

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: SDP 2023-0014 (DEV2023-0078) – CARLSBAD VILLAGE MIXED-USE

Project Location - Specific: 945-1065 Carlsbad Village Drive,
Assessor Parcel Numbers (APNs) 203-320-53, 203-320-54, 203-320-55, and 203-320-56

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

Description of Project: Site Development Plan (SDP 2023-0014) to allow for the demolition of an existing commercial shopping center with five (5) buildings consisting of approximately 58,735 square feet; consolidation of four (4) legal parcels totaling 4.12 acres (gross) into two (2) lots (Lot 1, 0.94 acres net/ Lot 2, 3.11 acres net); and development of a mixed use project consisting of approximately 13,800 square feet of neighborhood serving commercial uses and 218 multifamily residential dwelling units (for-rent)(53 dwelling units per acre).

The Project is intended to comply with provisions of the State Density Bonus Law (Government Code sections 65915-65918) (inclusive) which provides that a local government shall grant a density bonus, incentives/concessions, and/or waivers of development standards to a developer of a housing development constructing a specified percentage of affordable housing units and the Project will provide 15% of the base density as affordable to very low-income (VLI) households to comply with the provisions of the State Density Bonus Law. However, the Project applicant continues to work with the city to determine the exact amount of low-, very low-, or moderate-income housing units that will be included, while still satisfying and complying with the requirements of both the city's Inclusionary Housing Ordinance and the State of California Density Bonus Law.

The proposed commercial uses will be contained in two (2), one-story buildings with plazas and patios fronting Carlsbad Village Drive, and the residential buildings will be contained in two (2) five-story buildings separated by a landscaped paseo and courtyard fronting along Oak Avenue. The project is proposing to include approximately 40,870 square feet of open space, including courtyards, a 5th floor sky deck, private balconies, a swimming pool and pool deck courtyard, interior courtyards, and indoor amenity areas. While the project is not subject to minimum parking requirements pursuant to Assembly Bill 2097, the project is providing 340 vehicular parking spaces at-grade surrounding the commercial and residential buildings and within an above-grade five-level parking structure with rooftop parking.

The project site is located approximately 0.4 miles from Carlsbad Village center and approximately 0.6 miles from the Pacific Ocean. The site is surrounded by Carlsbad Village Drive to the north, Interstate 5 (I-5) Freeway to the east, Oak Avenue to south, and an unnamed public alley to the west. The project site is surrounded by a variety of urban uses, including an adjacent gas station, a four-story mixed-use building across Carlsbad Village Drive to the north, one-to-three-story residential (multiple-family and single-family) buildings to the south across Oak Avenue, and various one-story public and commercial uses to the west across the public alley.

Primary regional access to the site is provided via the I-5 freeway, which generally runs north/south and is adjacent to the site. The site has access to public transportation and is located within a transit priority area, served by the Coaster and Amtrak, as well as numerous bus lines within walking distance. NCTD Bus Route No. 315 provides service between Camp Pendleton, Sprinter, and the Carlsbad Village Coaster Station, with stops immediately adjacent to the project site. The closest major transit stop is the Carlsbad Village Coaster Station, located within 0.5 miles east of the site. Access into the site would be provided by Carlsbad Village Drive (an Arterial Connector Street) and Oak Avenue (a Neighborhood Connector Street).

Proposed earthwork quantities consist of approximately 10,000 cubic yards of cut, 1,200 cubic yards of fill, and 7,520 cubic yards of export. Anticipated remedial excavations will be approximately 2-3 feet deep and soils will be removed and replaced on site. Remedial quantities will consist of 12,880 cubic yards.

Name of Public Agency Approving Project: City of Carlsbad

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

Name of Applicant: Tooley Interests, LLC (Attn: Andrew Cerrina)

Applicant's Address: 11661 San Vicente Boulevard, Suite 850, Los Angeles, CA 90049

Applicant's Telephone Number: (424) 291-6582

Name of Applicant/Identity of person undertaking the project (if different from the applicant above):
Jonathan Frankel, Atlantis Group, (925) 708-3638

Exempt Status: Categorical Exemption: Class 32, Section 15332 (In-fill Development Projects)

Reasons why project is exempt: The Project qualifies for a Class 32 categorical exemption under the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15332, Class 32 categorical exemptions can be used for projects characterized as in-fill development meeting the following conditions: (1) general plan and zoning consistency; (2) project is within city limits on a site of no more than 5 acres and is substantially surrounded by urban uses; (3) project site has no value as habitat for endangered, rare, or threatened species; (4) project would not result in significant effects to traffic, noise, air quality, or water quality; and (5) the site can be adequately served by all required utilities and public services. Additionally, in order to qualify for a categorical exemption, a project cannot meet any of the "exceptions to exemptions" enumerated in CEQA Guidelines Section 15300.2.

