

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: SDP2022-0003 / CDP2022-0023 (DEV2022-0048) – FPC RESIDENTIAL

Project Location - Specific: 7200, 7290 and 7294 Ponto Drive, Carlsbad, CA. Generally, the project site is located at the eastern corner of Ponto Road and Ponto Drive in the western portion of the city. It is bounded by Ponto Drive to the south, the Cape Rey Carlsbad Beach Hotel parking lot to the north, Ponto Road to the west, and the Burlington, Northern, Santa Fe ("BNSF") Railroad tracks to the east; and consists of three parcels (Assessor Parcel Numbers 214-160-25-00; 214-160-28-00; and 214-171-11-00) totaling approximately 4.64 acres.

Project Location - City: Carlsbad

Project Location - County: San Diego

Description of Project: The project consists of a Site Development Plan (SDP2022-0003) and Coastal Development Permit (CDP2022-0023) for the construction and development of 86 multi-family residential units at a residential density of 18.5 dwelling units per acre. The proposed residential buildings consist of a mix of two- and three-story townhome style apartment units (for rent). The proposed project includes a 27.5 percent density bonus request and is providing 13 on-site affordable units to lower-income households. The site is currently developed with a self-storage facility, a junkyard/storage yard, and two vacant office buildings. The project includes the following off-site improvements: street, curb, gutter, sidewalk along Ponto Drive and Ponto Road and a sewer line connection through the railroad right-of-way.

Name of Public Agency Approving Project: City of Carlsbad

Name of Person or Agency Carrying Out Project: City of Carlsbad

Name of Applicant: H.G. Fenton Property Company

Applicant's Address: 7577 Mission Valley Road, San Diego, CA 92108

Applicant's Telephone Number: 619-400-0120

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

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.

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

The Project Site is designated by the City's General Plan as R-15, Residential (R-15) and R-15, Residential/Visitor Commercial (R-15/VC) and is zoned Residential Density-Multiple (RD-M) and Residential Density-Multiple/Commercial Tourist (RD-M/CT). According to the General Plan Land Use Element, the residential designations provide for a range of housing types and densities. Densities are stated as number of dwelling units per acre of developable land. Residential development is required to be within the development range as identified in the city's Land Use Map. Properties within a R-15 residential land use designation must have a density of housing between eight and 15 dwelling units per acre (stated as a minimum to maximum density range), unless otherwise stated in the General Plan or preempted by State law. The gross acreage of the Project Site is 4.64 acres. The maximum density allowed is 70 units (4.64-acres multiplied by 15 dwelling units to the acre = 69.6 or 70 units with rounding).

State law encourages cities to provide affordable housing through incentives to developers (i.e., State Density Bonus Law, Government Code Section 65915). State Density Bonus Law allows a developer to increase density on a property above the maximum density, set under the General Plan. In this instant the applicant is requesting a density of 86 units, which includes 13 units reserved for lower-income households (refer to the supplemental application material for the details of the request). Density Bonus Law stipulates that a request for a density bonus does not constitute a valid basis on which to find a proposed housing development project is not compliant with a general plan. In addition, 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. Therefore, the proposed density of the Project is deemed compliant with the land use density designation of the General Plan.

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 proposed Project would bring a mix of housing types and affordability levels and help the city accommodate housing for various household formations. Providing additional residential uses in the Ponto Beach 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 portion of the General Plan).

The Project Site is located within an area with existing residential and commercial uses. The Project, which includes the redevelopment of an approximately 4.64-acre site with 86 townhomes and associated improvements is consistent with the Residential designation.

In terms of zoning consistency, according to Section 21.24.010 of the Carlsbad Municipal Code ("CMC"), the purpose of the RD-M zone is to: 1. "Implement the residential medium density, residential medium-high density, and residential high density land use designation" and 2. "Provide regulations and standards for development of residential dwellings and other permitted or and conditionally permitted uses". Pursuant to Section 21.24.020 of the CMC, the development of multiple-family dwellings is a permitted use within the RD-M zone. Thus, the Project is consistent with the RD-M zoning. The zoning on the property is adopted as part of the Local Coastal Program and was approved by the Coastal Commission when the designations were applied after the 2015 General Plan Update.

