A-weighted decibel (dBA) community noise equivalent level (CNEL) or be a major contributor to the cumulative traffic volumes. The

project would add less than a 1 percent increase to Carlsbad Village Drive volumes and less than a 3 percent increase to Grand Avenue volumes. Therefore, less than significant direct and cumulative impacts with the addition of project traffic would occur.

The project would include outdoor usable space within an interior courtyard, which could generate noise. Because the surrounding residential buildings would shield the noise, the Noise Study (Attachment 2) concluded that all residential units would comply with the City's 60 dBA CNEL standard. Modeling was also performed to determine interior noise levels of the project units. An assessment was conducted for all units since the facade noise levels were modeled above 60 dBA CNEL. As a project feature, glass assemblies would be required to have a Sound Transmission Class rating of 28 to reduce the interior noise levels to below 45 dBA CNEL and would require a closed window condition. Therefore, mechanical ventilation (e.g., air conditioning) would be required to be installed in all units to move air within the structure and control temperature when windows are closed. Once the final architectural plans are available, as a condition of approval, a final interior Noise Study would be conducted to ensure interior noise reductions. Therefore, operational noise impacts would be less than significant.

Vibration

The project could result in temporary ground borne vibration and/or noise during construction activities. However, heavy machinery associated with more conventional construction activities (such as bulldozers and heavy trucks) typically produces negligible levels of ground borne vibration beyond approximately 25 feet. Additionally, as described above, the City's Noise Ordinance exempts noise associated with construction activities from 7:00 a.m. to 6:00 p.m., Monday through Friday, and from 8:00 a.m. to 6:00 p.m. on Saturdays. In accordance with the City's Noise Ordinance, construction of the project would occur during the permissible hours. The project is not anticipated to require blasting or pile driving. In addition, the project would not include commercial or light industrial operations, which use equipment known to cause heavy vibration. Therefore, ground borne vibration impacts from construction and operation of the project would be less than significant.

<u>Airports</u>

No private airstrips are within the vicinity of the project. The nearest airport to the project is the McClellan-Palomar Airport, approximately 3.9 miles southeast. The project is not within the Airport Land Use Compatibility Plan noise contours, Airport Safety Zones, Avigation Easement Areas, or Overflight Notification Area for the airport. Therefore, the project would not result in a safety hazard for people residing or working in the area, and no impact would occur. In summary, noise impacts would be less than significant.

iii. Air Quality

An Air Quality Assessment was prepared by LDN Consulting (Attachment 3) to evaluate the potential for adverse impacts to air quality due to construction and operational emissions resulting from the project. A Health Risk Screening Letter was prepared by LDN Consulting (Attachment 4) to identify potential health risks from diesel particulate matter originating from I-5 on the project site.

Construction Criteria Air Pollutant Emissions

Air quality impacts related to construction were calculated using the California Emissions Estimator Model (CalEEMod), version 2020.4.0. Construction of the project would begin as early as June 2024 and be completed in 2025. As a project design feature, the project would use Tier 4 diesel construction equipment with diesel particulate filters installed.

Maximum daily emissions levels associated with construction of the project are shown in Table 1, Project Maximum Daily Construction Emissions. As shown in Table 1, emissions of criteria pollutants related to project construction would not exceed the San Diego County Air Pollution Control District (SDAPCD) thresholds. Therefore, the project would not result in a significant impact related to criteria pollutant emissions during construction. Because emissions of criteria pollutants under the project would be below applicable thresholds, which are established to assist in maintaining or achieving regional attainment in the San Diego Air Basin, construction would not result in a cumulatively considerable contribution to regional acute and long-term health impacts related to non-attainment of the ambient air quality standards.

Year	ROG	NO _x	СО	SO ₂	PM ₁₀	PM _{2.5}
2022	2.71	27.20	20.44	0.05	21.04	11.27
2023	51.74	15.45	22.62	0.05	2.47	1.07
SDAPCD Significance Threshold (lb/day)	75	250	550	250	100	55
Exceeds Screening Threshold?	No	No	No	No	No	No

Table 1. Project Maximum Daily Construction Emissions

Source: Attachment 3.