Land Use Consistency: The Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.

Land Use and Zoning Designations

The Project site is located on four parcels (Assessor's Parcel Numbers 203-320-53-00, 203-320-54-00, 203-320-55-00, and 203-320-56-00) and is designated as Village Barrio (V-B) in the City's General Plan and similarly has a zoning designation of Village-Barrio (V-B). The V-B zoning designation is implemented by the Village and Barrio Master Plan (Master Plan). The Project site is located in the Freeway Commercial (FC) District of the Master Plan.

City of Carlsbad General Plan

The City of Carlsbad General Plan sets forth goals and policies that guide both Citywide and community specific land use policies. The General Plan is comprised of a variety of State-mandated elements, including, but not limited to, Land Use and Community Design and Mobility.

Land Use and Community Design Element

The Land Use and Community Design Element establishes general policies and the vision for the future of the City. Land use, housing, urban form and neighborhood design, open space, economic development, transportation, and infrastructure and public services are all addressed in the context of accommodating future development. The Project is consistent with many of the Land Use and Community Design Element's goals and policies.

- Goal G.2. Promote a diversity of compatible land uses throughout the city, to enable people to live close to job locations, adequate and convenient commercial services, and public support systems such as transit, parks, schools, and utilities.
- Goal G.3. Promote infill development that makes efficient use of limited land supply, while ensuring compatibility and integration with existing uses. Ensure that infill properties develop with uses and development intensities supporting a cohesive development pattern.
- Goal G.6. Allow a range of mixed-use centers in strategic locations that maximize access to commercial services from transit and residential areas.
- Goal G.29. Maintain and enhance the Village as a center for residents and visitors with commercial, residential, dining, civic, cultural, and entertainment activities.
- Goal G.30. Develop a distinct identity for the Village by encouraging a variety of uses and activities, such as a mix of residential, commercial, office, restaurants and specialty retail shops, which traditionally locate in a pedestrian-oriented downtown area and attract visitors and residents from across the community by creating a lively, interesting social environment.
- Policy P.6. Encourage the provision of lower and moderate-income housing to meet the objectives of the Housing Element.
- Policy P.12. Encourage residential uses mixed in conjunction with commercial development on commercially designated sites and within the Village.
- Policy P.13. Encourage medium to higher density residential uses located in close proximity to commercial services, employment opportunities and major transportation corridors.
- Policy P.70. Seek an increased presence of both residents and activity in the Village with new development, particularly residential, including residential as part of mixed-use development, as well as commercial, entertainment and cultural uses that serve both residents and visitors.
- Policy P.77. Promote new investment by allowing opportunities for medium and high-density infill residential development, strategically located in the neighborhood consistent with the Land

Use Map. Ensure that development is designed to enhance neighborhood quality, character, and vitality, and is sensitive to historic and cultural resources.

The General Plan Land Use and Community Design Element identifies specific planning areas on the city's Land Use Map. The V-B (Village-Barrio) land use designation is a land use category defined in the General Plan that is applied in the village area where comprehensive planning is important to achieve a desired vision. The Village and Barrio Specific Plan (discussed further below) implements this designation and identifies the permitted and conditionally permitted land uses for the village area, as well as residential densities permitted. The residential designations provide for a range of housing types and densities. Densities are stated as number of dwelling units per acre of developable land. Residential development is required to be within the development range as identified in the Village and Barrio Master Plan Land Use Map. The maximum density permitted in the Freeway Commercial (FC) district is 35 dwelling units per acre, unless otherwise preempted by State law. The Project site is 4.12 acres. The maximum density allowed is 145 units (4.12-acres multiplied by 35 dwelling units per acre = 144.2 or 145 units). State law encourages cities to provide affordable housing through incentives to developers (i.e., State Density Bonus Law). State Density Bonus Law allows a developer to increase density on a property above the maximum density in exchange for the provision of affordable housing. In this instance the Project proposes 218 units. Density Bonus Law stipulates that a request for a density bonus does not constitute a valid basis on which to find a proposed housing development project is not compliant with a general plan. In addition, State Density Bonus Law explicitly requires the city to consider "the density allowed under the land use element of the general plan" in determining maximum allowable residential density. Therefore, the proposed density of the Project is deemed compliant with the land use density designation of the General Plan.