The General Plan includes three policies in the Land Use Element related to the Ponto/Southern Waterfront area, as follows:

- Policy 2-P.89: Allow development of the Ponto area with land uses that are consistent with those envisioned in the Ponto Beachfront Village Vision Plan.
 - The Ponto Beach area is an approximately 130-acre narrow strip of land, approximately 1/8 mile wide and 1-1/2 miles long, located between Carlsbad Boulevard and the LOSSAN Corridor (San Diego Northern) railroad tracks. Portions of the plan area extended north to Poinsettia Lane and south to La Costa Avenue. The southern boundary includes coastal bluffs that transition to the waters of Batiquitos Lagoon at the southern end. The intent of the Ponto Beachfront Village Vision Plan was to create a mixed use, active pedestrian, and bicycle-oriented area with a strong sense of place, village atmosphere, and unique character of design. Although the Vision Plan called for a future LCP amendment to define permitted uses, the Vision Plan proposed to break up the Ponto area into three sections and sets forth a vision of what land uses could occur; presents goals and objectives that support the vision; and provides an implementation strategy and design guidelines for the projects that will implement the vision. The northern-most section was to be comprised of two hotels and a live-work neighborhood. The central portion of the area was to be comprised of a townhouse neighborhood and a mixed-use center with a public recreation component. The southern portion of the area included a large-scale resort hotel.
 - The Ponto Beachfront Village Vision Plan was adopted by the City Council on Dec. 4, 2007 and was to be effective only after the Local Coastal Program Amendment was approved by the California Coastal Commission and their approval becomes effective. The Vision Plan was submitted to the California Coastal Commission for approval but was denied by the California Coastal Commission on July 22, 2010. The city was directed to first process a Local Coastal Program Amendment certifying the land use and zoning for the Ponto Beach area, and then certify the Vision Plan as part of the city's Local Coastal Program. Because the Vision Plan is not effective, General Plan consistency analysis on this matter must be limited. However, for informational purposes only, the Project would develop residential uses, which are contemplated as part of the uncertified Ponto Beachfront Village Vision Plan. Therefore, the Project would not conflict with the land uses envisioned in the uncertified Ponto Beachfront Village Vision Plan.
- Policy 2-P.90: Promote development of recreation uses and improved public access to the beach, as well as activity centers with restaurants, cafes, and shopping along Carlsbad Boulevard, as opportunities arise in appropriate locations.
 - The Project is not located along Carlsbad Boulevard, but it would nonetheless include on- and off-site street system improvements, which would provide for pedestrian access and improve connectivity to the beach. Therefore, the Project would not conflict with Policy P-2.90.
- Policy 2-P.91: Allow the property's overall residential development capacity, as indicated by the land use designations on the Land Use Map, to be clustered toward the northern portion of the site to create an open space buffer and recreational trail on the southerly third of the site.
 - The Project Site is located on the northern portion of the plan area and proposes residential development consistent with Policy P-2.91. Please refer to the Project Site Plan.

(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 located along Ponto Road and Ponto Drive, firmly within the existing boundaries of the city. The Project Site is approximately 4.64 acres and is surrounded by existing urbanized development consisting of Ponto Drive to the south, the Cape Rey Carlsbad Beach Hotel parking lot to the north, Ponto Road and single-family residential development to the west, and the Burlington, Northern, Santa Fe ("BNSF") Railroad tracks to the east. Thus, the Project Site is surrounded by urban uses, is less than 5-acres, and is located within an urbanized area.

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

The Project Site is located in a developed part of the city and is surrounded by residential and commercial land uses. The Project Site features the existing Ponto Storage facility and a junkyard, which would be demolished and removed during Project construction. A Biological Resources Letter Report (Alden Environmental Inc., September 2022) was prepared for the Project Site. Two field surveys were conducted (in May 2019 and September 2022) to review and document existing vegetation communities, plant and animal species, and potential jurisdictional features including vernal pool resources. The results of the surveys are documented within the Biological Resources Letter Report and summarized below.

Aerial imagery as far back as 1947, reviewed as part of preparation of the Biological Resources Letter Report, shows visible ground disturbance on site, and aerial imagery from 1978 shows the existing Ponto Storage facility (Nationwide Environmental Title Research, LLC 2021). During the site surveys, the property was found to support Disturbed Land (2.02 acres) and Developed Land (2.62 acres). Disturbed land is a City Habitat Group F land cover type and typically includes land cleared of vegetation, land containing a preponderance of non-native plant species, or land showing signs of past or present usage that no longer provides viable wildlife habitat. Developed land includes nursery/landscape service yard (i.e., junkyard), the Ponto Storage facility and its outbuildings, concrete foundations, and some associated non-native landscaping plants such as Mexican fan palm and coppery mesembryanthemum (*Malephora crocea*).