Notes: CO = carbon monoxide; NO_x = oxides of nitrogen; $PM_{2.5}$ = fine particulate matter measuring no more than 2.5 microns in diameter; PM_{10} = particulate matter less than 10 microns in diameter; ROG = reactive organic gas; SDAPCD = San Diego County Air Pollution Control District; SO_2 = sulfur dioxide

Construction Criteria Air Pollutant Emissions

Once construction is complete, the project would generate emissions from daily operations that would include sources such as area, energy, mobile, waste, and water uses, which were also calculated using CalEEMod, version 2020.4.0. As a condition of the project, the residential units would not have hearths installed. Table 2, Project Operational Emissions, presents the summary of estimated operational emissions for the project compared to the SDAPCD thresholds.

	ROG	NOx	CO	SOx	PM ₁₀	PM _{2.5}				
Summer Scenario										
Area Source	4.32	0.15	12.89	0.00	0.07	0.07				
Energy Emissions	0.03	0.29	0.12	0.00	0.02	0.02				
Mobile Emissions	2.60	2.58	23.27	0.05	5.66	1.53				
Total (lb/day)	6.95	3.02	36.28	0.05	5.76	1.63				
SDAPCD Screening Level Thresholds	75	250	550	250	100	50				
Significant?	No	No	No	No	No	No				
Winter Scenario										
Area Source	4.32	0.15	12.89	0.00	0.07	0.07				
Energy Emissions	0.03	0.29	0.12	0.00	0.07	0.07				
Mobile Emissions	2.53	2.80	23.88	0.05	5.66	1.53				
Total (lb/day)	6.88	3.23	36.89	0.05	5.76	1.63				
SDAPCD Screening Level Thresholds	75	250	550	250	100	55				
Significant?	No	No	No	No	No	No				

Table 2. Project Operational Emissions

Source: Attachment 3.

Notes: CO = carbon monoxide; NO_x = oxides of nitrogen; $PM_{2.5}$ = fine particulate matter measuring no more than 2.5 microns in diameter; PM_{10} = particulate matter less than 10 microns in diameter; ROG = reactive organic gas; SDAPCD = San Diego County Air Pollution Control District; SO_x = sulfur oxides

Totals may not add up due to rounding.

As shown in Table 2, emissions from criteria pollutants related to project operation would not exceed the SDAPCD thresholds. Therefore, direct and cumulative impacts from criteria pollutants generated during operation would be less than significant.

Exposure of Sensitive Resources

Construction activities associated with the project would result in temporary sources of on-site fugitive dust and construction equipment emissions. Construction activities would be those typical of building construction and would not require the extensive use of heavy-duty construction equipment, which is subject to a California Air Resources Board Airborne Toxics Control Measure for in-use diesel construction equipment to reduce diesel particulate emissions, that would affect nearby sensitive receptors.

According to the Health Risk Screening Letter (Attachment 4), cancer risk on the project site exceeds the threshold of 10 per 1 million exposed. However, the risk would not occur within the interior of the residential units where residents would likely spend most of their time since new homes have tighter building envelopes and better heating and ventilation systems compatible with energy-efficient designs. As a condition of project approval, the project would be required to install indoor air filtration systems with a Minimum Efficiency Reporting Value of 13. Therefore, through compliance with existing regulations

and installation of proper air filtration systems, the project would not expose sensitive receptors to substantial pollutant concentrations, and impacts would be less than significant.

Odors

Construction of the project could generate odors from operation of construction vehicles and equipment. However, construction would be short term and temporary and would not result in a long-term impact. The project would include a 156-unit apartment complex with associated amenities, which would not create a new source of odors during operation. Therefore, odor impacts from construction and operation of the project would be less than significant.

iv. Water Quality

Construction activities associated with the project could result in wind and water erosion of the disturbed area leading to sediment discharges. Additionally, construction would involve the use of oil, lubricants, and other chemicals that could be discharged from leaks or accidental spills. These potential sediment and chemical discharges during construction would have the potential to impact water quality in receiving water bodies. Construction of the project would result in more than 1 acre of land disturbance; therefore, the project would be required to prepare and implement a Stormwater Pollution Prevention Plan in accordance with the Statewide Construction General Permit prior to construction. This requires implementation of water quality BMPs to ensure that water quality standards are met and that stormwater runoff from the construction work areas does not cause degradation of water quality in receiving water bodies. Typical BMPs include use of silt screening or fiber filtration rolls, appropriate handling and disposal of contaminants, fertilizer and pesticide application restrictions, litter control and pickup, and vehicle and equipment repair and maintenance in designated areas. Implementation of Stormwater Pollution Prevention Plan requirements during construction would reduce potential hydrology and water quality impacts associated with construction to a less than significant level.