Noise Element Consistency

The Noise Element of the City's General Plan includes policies that are designed to ensure protection from noise for sensitive uses. The Noise Element provides acceptable limits of noise for various land uses for both exterior and interior environments from transportation sources. The noise levels associated with exterior roadway traffic were modeled according to the City's Noise Guidelines.

Exterior Use Areas

The Project would include outdoor usable space within multiple interior courtyards. Due to sound-blocking acoustical shielding afforded by the onsite positions and multi-floor structural arrangement of the proposed Project buildings, these exterior use areas will not be subject to noise exposure levels which exceeds the City's 65 dBA CNEL standard. Locations and orientations of the exterior spaces are compatible with better noise-sensitive site design recommendations appearing in Figures V-1 and V-2 of the City's Noise Guidelines Manual (City of Carlsbad 2013b).

Interior Spaces

Pursuant to Chapter 18.04.080 of the Carlsbad Municipal Code, any new residence or addition of one or more habitable rooms to an existing residence located within the noise impact boundary of an airport or freeway must be designed to ensure that internal noise levels due to airport or freeway operations do not exceed 45 dB. This standard may be satisfied by performing the acoustical analysis or by employing the prescribed construction methods described in this section. The Project would not be built without adequately demonstrating compliance with the California Building Code, as locally amended.

Modeling was also performed to determine interior noise levels from street-facing units of the Project. An assessment was conducted on street-facing units intended for residential occupation since the facade noise levels were modeled above 60 dBA CNEL. As a Project design feature, glass assemblies would require a closed window condition to reduce the interior noise levels below the City's 45 dBA CNEL threshold. Therefore, mechanical ventilation (e.g., air conditioning) will be installed in impacted street-facing units to move air within the structure and control temperature when windows are closed. Once the final architectural plans are available, a final interior noise assessment will be conducted to ensure interior noise reductions are met.

Airport Noise

There are no airports or private airstrips within the vicinity of the Project. The nearest airport is the Carlsbad McClellan-Palomar Airport which is approximately 4.0 miles southeast of the Site. Further, the Project is outside all CNEL noise contours from the McClellan-Palomar Airport Land Use Compatibility Plan (ALUCP) included in the General Plan.

Therefore, the Project is consistent with the applicable policies included in the Noise Element of the General Plan.

City of Carlsbad Housing Element Consistency

The Housing Element of the City's General Plan provides the City with long-term goals, policies and programs for promoting the production and conservation of safe, decent, and affordable housing within the community. The Project is consistent with many of the goals and policies of the Housing Element:

- Goal G.1. Housing Opportunities. New housing developed with diversity of types, prices, tenures, densities, and locations, and in sufficient quantity to meet the demand of anticipated city and regional growth and to meet or exceed the city's established Regional Housing Needs Allocation (RHNA).

- Policy P.4. Encourage increased integration of housing with nonresidential development where appropriate and where residential development can be implemented in a way that is compatible with existing and planned uses.

- Policy P.7. Encourage distribution of development of affordable housing throughout the city to avoid over concentration in a particular area, excluding areas lacking necessary infrastructure or services.

- Goal G.2. Housing Implementation. Sufficient new, affordable housing opportunities in all quadrants of the city to meet the needs of current lower- and moderate-income households and those with special needs, and a fair share proportion of future lower- and moderate-income households.

- Policy P.16. Address the unmet housing needs of the community through new development and housing that is set aside for lower- and moderate income households consistent with priorities set by the Housing Services Division, in collaboration with the Planning Division, and as set forth in the city's Consolidated Plan.

Policy P.17. Encourage the development of an adequate number of housing units suitably sized to meet the needs of lower- and moderate income larger households.

Program 1.8: Mixed Use. The city will encourage mixed-use developments that include a residential component that provides housing for lower- and moderate-income households...Major commercial centers should incorporate, where appropriate, mixed commercial/residential uses, with a focus on the production of lower-income units.

