

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: September 15, 2023

Project Number and Title: CDP 2023-0029/MS 2023-0003/PUD 2023-0004 (DEV2023-0083) – CHEVRON TPM CARLSBAD

Project Location - Specific: 840-860 Paseo Del Norte and 800 Palomar Airport Road (APNs 211-021-36-00 and 211-021-37-00)

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

Description of Project: Subdivision of a 5.6-acre lot into a 4.955-acre lot (parcel 1) and a 0.647-acre lot (parcel 2). An access easement between parcel 1 and 2 connecting to Palomar Airport Road will be provided at the south side of parcels 1 and 2. An additional access easement from parcel 1 to parcel 2 will be provided at the southeast property line connecting to Paseo Del Norte.

Name of Public Agency Approving Project: City of Carlsbad

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

Name of Applicant: Paul Klukas

Applicant's Address: 1530 Faraday Ave, Ste 100, Carlsbad, CA 92008

Applicant's Telephone Number: 760-931-0780 X 104

Name of Applicant/Identity of person undertaking the project: Paul Klukas

Exempt Status: Categorical Exemption: Section 15315(Minor Land Divisions)

Reasons why project is exempt: Categorical Exemption: Section 15315 of CEQA exemptions (Class 15) exempts the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. The project involves the division of property in an urbanized area zoned for commercial use into two parcels. The division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent

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 minor subdivision of property already improved 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 minor subdivision of property already improved and no land disturbing activities.

Lead Agency Contact Person: Lauren Yzaguirre, Associate Planner Telephone: 442-339-2634

MDS

MIKE STRONG, Assistant Director of Community Development

Date