The project includes the demolition of three residences and a motel and construction of a 156-unit apartment complex, which would increase the impervious area of the site by approximately 20,000 square feet and would result in additional surface runoff. A preliminary SWQMP (Attachment 5) was prepared for the project consistent with the requirements of the City's BMP Design Manual and of San Diego Regional Water Quality Control Board Order No. R9-2013-0001 (Regional MS4 Permit). The SWQMP prepared for the project specifies source control (trash and refuge storage), site design (sustainable landscaping), structural BMPs (biofiltration basins and tree wells), and trash capture BMPs that would be implemented to minimize impacts to water quality. With implementation of these BMPs, impacts to water quality or waste discharge requirements would be less than significant.

No streams or rivers are on the project site; however, Buena Vista Lagoon is approximately 0.47 mile north of the project site. According to the SWQMP (Attachment 5), the Buena Vista Lagoon is a Section 303(d) impaired water body for indicator bacteria, nutrients, sedimentation/siltation, and toxicity pollutants. In the existing condition, the site generally drains from east to northwest toward the northwestern property line. The project site is assumed to have two discharge locations (Basin 1 and Basin 2). Since no existing storm drain infrastructure is on site, most of the site's surface runoff sheet flows to the gutter at the intersection of Grand Avenue and Hope Avenue. The remainder of the site's surface runoff that does not reach the intersection of Grand Avenue and Hope Avenue sheet flows in the private driveway between Grand Avenue and Carlsbad Village to existing modular wetland systems for water quality treatment

before being conveyed through a private buried storm drain system in Carlsbad Village Drive, connecting to the public storm drain system and eventually discharging into Buena Vista Lagoon.

With the proposed drainage improvements, the majority of runoff from the proposed development would be collected and routed to a biofiltration basin for treatment and detention; the remainder of the site would sheet flow directly to the right-of-way and be treated via proposed tree wells. Similar to existing site conditions, stormwater would discharge from the northwestern and eastern property lines. Private roof gutters and drainpipes will discharge at biofiltration raised planters within both courtyards and along the eastern side of the building adjacent to the private drive. Basin inlets would be equipped with trash capture device. Private storm drain inlets and a buried storm drain system would convey runoff off site.

Similar to existing conditions, stormwater runoff leaving Basin 1 would leave the site through a curb outlet, biofiltration raised planter outlet, or sheet flow and would confluence at the intersection of Hope Avenue and Grande Avenue. Stormwater leaving Basin 2 would enter the existing private buried storm drain under the private drive and be routed to the public buried storm drain under Carlsbad Village Drive. To comply with the City's stormwater standards for Priority Development Project requirements, the project site would also implement source control and site design BMPs where feasible and applicable in accordance with the City's BMP Design Manual. Aside from the proposed biofiltration basin, the site would also implement runoff dispersion through landscaped swales and tree wells. The project would implement General Plan goals and policies (4-P.50, 4-P.56, and 4-P.65) to ensure that the project would not exceed the capacity of drainage systems or provide substantial additional sources of polluted runoff. Therefore, through compliance with existing regulations, the project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.

e. The site can be adequately served by all required utilities and public services.

Utilities

The project site is within a developed portion of the City served by utilities. The proposed project would be adequately served by existing utilities and water and sewer service. Services for the project would not exceed the capacity of the service providers' ability to meet those needs.