A measure of compliance with state housing element law is the ability of a jurisdiction to accommodate its share of the region's housing needs. The State Department of Housing and Community Development (HCD) projected a need for 171,685 new housing units in the San Diego region for an 8.8-year projection period between June 30, 2020 and April 15, 2029. The City of Carlsbad's share of the RHNA is 3,873 units and is allocated among the following income distribution:

Very Low-income: 1,311 units (34 percent)

Low-income: 784 units (20 percent)

Moderate Income: 749 units (19 percent)

Above Moderate Income: 1,029 units (27 percent)

The Project would develop a mixed-use multifamily and commercial development on an underutilized infill/housing site. The Project has a proposed density of approximately 53 dwelling units per acre (du/acre), and the Project applicant continues to work with the City to determine the percentage of low-, very low-, or moderate-income housing units that will be included in order to qualify for the incentives/concessions and waivers allowed under the State Density Bonus Law. 218 new multifamily residential units, including very low-income units, would be added to the City's housing stock.

As discussed above, the Project would be developed consistent with the Village-Barrio (V-B) General Plan land use designation in the City's General Plan, the Freeway Commercial (FC) designation in the Village and Barrio Master Plan and is consistent with the goals, policies, and programs of the City's Housing Element. Therefore, the proposed Project would meet this criterion.

Village and Barrio Master Plan

The Project site is in an area governed by the Carlsbad Village and Barrio Master Plan (Master Plan). Goals and policies have been established for the Master Plan to reinforce the vision. The Master Plan area encompasses much of the area west of Interstate 5 between Oak Avenue and Laguna Drive and extends to the Pacific Ocean along Garfield Avenue and parts of Ocean Street. The Master Plan goals and policies fall into four categories, Land Use and Community Character, Mobility and Parking, Connectivity, and Placemaking. The Master Plan carries out the policies of the General Plan by classifying and regulating the types and intensities of development and land uses within the Village and Barrio planning area, ensuring that they are consistent with the policies and objectives of the General Plan. The Project would be developed consistent with the development standards set forth in the City's Municipal Code which includes development standards and regulations for the Freeway Commercial District (FC) of the Master Plan, as described further below. Based on the provision of 15% VLI units, the Project is also eligible for a 50 percent market rate density bonus as well as incentives/concessions and waivers of development standards permitted by the State Density Bonus Law (Government Code section 65915 et. seq.).

Land Use and Community Character

- Goal A.1. Support a dynamic mix of uses and facilities, including a commercial center, mixed and standalone residential uses, and new, inviting public spaces.
- Goal A.2. Encourage mixed use development projects in the Village Center, with an emphasis on pedestrian-oriented retail uses on the ground floor, and office, other non-residential, and residential uses on the upper floors.
- Goal A.5. Locate residential uses within convenient walking and cycling distance of the Carlsbad Village Station.
- Goal B.1. Encourage a range of housing types, including medium density single-family, two-family and small scale multi-family development in the Barrio center, and higher density multi-family housing in the perimeter, consistent with the General Plan Land Use Map.

Mobility and Parking

- Goal A.1. Capitalize on the Village and Barrio's proximity to the Carlsbad Village Station by improving sidewalks and bicycle facilities on city streets leading to the transit center and by improving adjacent public alleys.

Placemaking

- A.4. Ensure that new development creates a continuous and interesting façade along the street with an emphasis on pedestrian-scaled features.
- B.1. Integrate plazas, courtyards, outdoor seating or dining areas, and other semi-public spaces into new development, where feasible.

The Project would develop a new mixed-use multifamily and commercial development with 218 multifamily residential units and 13,800 square feet of neighborhood serving commercial uses. Multifamily, commercial, and mixed uses are permitted in the FC District. The Project would provide residential uses that enables residents to walk to nearby public transit and to the amenities of the Village and Barrio area, and commercial uses that would provide ground floor pedestrian-orientated retail.

The maximum density permitted in the FC district is 35 dwelling units per acre. A project that meets the eligibility requirements of the State Density Bonus Law is entitled to a density bonus, incentives/concessions, development standard waivers, and reduced parking ratios (Government Code, section 65915 et. seq.)). The Project application indicates that 15% of the Project's base density, would be set aside for VLI housing to comply with State Density Bonus Law and the Project's provision of affordable units allows up to a 50 percent density bonus (Gov. Code § 65915(f)(2)), resulting in a proposed density of 53 du/ac (including density bonus units). Therefore, the proposed density of 53 units per acre would be consistent with the FC district standards of the Master Plan, the State Density Bonus Law and the City's Density Bonus Implementing Ordinance (Carlsbad Municipal Code Chapter 21.86).

Site Size and Location/Surrounding Land Uses: The proposed development occurs within City limits on a Project site of no more than 5 acres substantially surrounded by urban uses.