All Project impacts would occur to either Developed Land (2.62-acres on-site and 0.51 acres off-site) or Disturbed Land (Group F) (2.02 acres). Neither is considered a sensitive biological resource; therefore, impacts are considered less than significant. Impacts to Group F land cover do nonetheless require payment into the City's Habitat Mitigation Fee Program per the Habitat Conservation Plan. As such, the Project will be conditioned to pay this fee for the 2.02 acres of impact to Disturbed Land.

There was no evidence of vernal pool or wetland features present on the site or in the adjacent mapped buffer area. Small patches of coyote brush (*Baccharis pilularis*) do occur in the adjacent buffer area; however, they do not constitute a sensitive habitat type. This species, while native, is a disturbance associated species, which commonly forms monospecific patches in developed and disturbed areas. No special status plant or animal species were observed or detected on-site.

Lastly, the Project Site is not located within any Focused Planning Area (FPA) or any corresponding Habitat Management Plan (HMP) Core, Linkage, or Special Resource Area, and is not located within the City's Preserve System.

In summary, as a result of this existing development, vegetation communities on the Project Site are limited to Developed Land and Disturbed Habitat. There are no sensitive vegetation communities present within or adjacent to the Project Site; no special status plant or animal species were observed/detected; and none are considered to have potential to occur based on the existing conditions of the Project Site. Additionally, the Project Site does not support any jurisdictional

wetland/riparian features. Based on specific habitat requirements, no significant biological resources can reasonably be expected to occur on the property; therefore, the Project Site is not considered to have value as habitat for endangered, rare, or threatened species.

Because the site is within the coastal zone, the Coastal Act places limits on what can be developed on the Project Site, which must be analyzed as part of this section. The Coastal Act specifies that environmentally sensitive habitat areas (ESHA) “shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.” (Public Resources Code Section 30240(a).) ESHA is defined as an area in which plant or animal life or their habitats are either are or especially vulnerable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities or developments. (Public Resources Code Section 30107.5.) The foregoing summary and analysis provided in the Biological Resources Letter Report does not identify potential for any ESHA on the Project Site and there is no evidence that the proposed Project violates the ESHA requirements of the Coastal Act.

(d) Approval of the project would not result in any significant effects relating to air quality, noise, traffic, or water quality as discussed below:

Air Quality

An Air Quality Impact Analysis (“AQIA”) (Dudek, June 2022) evaluated the potential for adverse impacts to air quality due to construction and operational emissions resulting from the Project. Impacts were evaluated for their significance based on the San Diego Air Pollution Control District (SDAPCD) mass daily criteria air pollutant thresholds of significance. Criteria air pollutants are defined as pollutants for which the federal and state governments have established ambient air quality standards (criteria) for outdoor concentrations to protect public health. Criteria air pollutants include ozone (O₃), nitrogen dioxide (NO₂), carbon monoxide (CO), sulfur dioxide (SO₂), particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM₁₀), particulate matter with an aerodynamic diameter less than or equal to 2.5 microns (PM_{2.5}), and lead. Pollutants that are evaluated include volatile organic compounds (VOCs) (also referred to as reactive organic gases), oxides of nitrogen (NO_x), CO, sulfur oxides (SO_x), PM₁₀, and PM_{2.5}. VOCs and NO_x are important because they are precursors to O₃.

- Air Quality Plan Consistency

If a project proposes development that is greater than that anticipated in the local plan and the growth projections set by the San Diego Association of Governments (SANDAG), the project might be in conflict with the State Implementation Plan and Regional Air Quality Strategy, and therefore may contribute to a potentially significant cumulative impact on air quality. The Project is consistent with the current air quality plan, because the anticipated growth associated with the Project does not exceed that the growth projected by SANDAG. In addition, the Project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations. Based on these considerations, impacts related to the Project’s potential to conflict with or obstruct implementation of the applicable air quality plan would be less than significant.

- Construction Criteria Air Pollutant Emissions

Construction of the Project would result in the temporary addition of pollutants to the local airshed caused by on-site sources (i.e., off-road construction equipment, soil disturbance, and VOC off-gassing) and off-site sources (i.e., on-road haul trucks, vendor trucks, and worker vehicle trips). As shown in the AQIA, maximum daily construction emissions would not exceed the SDAPCD significance thresholds for VOCs, NO_x, CO, SO_x, PM₁₀, or PM_{2.5} during construction. Therefore, the Project would have a less than significant impact.