According to the Water Study (Attachment 6) prepared by Dexter Wilson Engineering, the project site is currently served by the Carlsbad Municipal Water District and includes existing 6-inch pipelines north of the project site in Grand Avenue, west of the project site in Harding Street, and south of the project site in Carlsbad Village Drive. The project would obtain potable water service by making two connections to the existing water line in Grand Avenue. The project would be required to upsize the Grand Avenue pipeline to an 8-inch line from the intersection with Hope Avenue east to the existing 8-inch line in the easement to meet the City's design criteria and fire flow requirements. Although the project would require minor upgrades to the existing pipeline system, it would not require extensive expansion to the water system as a whole.

Wastewater is delivered to the Encina Water Pollution Control Facility, operated by the Encina Wastewater Authority, for treatment and recycling. According to the Sewer Study (Attachment 8) prepared by Pasco Laret Suiter and Associates, a new 6-inch PVC sewer lateral would be required to connect to the existing 6-inch vitrified clay pipe sewer main in Grand Avenue. With the addition of this sewer lateral, the existing system could adequately serve the project.

In addition, San Diego Gas & Electric provides electric power and natural gas to the project site for the existing residences, motel, and Carl's Jr. restaurant on site.

Public Services

The project would result in the development of a 156-unit apartment complex, which would require safety and fire protection services. The Carlsbad Fire Department and Police Department currently provide service to the existing single-family residences, Carl's Jr. restaurant and motel on the project site and would continue to provide service for the proposed project. Redevelopment of the project site would increase the land use intensity of the site and will increase demand for fire protection services. However, the project site can be adequately served and the project would not significantly increase demand for fire and/or police services to the extent that new facilities would be required to maintain acceptable service ratios, response times, or other performance objectives. In addition, an Alternative Means & Method plan has been reviewed and approved by the Carlsbad Fire Department. Furthermore, the project would be required to pay development impact fees in accordance with the City's most recently adopted Master Fee Schedule. Therefore, impacts would be less than significant.

The project site is located within the Carlsbad Unified School District. The nearest school is Jefferson Elementary School at 3743 Jefferson Street, approximately 0.74 mile south of the project site. In addition to the City's public schools, three private schools are in the Village & Barrio Master Plan area that serve local residents, including the Army and Navy Academy and two Montessori schools. The project would result in the development of a 156-unit apartment complex, which will add new student populations in the City. However, the student population generated by the project would be served by existing schools in the Carlsbad Unified School District. Additionally, the project would be required to submit a letter from the school district indicating they have capacity to accommodate additional students and pay developer fees in accordance with the Carlsbad Unified School District's most recently adopted fee rates prior to the issuance of a building permit. Therefore, impacts would be less than significant.

Several existing parks and recreational facilities are in close proximity to the project site, including the Carlsbad Senior Center, Holiday Park, and Rotary Park. The Citywide Facilities and Improvements Plan establishes a performance standard for parks, requiring 3 acres of parkland per 1,000 people. The addition of the 156-unit apartment complex will include a minor increase on existing recreational resources. However, the project would be required to pay development impact fees that would generate funds to help pay for additional park and recreation facilities. In addition, the project would include two large interior courtyards that would provide private open space for its residents and lessen the burden on existing facilities. Therefore, impacts would be less than significant.

The nearest library is the Georgina Cole Library at 1250 Carlsbad Village Drive, approximately 0.23 miles northeast of the project site. An increase in population from the new addition of the 156-unit apartment complex would cause a nominal increase in demand for public services, including libraries. However, as stated in the Carlsbad General Plan Environmental Impact Report (EIR) (City of Carlsbad 2015b), the existing library space in the City currently meets the City's standard. In addition, the project would be required to pay development impacts fees that would generate funds to help pay for additional library space, as needed. Therefore, impacts would be less than significant.

Exemption Exceptions

There are general exceptions to the exemptions depending on the nature or location of the project, pursuant to CEQA Guidelines, Section 15300.2. For a proposed project to qualify, none of the following exceptions can apply to the project. The analysis below addresses each exception.

a. Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located

 a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project qualifies for a Class 32 exemption; Classes 3, 4, 5, 6, and 11 do not apply to the project. Thus, this exception does not apply.

b. 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.