The Project site is located entirely within the City of Carlsbad, on a site that is 4.12 acres and is surrounded by established commercial and multi-family residential urban uses. The Project site is within the Village and Barrio neighborhood which lies between Carlsbad State Beach and the Interstate (I-5) freeway. The Project is in a transit priority area and is served by the North County Transit District (NCTD) bus service; the nearest bus stop to the Project site is located at the northwest corner of the Project site along Carlsbad Village Drive which serves route 315. Further, the Project is within 0.5 miles of the Carlsbad Village Station, a major transit stop as defined by Public Resources Code §21064.3.

Land uses surrounding the Project site are described as follows:

North

The Project site is bordered directly to the north by Carlsbad Village Drive and I-5. Further to the north is a 4-story mixed-use residential and commercial building, and a mix of commercial and multifamily development.

East

The Project site is bordered directly to the east by I-5. Further to the east, is a mixture of commercial and single- and multi-family development.

South

The Project site is bordered directly to the south by Oak Avenue; past this road are a variety of multifamily residential uses.

West

The Project site is bordered directly to the west by an unnamed public alley. Across the alley is The Harding Community Center and commercial development. Further to the west are a variety of locally serving commercial and restaurant uses.

As demonstrated, the Project site is substantially surrounded by urban uses and therefore meets the criteria for site size and location.

Habitat: The Project site has no value as habitat for endangered, rare, or threatened species.

The Project site and adjacent properties are highly developed and surrounding land uses include a mix of commercial, office, and residential uses. The site is almost completely covered with existing pavement or structures; it is developed with several commercial buildings and surface parking lot. Vegetation on the site is limited to a row of decorative trees scattered throughout the Project site that are not known to support any candidate, sensitive, or special-status species. No native habitat is located on the Project site or on adjacent properties. Based on the urbanized nature of the Project site and adjacent properties, in conjunction with a lack of suitable habitat for special-status species, the Project site has no value as habitat for endangered, rare, or threatened species and thus meets the Class 32 categorical exemption criteria for lack of habitat. Furthermore, the site is not within mapped areas of potential critical habitat as depicted in the City's General Plan. For these reasons, the Project has no value as habitat for endangered, rare, or threatened species.

Traffic, Noise, Air Quality, & Water Quality: Approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic

The City’s VMT Analysis Guidelines (City of Carlsbad 2022) provides a VMT analysis screening criteria for development projects, which identifies the level of VMT analysis methodology, level of significance, and mitigation based on the development’s trip generation, the type of development, the location of the development within a transit priority area, and other elements. A Vehicle Miles Traveled (VMT) Screening Memorandum (Attachment A) was prepared by Linscott, Law, and Greenspan Engineers in compliance with California Senate Bill 743 and the City’s guidelines. Per the City of Carlsbad VMT Analysis Guidelines, residential, retail, or office projects or projects that have a mix of those uses whose project site boundaries are within one half mile of an existing or planned major transit stop or a stop/transit center along a high-quality transit corridor would be presumed to have a less than significant transportation impact. In the City of Carlsbad and per City VMT Analysis Guidelines, this would only apply to projects within one half mile of the Carlsbad Village Station or Carlsbad Poinsettia Coaster Station, as well as projects within one-half mile of the Plaza Camino Real transit center. The proposed project is within one-half mile of Carlsbad Village Station. Further, the Project would result in a net decrease of 4,802 average daily car trips as compared to the existing commercial uses. Therefore, the Project is presumed to have a less than significant traffic impact provided there is no other evidence suggesting a VMT impact.

Since the Project includes the removal of existing local serving uses that may not have substitutes available in the Carlsbad Village area at the time of this analysis, specifically the grocery store and hardware store uses, additional quantitative analysis was performed to further demonstrate that the Project will not result in a net increase in VMT. To calculate the net change in total VMT, the total VMT to be generated by the proposed Project land uses was deducted from the total VMT generated by the existing shopping center. In addition, and in the interest of producing the most conservative analysis, because the existing shopping center provides certain neighborhood-serving retail uses which will be removed that may not have substitutes available in the Carlsbad Village area, specifically the grocery and hardware store uses, a portion of these trips are considered “displaced” to substitute locations and additional VMT associated with these displaced trips were also considered and added as a part of the Project VMT. As shown in Table 1, the existing shopping center is estimated to generate 45,786 daily VMT. The proposed Project’s VMT reducing land uses, which include infill housing, affordable housing and new neighborhood serving commercial uses, plus the displaced trip VMT calculated totals 25,397 VMT. This is a reduction of 20,389 VMT compared to the existing site. Per City of Carlsbad VMT Analysis Guidelines, redevelopment projects that generate less VMT than the existing project they are replacing would be presumed to have a less than significant impact on VMT. Given that the proposed Project is close to transit, reduces total VMT, and is providing less than 50,000 square feet of neighborhood serving commercial uses, no significant VMT impact is triggered.