- Operational Criteria Air Pollutant Emissions

The AQIA assumed an operational year of 2025. Operation of the Project would generate operational criteria air pollutants from mobile sources (vehicles), area sources (consumer product use, architectural coatings, and landscape maintenance equipment), and energy (natural gas). The AQIA concluded that maximum operational emissions would not exceed the SDAPCD operational significance thresholds for VOCs, NO_x, CO, SO_x, PM₁₀, or PM_{2.5}.

- Cumulative Impacts

The potential for a project to result in a cumulatively considerable impact, per the SDAPCD guidance and thresholds, is based on the project's potential to exceed the project-specific daily thresholds. The AQIA showed that because maximum construction and operational emissions would not exceed the SDAPCD significance thresholds for VOCs, NO_x, CO, SO_x, PM₁₀, or PM_{2.5}, the Project would not result in a cumulatively considerable increase in criteria air pollutants.

- Exposure of Sensitive Receptors

Construction activities would not generate emissions in excess of the SDAPCD site-specific mass daily thresholds; therefore, site-specific construction impacts during construction of the Project would be less than significant. The AQIA determined that the results of the project-specific Health Risk Assessment (HRA) demonstrate that the toxic air contaminants (TAC) exposure from construction diesel exhaust emissions would not result in cancer risk on site above the 10 in 1 million threshold, nor a Chronic Hazard Index greater than 1.0. Therefore, TAC emissions from construction of the Project would not expose sensitive receptors to substantial pollutant concentrations. Therefore, impacts to sensitive receptors would be less than significant.

The Project includes 86 residential units and based on CalEEMod modeling is expected to generate a maximum of 700 daily vehicle trips on Saturday and 630 daily trips on weekdays. The associated peak-hour trips from the Project would be 40 and 48 for AM and PM peak hour trips, respectively. Therefore, the AQIA concluded that the Project would not cause a measurable impact to any nearby intersections in the study area. In addition, the nearest signalized intersection to the Project is located at Ponto Road and Carlsbad Boulevard and is over 800 feet from the Project site. Therefore, the AQIA determined that no hotspot analysis would be required based on the location of the Project in relation to nearby intersections. As such, Project-generated impacts associated with CO hotspots would be less than significant.

- Other Emissions

Potential odors produced during construction would be attributable to concentrations of unburned hydrocarbons from tailpipes of construction equipment, architectural coatings, and asphalt pavement application, which would disperse rapidly from the Project site and generally occur at magnitudes that would not affect substantial numbers of people as explained in the AQIA. Impacts associated with odors during construction would be less than significant. The Project is a residential development that would not include land uses with sources that have the potential to generate substantial odors, and impacts associated with odors during operation would be less than significant.

Noise

A Noise Technical Letter (Helix Environmental Planning, October 2022) was prepared for the Project. The Noise Technical Letter analyzed noise impacts related to the construction and operation associated with the Project. A Vibration Technical Letter (Helix Environmental Planning, September 2022) was also prepared for the Project to analyze vibration impacts associated with the North County Transit District railroad tracks, which are located adjacent to the Project site.

- Construction Noise Levels

Construction of the Project would involve demolition of the existing structures and construction of 86 multi-family residential units. The magnitude of the impact would depend on the type of construction activity, equipment, duration of each construction phase, distance between the noise source and receiver, and intervening structures. Construction would generate elevated noise levels that may be audible at nearby residential uses. Construction equipment would not all operate at the same time or location, and would not be in constant use during a typical 8-hour operating day.

The closest noise-sensitive land uses (NSLUs) are residential homes approximately 60 feet west of the Project Site boundary; however, because construction noise is mobile and would occur throughout the Project Site, an average distance of 150 feet was used to assess noise levels. Construction Equipment Noise Levels are modeled in the Noise Technical Letter. The loudest piece of individual equipment operated during construction would be the grader. Additionally, an excavator, loader, and dump truck were analyzed together for construction noise impacts due to their likelihood of being used in conjunction with one another.

The city does not provide a numerical threshold for construction noise levels, and construction would occur within the hours allowed by the CMC. Given the nature of construction noise and the distance to the nearest NSLU, while construction may result in temporary noise levels that exceed the existing ambient noise level of 55.2 dBA, the Project will result in a less than significant construction noise impact.