Due to the developed/disturbed nature of the project site, and mandatory adherence with all applicable federal, state, and local laws, regulations and guidelines, any incremental, individual-level impact resulting from Project construction and operation would remain less than significant and would not constitute a considerable contribution to potential regional cumulative impacts in the greater Project region. Additionally, all other related projects would be required to comply with all applicable federal, state, and local regulatory requirements and incorporate all feasible mitigation measures to ensure that their potentially cumulative impacts would remain at less-than-significant levels.

The project is consistent with the Carlsbad General Plan and the Village and Barrio Master Plan and the cumulative effects of the project along with the buildout of the Village and Barrio area have already been analyzed and disclosed in the Mitigated Negative Declaration prepared for the Village and Barrio Master Plan. This exception does not apply.

c. Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The project is consistent with the Carlsbad General Plan and zoning designations for the project site. As discussed above, no significant impacts are associated with the project. No unusual circumstances are associated with the project that would have a significant effect on the environment. This exception does not apply.

d. Scenic Highways. 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.

The City does not contain officially designated state scenic highways. The closest eligible state scenic highway is I-5, approximately 0.08 mile east of the project site (Caltrans 2023). This exception does not apply.

e. Hazardous Waste Sites. 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.

EnviroStor is the California Department of Toxic Substances Control's online data management system for tracking cleanup, permitting, enforcement, and investigation efforts at hazardous waste facilities and sites with known or suspected contamination issues, pursuant to Section 65962.5 of the California Government Code. EnviroStor was reviewed to determine if any hazardous waste sites are on the project site. No hazardous waste sites are on the project site.

According to the Phase I Site Assessment (Attachment 8), the project site is not listed on the Cortese List database, any other state agency database, or the City's database regarding hazardous substance use, storage, or releases. This exception does not apply.

f. 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.

A South Coastal Information Center records search was performed and one historic address was identified within the 0.25-mile search area (Attachment 9). The structure, a historic residence at 1166 Carlsbad Village Drive, was evaluated in 2005 and is not eligible for listing in the National Register of Historic Places. An architectural history survey was performed on the existing residences on the project site that would be demolished (954 and 955 Grand Avenue) because the structures were built in the 1940s and 1950s and meet the age threshold established by CEQA and the City. According to the Cultural Resources Technical Report (Attachment 9), the structures at 945 and 955 Grand Avenue are not listed or determined to be eligible for listing in the California Register of Historical Resources, are not included in a local register or identified as significant in a historical resource, and are not determined to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. As a result, the project would not result in any adverse change in the significance of a historical resource, and this exception does not apply.

City of Carlsbad

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 (CMC) and determined that none of these exceptions apply, as explained below.

i. Grading and clearing activities affecting sensitive plant or animal habitats – A categorical exemption shall not 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)."

The project site is currently developed with three residences, a motel, and a Carl's Jr. restaurant and includes heavily disturbed and partially paved vacant land and is surrounded by existing development. Further, the project is not within or adjacent to sensitive biological resources as identified on Figure 4-2 of the Carlsbad General Plan and is not adjacent or within the Buena Vista Lagoon or any other federally protected wetlands.

The project site and surrounding area are designated Urban/Disturbed Land in the City's Habitat Management Plan. The project site is primarily developed and does not contain any biological resources. Therefore, redevelopment of the project site would not result in conflicts with the provisions of the Habitat Management Plan, and no impact would occur.

In summary, grading and clearing activities associated with the project would not affect sensitive plant or animal habitats. Thus, this exception does not apply.

ii. Grading and clearing activities affecting archaeological or cultural resources from either historic or prehistoric periods – A categorical exemption shall not apply when there is earth moving activities affecting "archaeological or cultural resources from either historic or prehistoric periods."

