

# 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:** February 8, 2024

**Project Number and Title:** Proclamation of a Local Emergency for Removal of Sediment and Vegetation

**Project Location - Specific:** Buena Vista Creek Concrete Channel near El Camino Real and State Route 78

**Project Location - City:** Carlsbad

**Project Location - County:** San Diego

**Description of Project:** The recent severe storm events have brought an influx of heavy rain that has inundated the Buena Vista Creek with mobilized material, including vegetation, debris and sediment-dominated slurry from the Buena Vista Creek Watershed, which is about 10 miles long. These rapid debris flows have significantly diminished the capacity of the channel, which is very close to the outfall of the watershed, resulting in a significant risk of the channel overflowing, with the potential to cause significant damage to nearby property and infrastructure during severe storms. To mitigate the emergency situation, the City Engineer recommends expedited, or emergency, removal of some of the sediment and vegetation to increase the channel's capacity.

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

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

**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):**  
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)); Section 15269(a)
- Categorical Exemption - State type and section number:
- Statutory Exemptions - State code number:
- Common Sense Exemption (Section 15061(b)(3))

**Reasons why Project is exempt:** The project has been determined to be exempt from the California Environmental Quality Act under Public Resources Code Section 21080(b)(3) and CEQA Guidelines Section 15269(a), which apply to projects undertaken, carried out or approved by a public agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor. On February 4, 2024, the Governor of the State of California found that conditions of extreme peril exist in San Diego County and other counties due to the early February 2024 storms caused by the atmospheric river and

proclaimed a state of emergency to make additional resources available to local governments, formalize emergency actions, and help the state prepare for the impact of the storms. On February 8, 2024, the Acting City Manager/Acting Director of Emergency Services proclaimed a storm-related local emergency for removal of sediment and vegetation on the Buena Vista Creek concrete channel near El Camino Real. The current storms have increased sediment and vegetation in the Buena Vista Creek, diminishing its capacity and risking significant damage to nearby property and infrastructure. Emergency removal of sediment and vegetation is necessary to ameliorate the risk.

**Lead Agency Contact Person:** Izzak Mireles, Associate Planner **Telephone:** 442-339-2693

*MMS* MIKE STRONG ASST. DIR. COMM. DEV. 2/8/2024  
Eric Lardy, City Planner FOR Date