- Construction Vibration

Construction of the Project would occur near single-family residences, with the nearest houses occurring as close as 60 feet from the edge of the Project Site. A possible source of vibration during general construction activities would be a vibratory roller, which may be used for compaction of soil beneath building foundations and would be used within 60 feet of off-site residences. A vibratory roller would create approximately 0.210 inch per second peak-particle velocity (PPV) at a distance of 25 feet (Caltrans 2013b). A 0.210 inch per second PPV vibration level would equal 0.069 inch per second PPV at a distance of 60 feet. This would be lower than the structural damage impact to older structures of 0.5 inches per second PPV and the "strongly perceptible" impact for humans of 0.1 inches per second PPV. Therefore, even though vibration may be perceptible at nearby residences, the Noise Technical letter concluded that temporary impacts associated with the roller (and other potential equipment) would be less than significant.

- Operational Noise Levels

On-site Noise Generation. Noise modeling assumed that the Heating, Ventilation, and Air Conditioning (HVAC) units would be Carrier 38HDR060 split system condenser units, and that one unit would be mounted on the rooftop of each unit, resulting in a total of 86 HVAC units included in the Project. According to the CadnaA modeling, operation of the proposed HVAC units would generate a noise level of 33.3 dBA L_{EQ} (equivalent noise level) at the property line of the single-family residence to the west. Therefore, the Project would not exceed the City's non-transportation nighttime operational noise limit of 45 dBA L_{EQ} . The Noise Technical Letter determined that impacts would be less than significant.

Off-site Transportation Noise. CadnaA software was used to calculate the noise levels for Existing and Existing Plus Project conditions. The off-site roadway modeling represents a conservative analysis that does not consider topography or attenuation provided by structures such as existing noise walls. With implementation of the Project, the Noise Technical Letter concluded that noise levels at the nearest NSLUs to the impacted roadways would minimally increase (1.2 dBA), which would not exceed the city's noise level threshold of 60 dBA. Therefore, impacts from Project-generated traffic would be less than significant.

- Operation Vibration Levels

As a residential development, the Project would not generate excessive ground-borne vibration during operation. Additionally, the Project site would not be subject to excessive vibration due to the proximity to the North County Transit District railroad tracks (Vibration Technical Letter). Therefore, the Technical Letters showed that no impacts would occur.

- Land Use Compatibility

Exterior Use Areas. The noise levels associated with traffic (including Project-added trips) were modeled in the Noise Technical Letter using CadnaA at the Project Site's western boundary, which would be the portion of the Project closest to local roadways. The western boundary would be located as close as 35 feet from the centerline of Ponto Road and 230 feet from the northbound lane centerline of Carlsbad Boulevard. The modeled roadway noise level at exterior use areas, assuming no topographic attenuation, was modeled at 56.1 dBA, which would not exceed the City's 65 dBA CNEL standard.

Interior Spaces. Traditional architectural materials are conservatively estimated in the Technical Letter to attenuate noise levels by 15 dBA; therefore, if noise levels exceed 60 dBA, interior noise levels may exceed the Title 24 interior noise standard of 45 dBA (California Building Standards Commission 2010). As described above, noise levels from Carlsbad Boulevard and Ponto Road would not exceed 60 dBA; therefore, the proposed Project would not generate noise that would increase noise levels at the nearest NSLUs that would result in an exceedance of exterior or interior noise standards and impacts would be less than significant.

- Airport Noise

The Project site is not within 2-miles of an airport or airfield. The nearest airport is the Carlsbad McClellan-Palomar Airport, which is approximately 2.5 miles northeast of the Project site. Further, the Project site is outside all CNEL noise contours from the McClellan-Palomar Airport as depicted on Exhibit III-1, Compatibility Policy Map: Noise, of the McClellan-Palomar Airport Land Use Compatibility Plan (ALUCP).

Traffic

The Vehicle Miles Traveled ("VMT") Report prepared for the Project showed that the Project does not meet any of the screening criteria; therefore, a detailed analysis (LLG, November 2022, Attachment D) was conducted. Consistent with the City guidelines, the Project was evaluated using efficiency metrics (VMT/resident). The Project trip generation is 637 average daily trips (ADT), which is less than 2,400 ADT, therefore the Project VMT/resident was calculated using the City's VMT/resident analysis maps and the applicable traffic analysis zone (TAZ).