A South Coastal Information Center records search was performed and one historic address was identified within the 0.25-mile search area (Attachment 9). The structure, a historic residence at 1166 Carlsbad Village Drive, was evaluated in 2005 and is not eligible for listing in the National Register of Historic Places. An architectural history survey was performed on the existing residences on the project site that would be demolished (945 and 955 Grand Avenue) because the structures were built in the 1940s and 1950s and meet the age threshold established by CEQA and the City. According to the Cultural Resources Technical Report (Attachment 9), the structures at 945 and 955 Grand Avenue are not listed or determined to be eligible for listing in the California Register of Historical Resources, are not included in a local register or identified as significant in a historical resource, and are not determined to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

In addition, the South Coastal Information Center record search did not identify any previously recorded historic or prehistoric archaeological sites intersecting the project site or the records search radius of 0.25 mile. A pedestrian survey of the project site did not reveal any cultural resources. In addition, the project site is currently developed with three existing residences, a motel, and a Carl's Jr. restaurant. Therefore, the likelihood that intact archaeological resources exist on the project site is low due to previous site disturbance. However, due to the poor ground surface visibility in most of the project site and the potential for unknown surficial or buried cultural resources that may not have been identified during the survey, the project will be conditioned to require archaeological monitoring of ground-disturbing activities during project construction consistent with the Carlsbad Tribal, Cultural, and Paleontological Resources Guidelines (City of Carlsbad 2017) and consistent with Carlsbad General Plan Policies 7-P.8 and 7-P.9 (City of Carlsbad 2015a).

Therefore earth-moving activities associated with the project would not affect "archaeological or cultural resources from either historic or prehistoric periods and this exception does not apply.

- iii. "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." This exception applies when a project may result in damage to biological species or their habitats or archeological or cultural resources.
- 1. Biological Resources

As discussed above, the project would not affect sensitive, threatened, or endangered biological species or their habitat. This exception does not apply.

2. Cultural Resources

As discussed above, the project would not affect archaeological or cultural resources from either historic or prehistoric periods. This exception does not apply.

3. Wetlands and Streams

The biological analysis conducted for the project concluded that there was no evidence of vernal pool or wetland features present on site or in the adjacent mapped buffer area. Thus, this exception does not apply.

4. Hazardous Materials

A Phase I Site Assessment (Attachment 8) was prepared by Partner Engineering and Science, Inc., to identify hazards affecting the project site. A reconnaissance survey and a database search were completed and found that no potential environmental concerns occur on the project site. However, due to the age of the existing residences on site (constructed between 1939 and 1985), the residences have the potential to contain asbestos-containing materials and/or lead-based paint. Prior to the demolition of the three existing residences, a comprehensive survey designed to determine if the suspect materials are regulated would be required. If such materials are identified and need to be disturbed, repaired, or removed, a licensed abatement contractor should be consulted. Suspect materials may be managed in place under an Operations and Maintenance Program until removal is dictated by renovation, demolition, or deteriorating material condition. In addition, as described above, all hazardous materials would be transported and handled in accordance with all federal, state, and local laws regulating the management and use of hazardous materials, reducing the potential for reasonably foreseeable upset and accident of such hazardous substances during construction and operation. Therefore, impacts would be less than significant.

The project site is not listed in the Cortese List database, any other state agency database, or the City's database regarding hazardous substance use, storage, or releases. The Phase I Site Assessment (Attachment 8) identified several adjacent and nearby properties that were included in a regulatory database report for hazardous substances or spills, but those sites have been listed as contained and are not expected to represent a significant environmental concern for the project site. Thus, this exception does not apply.

5. Unstable Soils

According to the Preliminary Geotechnical Investigation (Attachment 10), based on visual classification of materials encountered on site and plasticity index of the soils verified by laboratory testing, site soils are anticipated to exhibit a "very low" expansion index and do not include unstable soils. Therefore, this exception does not apply.

Conclusion

For the reasons stated above, the project meets all conditions required for CEQA Guidelines, Section 15332, In-Fill Development Projects Class 32 Categorical Exemption. Therefore, the City has determined that a Class 32 Categorical Exemption is appropriate for this project.

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According to the Preliminary Geotechnical Investigation (Attachment 10), based on visual classification of materials encountered on site and plasticity index of the soils verified by laboratory testing, site soils are anticipated to exhibit a "very low" expansion index and do not include unstable soils. Therefore, this exception does not apply.

Conclusion

For the reasons stated above, the project meets all conditions required for CEQA Guidelines, Section 15332, In-Fill Development Projects Class 32 Categorical Exemption. Therefore, the City has determined that a Class 32 Categorical Exemption is appropriate for this project.

