

# 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.

**Project Number and Title:** Agreement for Fiber Optic Cables

**Project Location - Specific:** Citywide

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

**Description of Project:** Adopt a resolution authorizing an agreement with Netly to construct fiber optic cables within city road right-of-way.

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

**Name of Person or Agency Carrying Out Project:** Joe Stephenson, Assistant IT Director

**Name of Applicant:** City of Carlsbad – Information Technology

**Applicant's Address:** 1635 Faraday Ave. Carlsbad, CA

**Applicant's Telephone Number:** 442-339-2789

**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: 15303 (d), 15304 (f)
- Statutory Exemptions - State code number: \_\_\_\_\_
- Common Sense Exemption (Section 15061(b)(3))

**Reasons why project is exempt:** Categorical Exemptions: Class 3 of CEQA Guidelines section 15303 New Construction or Conversion of Small Structures, subsection (d) "Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction". Additionally, Class 4, minor public or private alternations of land with (f) minor trenching and backfilling where the surface is restored would also fully apply to the scope of work authorized by the proposed agreement. A resolution adopting the proposed agreement will provide funding to assist in the expansion of Netly installing fiber-optic cables within existing roads and right-of-way for the City of Carlsbad. Subsequent right-of-way permits will be evaluated and issued, and traffic control will be provided as necessary to eliminate operational impacts. The initial scope of the license agreement would cover only a section of Rancho Santa Fe Road between San Elijo Road and Olivenhain Road. No exception to the exemption as sets forth in CEQA Guidelines section 15300.2 or the Carlsbad Municipal Code Section 19.04.070 (B) apply.

**Lead Agency Contact Person:** Eric Lardy                      **Telephone:** 442-224-9595

  
ERIC LARDY, City Planner

11/29/23  
Date