The unadjusted Project VMT/resident would be 24.0, which is 100% of the Citywide average; therefore, the Project is required to demonstrate a reduction of 15% to have a less than significant impact with respect to VMT. Per City VMT Analysis Guidelines, the maximum feasible overall VMT reduction within Carlsbad is 20%; therefore, model assumptions, project design features, and Transportation Demand Management (TDM) measures were reviewed to achieve one or both of the following results:

- Reduce the number of daily vehicle trips (especially single-occupant vehicle trips), and/or
- Reduce the length of trips.

The City VMT Analysis Guidelines contain Appendix D – Vehicle Miles Traveled Reduction Strategies and Effectiveness Calculations, which present several quantifiable TDM strategies that can be used to mitigate

a project's VMT impacts. TDM strategies are quantified using methodologies described in the Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity published by the California Air Pollution Control Offices Association (CAPCOA) in 2021.

Two strategies were determined to apply to the Project's design as explained in the VMT Report. First, CAPCOA Land Use Measure T-1: Increase Residential Density, applies as the net residential of the Project Site is 18.3 dwelling units per acre (du/acre). As explained in the VMT Report, using the formulas in CAPCOA, the relative residential densities of the Project compared to the underlying TAZ is calculated to result in a 17.4% Project VMT reduction due to the increased density of the Project.

The second applicable strategy is T-4: Integrating Affordable and Below Market Rate Housing. The Project would include 11 affordable income units, which would reduce Project VMT by 4.3% using the CAPCOA formula as shown in the VMT Report.

As calculated in the VMT Report, the TDM Strategies are calculated to result in a 21.0% Project VMT reduction. Thus, the final Project VMT/resident would be 80% of the Citywide average.

Further, the Project would be designed in conformance with City Engineering Standards and would not result in a hazardous geometric design, nor would it interfere with emergency vehicle responses. Thus, the Project would have less than significant impacts with respect to transportation and traffic.

Water Quality

Project construction would incorporate standard best management practices (BMPs) to reduce potential wind and water erosion during grading activities and to prevent the potential discharge of pollutants into receiving waters. All development is subject to design review by the city to ensure that the Project would comply with performance standards and design guidelines.

Moreover, the Project would include a stormwater drainage system to prevent water quality impacts to downstream receiving waters. This system will be designed in accordance with all applicable requirements, including those set forth in the Water Quality Management Plan prepared for the Project. The city will review and approve the Water Quality Management Plan prior to the issuance of building permits to ensure that the Project's storm water drainage system will comply with the Multiple Separate Storm Sewer System Permit requirements. As a result, the Project's water quality impacts would be less than significant.

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

The Project Site is located within a developed portion of the city served by utilities and public services. The Project would include connections to existing utilities and would not require the construction or expansion of facilities to adequately serve the Project. In addition, the Project Site is already within the service area of the City of Carlsbad Fire Department and City of Carlsbad Police Department. The Project is anticipated to house approximately 221 residents, assuming 2.56 persons per household (per SANDAG). Applicable developmental fees would help ensure funding continues to be provided to the City of Carlsbad Police Department and Fire Department. The Project would pay all applicable fees required by the city, including utility connection fees and, public service fees.

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:

- Location – “Classes 3, 4, 5, 6, and 11 are qualified by consideration of where a 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 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.
- 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.” Project construction and operation may result in incremental environmental effects that are not considered significant; however, as with any environmental impact, when combined with impacts related to the implementation of other related projects located throughout the broader geographic area, there is always potential for a project to contribute to cumulative impacts.

Notwithstanding, 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.

Lastly, the Project is consistent with the underlying land use and zoning designations anticipated by the General Plan, and the cumulative effects of the Project along with buildout of the City have already been analyzed and disclosed in the Program Environmental Impact Report prepared for the General Plan. Thus, this exception does not apply.

- 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.” Operation of the Project does not represent a new or unique use or activity that does not already occur in the city and/or throughout the broader Project area. There is no evidence of unique conditions (e.g., unique geotechnical characteristics that would result in impacts to either the Project or adjacent land uses), either on site or within the Project area, and no unusual circumstances have been identified by the City, other agencies, or local stakeholders. The Project is not expected to be affected by unusual circumstances or otherwise unforeseen conditions. Thus, this exception does not apply.
- 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.” The Project Site does not contain scenic resources, include any trees, historic resources, or rock outcroppings, rather, it is an existing self-storage facility and previously graded pad with disturbed habitat.