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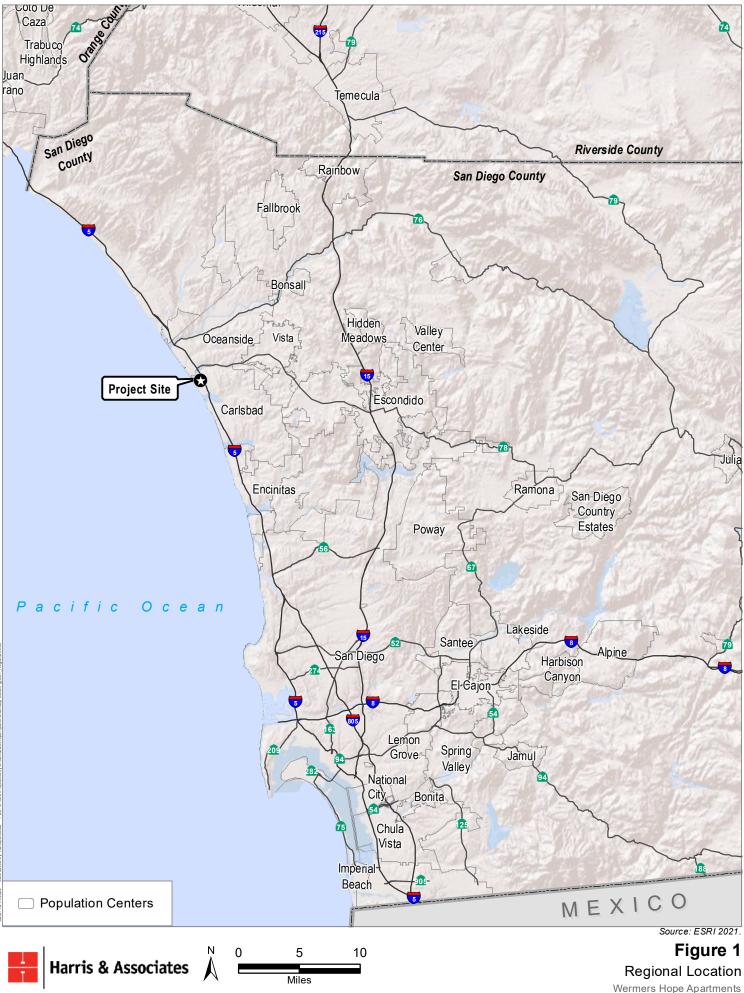
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Lead Agency Contact Person: Shannon Harker, Senior Planner Telephone: 442-339-2621

