

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: Dec. 28, 2023

Project Number and Title: CIP 4015 – revised Barrio Traffic Circles Project and preferred traffic calming street design at the intersections of (1) Palm Avenue and Harding Street and (2) Magnolia Avenue and Madison Street for the Barrio Traffic Circles Project

Project Location - Specific: (1) Palm Avenue and Harding Street and (2) Magnolia Avenue and Madison Street

Project Location - City: Carlsbad

Project Location - County: San Diego

Description of Project: The Barrio Traffic Circles Project (overall project) is a Capital Improvement Program to install traffic signals at five intersections, enhanced visibility crosswalks at one intersection, and either curb extensions or raised medians at two intersections where traffic circles were not feasible. The balance of the overall project (Barrio Traffic Circles Project) has already been reviewed in accordance with CEQA and exempted from CEQA review. The action associated with this determination is to receive direction from City Council on which traffic calming street design is preferred at the intersections of (1) Palm Avenue and Harding Street and (2) Magnolia Avenue and Madison Street. This determination covers either option.

Name of Public Agency Approving Project: City of Carlsbad

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

Name of Applicant: Tom Frank, Transportation Director/City Engineer

Applicant's Address: 1635 Faraday Avenue, Carlsbad CA 92008

Applicant's Telephone Number: 442-339-2766

Name of Applicant/Identity of person undertaking the project (if different from the applicant above): Lauren Ferrell, Associate Engineer

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 15303(d)
(New Construction/Conversion of Small Structures)
- Statutory Exemptions - State code number: _____
- Common Sense Exemption (Section 15061(b)(3))

Reasons why project is exempt: Class 3 consists of construction and location new installations, expansions of existing utilities and facilities. The project involves measures to improve traffic safety, including traffic circles, raised medians or curb extensions, associated restriping, pavement marking width upgrades involving minor alterations (new construction) to existing facilities that will result in negligible or no expansion of use except those that involve needed infrastructure and strategies for safety project implementation.

The project is eligible for the categorical exemption and none of the exceptions to categorical exemptions listed in the CEQA Guidelines § 15300.2 or Chapter 19.04 of the Municipal Code have been triggered (see below), and no substantial evidence has been submitted to the city that would support a finding that the exemption requirements would not be satisfied. The project site is in an urbanized area and the types of improvements are intended to benefit those that use the public-right-of-way and would not cause serious public health or safety problems since the project would not degrade the levels of service on the adjoining streets, drainage system, public facilities, and city sewer and water is available. The project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and right-of-way; and traffic and emergency response access were all reviewed for compliance to relevant city policies and codes.

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. The action to provide a preference on the design treatment (either curb extensions or raised medians at two intersections where traffic circles were not feasible) is affiliated with the Barrio Traffic Circles Project, which was already been reviewed in accordance with CEQA. Because the traffic signals were not feasible at two intersections, and the traffic circle improvement is to be replaced with a different design option, further environmental review was required. This determination addresses the whole of the action (revised Barrio Traffic Circles Project), and all procedural aspects of CEQA have been satisfied.

While several projects have been and will be implemented within the general area, this current project (whole of the project) involves measures to improve traffic safety, including traffic circles, raised medians or curb extensions, associated restriping, pavement marking width upgrades involving minor alterations (new construction). The project is in conformance with the General Plan and Village and Barrio Master Plan, no variances or exceptions are required.

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. The project does not involve

any unusual circumstances, such as the presence of sensitive biological or cultural environmental resources.

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 explained below:

Grading and clearing activities affecting sensitive plant or animal habitats - A categorical exemption shall 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 2050et 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); or archaeological or cultural resources from either historic or prehistoric periods." This area is in an urban area, surrounded by urban development, and has no connection to high quality habitat. No other plant or animal species would be impacted. No waters of the State or waters of the US would be impacted.

Impacts to biological species or their habitats or archeological or cultural resources - "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." No previously recorded archeological or cultural resources were identified within the project Area. Based on these disturbances and the negative survey results, there is no potential for the project to impact subsurface cultural resources which would qualify as a historical resource or tribal cultural resource, as defined under CEQA; therefore, the undertaking will result in no effect to historical resources or tribal cultural resources.

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



12/28/23

Mike Strong, Assistant Director of Community Development

Date