According to the California Department of Transportation, the nearest “Officially Designated State Scenic Highway” to the Project Site is the segment of State Route (SR)-52 located between Santo Road and Mast Boulevard, approximately 21.9 miles southeast of the Project Site.¹ Additionally,

¹ California Department of Transportation. 2022. “Officially Designated State Scenic Highways and Historic Parkways.” Accessed August 2022.
<https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>

the nearest “Eligible State Scenic Highway” to the Project Site is the segment of Interstate (I)-5 located between Coronado to SR 74 (near San Juan Capistrano), approximately 0.43 miles east of the Project Site.¹ Due to natural topographical variations and intervening development, the Project Site is not visible from I-5. Therefore, this exception does not apply.

- 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.” The provisions in California Government Code Section 65962.5 are commonly referred to as the “Cortese List” (after the legislator who authored the legislation that enacted it). The list, or a site’s presence on the list, has bearing on the local permitting process as well as on compliance with CEQA. The California Department of Toxic Substances Control’s EnviroStor and the State Water Resources Control Board’s GeoTracker online databases are commonly searched to determine the presence or absence of hazardous materials sites included on the Cortese List.

A review of both GeoTracker² and EnviroStor³ concluded that no hazardous material sites with an “open” cleanup case are located within the immediate vicinity of the Project Site. Additionally, the Project Site itself has no open or historical cases and is not expected to be affected by potential contamination. Thus, this exception does not apply.

- 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 California Historical Resources Information System (CHRIS) records search was completed by staff at the South Coastal Information Center (SCIC) on January 31, 2022. Previous investigations overlap the Project Site, but the Project Site was not mentioned in any reports; and no resources were identified within the Project Site as a result of the overlapping studies.

The built environment survey was conducted by Dudek on February 4, 2022. The foot survey involved surveying properties within or immediately adjacent to the Project Site and recording all buildings and structures with notes and photographs. Eight (8) total buildings over 45 years of age are located on the Project Site (two vacant office buildings and six storage buildings) and all were evaluated for historical and architectural significance as a single property due to the Project Site’s shared history first as a concrete mixing plant and later as a storage facility.

After research and evaluation, the Project Site does not appear eligible under any National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), or City cultural resource designation criteria due to a lack of significant historical associations and architectural merit as further described in a Negative Cultural Resources Inventory Report, (Dudek, November 2022) and a Historic Resources Technical Report (Dudek, November 2022) prepared for the project. Therefore, the Project Site is not considered an historical resource for the purposes of CEQA.

As a result of archival research, field survey, record search, and property significance evaluations, no historical resources were identified within the Project Site, nor were any adjacent cultural resources identified that could be indirectly impacted by proposed Project activities. As the proposed Project would have no impact on historical resources, no further study is required. Thus, this exception does not apply.

² GeoTracker. 2022. GeoTracker Database. Accessed August 2022.
<https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=Search+GeoTracker>

³ EnviroStor. 2022. EnviroStor Database. Accessed August 2022.
<https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Search>.

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 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 located in a developed part of the city and is surrounded by residential and commercial land uses. The Project Site features the existing Ponto Storage facility and a junkyard, which would be demolished and removed during Project construction. A Biological Resources Letter Report (Alden Environmental, Inc., September 2022) was prepared for the Project Site. Two field surveys were conducted (in May 2019 and September 2022) to review and document existing vegetation communities, plant and animal species, and potential jurisdictional features including vernal pool resources. The results of the surveys are documented within the Biological Resources Letter Report and summarized below.

Aerial imagery as far back as 1947, reviewed as part of preparation of the Biological Resources Letter Report, shows visible ground disturbance on site, and aerial imagery from 1978 shows the existing Ponto Storage facility (Nationwide Environmental Title Research, LLC 2021). During the site surveys, the property was found to support Disturbed Land (2.02 acres) and Developed Land (2.62 acres). Disturbed land is a City Habitat Group F land cover type and typically includes land cleared of vegetation, land containing a preponderance of non-native plant species, or land showing signs of past or present usage that no longer provides viable wildlife habitat. Developed land includes nursery/landscape service yard (i.e., junkyard), the Ponto Storage facility and its outbuildings, concrete foundations, and some associated non-native landscaping plants such as Mexican fan palm and coppery mesembryanthemum (*Malephora crocea*).

All Project impacts would occur to either Developed Land (2.62-acres on-site and 0.51 acres off-site) or Disturbed Land (Group F) (2.02 acres). Neither is considered a sensitive biological resource; therefore, impacts are considered less than significant. Impacts to Group F land cover do nonetheless require payment into the City’s Habitat Mitigation Fee Program per the Habitat Conservation Plan. As such, the Project will be conditioned to pay this fee for the 2.02 acres of impact to Disturbed Land.

