

# CEQA DETERMINATION OF EXEMPTION

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**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:** Sept. 11, 2023

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**Project Number and Title:** CIP4749

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**Project Location - Specific:** 6620 Avenida Encinas

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**Project Location - City:** Carlsbad

**Project Location - County:** San Diego

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**Description of Project:** Acceptance of Bids and Award of Contract to Sylvester Roofing Company, Inc. for the Carlsbad Water Recycling Facility Roof Replacement Project.

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**Name of Public Agency Approving Project:** City of Carlsbad

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

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**Name of Applicant:** Molly Amendt

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

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**Applicant's Telephone Number:** 442-339-5928

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

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**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: Categorical Exemptions: Section 15301(d)
- Statutory Exemptions - State code number: \_\_\_\_\_
- Common Sense Exemption (Section 15061(b)(3))

**Reasons why project is exempt:** Class 1 of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This Class includes a wide range of activities concerning existing structures and facilities, including subdivision d, which covers the restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood.

**Exceptions to the Use of Categorical Exemptions:**

Categorical exemptions are identified by the State Resources Agency for "classes" of projects as defined in the CEQA Guidelines (§§ 15300 - 15333) that have been determined not to have a significant effect on the environment and are therefore exempt from the provisions of CEQA to prepare environmental documents. Projects that may otherwise meet the qualifications for one of the classes of categorical exemptions may be excluded from using a categorical exemption based on a series of exceptions

identified in CEQA Guidelines § 15300.2, that if triggered, prohibit the application of a categorical exemption. In accordance with CEQA, Planning staff evaluated all the potential exceptions to the use of Categorical Exemptions for the proposed project (in accordance with CEQA Guidelines § 15300.2) and determined that none of these exceptions apply as explained below. The following providing herein establishes a framework for the city to conduct the preliminary review and proceed forward in a manner that is consistent with CEQA.

Cumulative Impact - "All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant." The exception applies when, although a particular project may not have a significant impact, the impact of successive projects, of the same type, in the same place, over time is significant. While several projects have been and will be implemented within the general area, this current project involves a roof replacement project in urbanized area zoned for use. The project is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the site are available.

Significant Effect - "A categorical exemption shall not be used for any activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Examples include projects, which may affect scenic or historical resources." In general, the exceptions to the applicability of a categorical exemption underscore the need to pay attention to critical resource sensitivities and unusual circumstances. The "location" exception related to unusual circumstances applies where the project may result in a significant impact on a particularly hazardous or sensitive environmental resource of critical concern, or other impact due to the presence of unusual circumstances. Planning staff considered the totality of the administrative record and determined that no unusual conditions are present and the project would not result in a significant effect.

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 exception applies when a project may result in damage to scenic resources within a duly designated scenic highway. There are no highways designated as a State Scenic Highway near, adjacent, or within the vicinity of the project area.

Hazardous Waste Site - "A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code." This exception applies when a project is located on a site or facility listed pursuant to California Government Code 65962.5. A review of available records and a field inspection did not identify any sites which are included on any list compiled pursuant to Section 65962.4 of the Government Code.

Historical Resources - "A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource." This exception applies when a project may cause a substantial adverse change in the significance of a historical resource. There is no potential for the project to impact historical resources as none exist on the property which would qualify as a historical resource or tribal cultural resource, as defined under CEQA.

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 the scope of work involves a roof replacement and no land disturbing activities.

**Lead Agency Contact Person:** Mike Strong **Telephone:** 442-339-2721



Mike Strong Assistant Director of Community Development

Sept. 11, 2023

Date