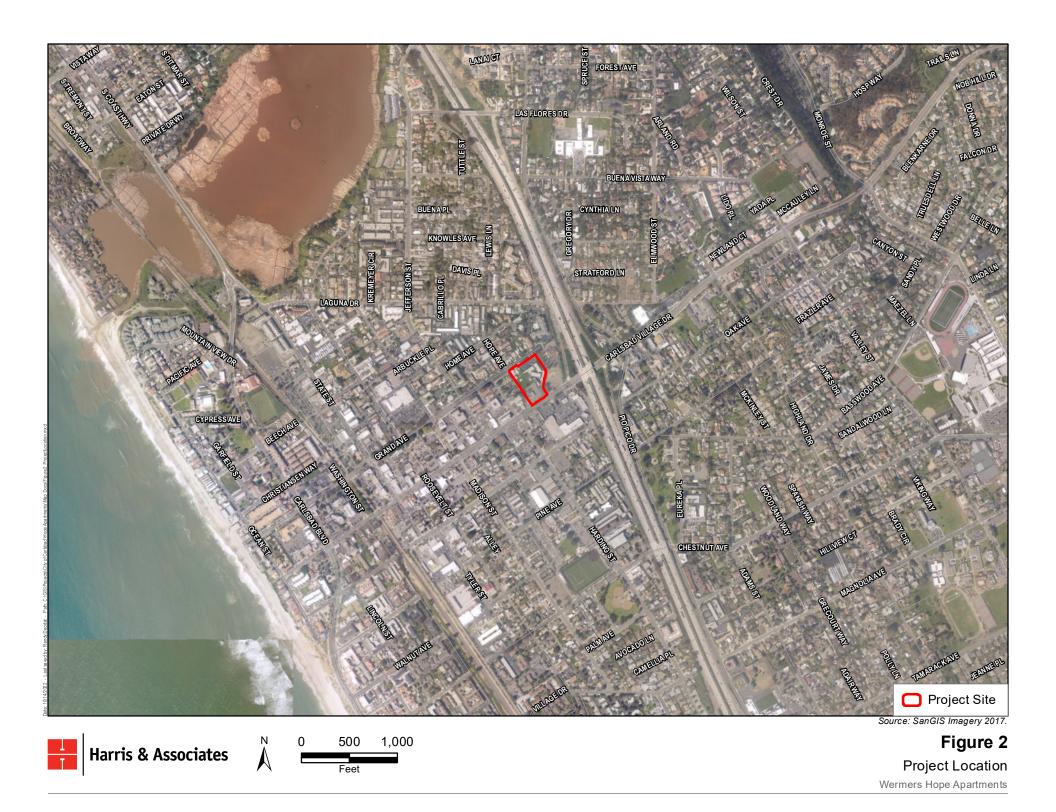
Eric Sow

April 10, 2023

ERIC LARDY, City Planner

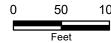


Wermers Hope Apartments





Harris & Associates



Project Site Wermers Hope Apartments

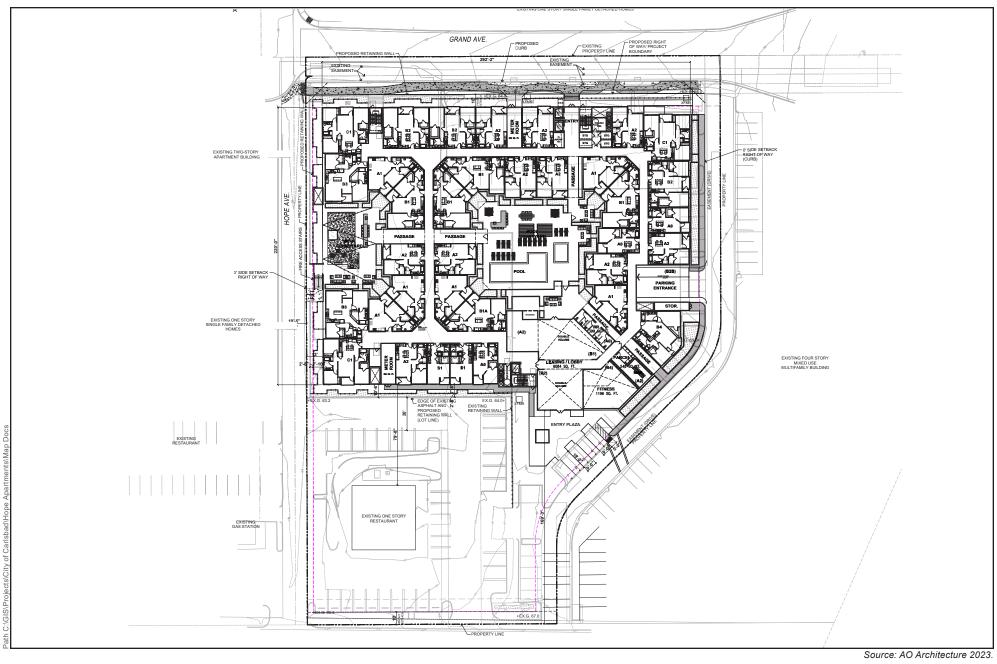


Figure 4 Site Plan

Wermers Hope Apartments





VIEW ON GRAND AVE LOOKING SOUTHWEST 2



VIEW ON EASEMENT DRIVE LOOKING NORTHWEST 1



VIEW ON CARLSBAD VILLAGE DR LOOKING NORTHEAST 4



VIEW ON GRAND AVE AND HOPE AVE LOOKING SOUTHEAST 3

Source: AO Architecture 2023.

Figure 5 Project Renderings

Wermers Hope Apartments