There was no evidence of vernal pool or wetland features present on the site or in the adjacent mapped buffer area. Small patches of coyote brush (*Baccharis pilularis*) do occur in the adjacent buffer area; however, they do not constitute a sensitive habitat type. This species, while native, is a disturbance associated species, which commonly forms monospecific patches in developed and disturbed areas. No special status plant or animal species were observed or detected on-site.

Lastly, the Project Site is not located within any Focused Planning Area (FPA) or any corresponding Habitat Management Plan (HMP) Core, Linkage, or Special Resource Area, and is not located within the City’s Preserve System.

In summary, as a result of this existing development, vegetation communities on the Project Site are limited to Developed Land and Disturbed Habitat. There are no sensitive vegetation communities present within or adjacent to the Project Site; no special status plant or animal species were observed/detected; and none are considered to have potential to occur based on the existing conditions of the Project Site. Additionally, the Project Site does not support

any jurisdictional wetland/riparian features. Based on specific habitat requirements, no significant biological resources can reasonably be expected to occur on the property; therefore, the Project Site is not considered to have value as habitat for endangered, rare, or threatened species. Thus, this exception does not apply.

- 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 California Historical Resources Information System (CHRIS) records search was completed by staff at the South Coastal Information Center (SCIC) on January 31, 2022. Previous investigations overlap the Project Site, but the Project Site was not mentioned in any reports; and no resources were identified within the Project Site as a result of the overlapping studies.

The built environment survey was conducted by Dudek on February 4, 2022. The foot survey involved surveying properties within or immediately adjacent to the Project Site and recording all buildings and structures with notes and photographs. Eight (8) total buildings over 45 years of age are located on the Project Site (two vacant office buildings and six storage buildings) and all were evaluated for historical and architectural significance as a single property due to the Project Site’s shared history first as a concrete mixing plant and later as a storage facility.

After research and evaluation, the Project Site does not appear eligible under any National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), or City cultural resource designation criteria due to a lack of significant historical associations and architectural merit as further described in the Negative Cultural Resources Inventory Report, (Dudek, November 2022) and Historic Resources Technical Report (Dudek, November 2022) prepared for the project. Therefore, the Project Site is not considered an historical resource for the purposes of CEQA.

As a result of archival research, field survey, record search, and property significance evaluations, no historical resources were identified within the Project Site, nor were any adjacent cultural resources identified that could be indirectly impacted by proposed Project activities. As the proposed Project would have no impact on archaeological or cultural resources from either historic or prehistoric periods, no further study is required. Thus, this exception does not apply.

- “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.

- *Biological Resources*

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

- *Cultural Resources*

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

- *Wetlands and Streams*

As discussed above, the biological analysis conducted for the Project concluded that there was no evidence of vernal pool or wetland features present on the site or in the adjacent mapped buffer area. A review of the U.S. Geological Survey's Streamer⁴ application concluded that no streams are located within the immediate vicinity of the Project site. Thus, this exception does not apply.

- *Hazardous Materials*

A review of both GeoTracker⁵ and EnviroStor⁶ concluded that no hazardous material sites with an "open" cleanup case are located within the immediate vicinity of the Project Site. Additionally, the Project Site itself has no open or historical cases and is not expected to be affected by potential contamination. Thus, this exception does not apply.

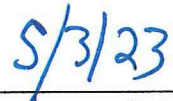
- *Unstable Soils*

Review of both the City of Carlsbad's General Plan Public Safety Element⁷ and the California Geological Survey's Earthquake Zones of Required Investigation Viewer⁸ conclude that the Project site is not located in an area with potential for seismic hazards.

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ERIC LARDY, City Planner



Date

⁴ U.S. Geological Survey. 2022. Streamer. Accessed November 2022. <https://txpub.usgs.gov/DSS/streamer/web/>.

⁵ GeoTracker. 2022. GeoTracker Database. Accessed August 2022. <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=Search+GeoTracker>.

⁶ EnviroStor. 2022. EnviroStor Database. Accessed August 2022. <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Search>.

⁷ City of Carlsbad. 2015. Chapter 6, Public Safety Element. Accessed November 2022. <https://www.carlsbadca.gov/home/showpublisheddocument/3428/637434861106370000>.

⁸ California Geological Survey. 2016. Earthquake Zones of Required Investigation. Accessed November 2022. <https://maps.conservation.ca.gov/cgs/EQZApp/>.