Table 1. Redevelopment VMT Quantitative Analysis

| Type | Land Use | Quantity | Daily Volumes (ADT) | | ATL ^a | Total VMT |
|---------|--------------------|----------|---------------------|--------|------------------|-----------|
| | | | Rate | Volume | | |
| Project | Residential | 218 DU | 6/DU | 1,308 | 10.5 | 13,734 |
| | Market | 5.8 KSF | 150/KSF | 870 | 6.5 | 5,655 |
| | Quality Restaurant | 6 KSF | 100/KSF | 600 | 6.5 | 3,900 |

| | | | | | | |
|-----------------------------|----------------------------------|----------|----------|-------|-----|----------------|
| | Retail / Strip Commercial | 2 KSF | 40/KSF | 80 | 6.5 | 520 |
| | <i>Subtotal Project</i> | — | — | 2,858 | — | 23,809 |
| | Internal Capture ^b | — | — | 616 | — | 5,132 |
| | Project External Trips | — | — | 2,242 | — | 18,677 |
| Displaced | Hardware Store (displaced) | 9 KSF | 60 /KSF | 540 | 4.0 | 2,160 |
| | Grocery Store (displaced) | 19 KSF | 120 /KSF | 2,280 | 2.0 | 4,560 |
| | Total Project + Displaced | — | — | — | — | 25,397 |
| Existing (to be removed) | Shopping Center | 58.7 KSF | 120/KSF | 7,044 | 6.5 | 45,786 |
| Net Change in VMT | | | | | | -20,389 |

Notes:

^a Average trip lengths from StreetLight Data platform. See Attachment B.

^b Internal capture estimated using NCHRP 8-51 Internal Trip Capture Estimation Tool. VMT reduction calculated by multiplying captured ADT by weighted average trip length of unadjusted Project trips.

In conclusion, the proposed Project meets the City of Carlsbad Screening Criteria and is therefore calculated to have a less than significant transportation VMT impact per the City's guidelines.

Noise

A noise impact analysis (report) has been prepared by Dudek (Attachment B). The report assesses potential noise impacts that could occur under the Project. The report included the following components: documentation of existing noise conditions, discussion of noise modeling methodology and procedure, and analysis of construction noise, traffic noise, and onsite stationary noise sources (e.g., outdoor-exposed rooftop HVAC systems and low-speed parking garage traffic).

Through noise modeling and analysis, the report concluded that noise impacts related to Project construction would be less than significant and that mitigation would not be required.

Although neither the City's Municipal Code or its Noise Guidelines offer a quantitative decibel limit for construction noise, within allowable construction hours per the City of Carlsbad General Plan Noise Element (City of Carlsbad 2015), a relative threshold is utilized herein to evaluate a potential construction noise impact at an NSR (i.e., residential land use) of up to a 10 dB increase over existing ambient sound level, akin to CEC assessment of potentially significant impact for long-duration changes to the outdoor sound environment. Because the Project Site is already characterized by existing outdoor ambient levels ranging from 67 to 68 dBA Leq, this means that construction noise would be considered a significant impact if greater than the position-dependent existing sound level by more than 10 dB. In other words, based on these measured outdoor ambient Leq samples, the allowable construction noise levels would be 77 to 78 dBA hourly Leq values. For context, these construction noise magnitudes are slightly less than the 80 dBA noise threshold that FTA guidance recommends at the exterior of a receiving residence.

The report states that construction could temporarily increase noise levels at nearby offsite residential land uses, but such increases would be less than 10 dB.

Further, in accordance with City of Carlsbad Municipal Code Section 8.48.010, the City restricts the times of day when construction may occur. Construction is anticipated to occur over a single phase lasting between 20

and 24 months and would result in temporary increases in noise levels in the Project area on an intermittent basis. Construction of the Project would take place within the hours specified in the City's Municipal Code.

Table 2. Predicted Construction Noise at Indicated Receptors per Activity Phase

| Construction Phase (and Equipment Types Involved) | Predicted Construction Noise (dBA, hourly L_{eq}) at the NSR | |
|---|--|-----------|
| | ST1 | ST3 |
| <i>Construction Noise Threshold*</i> | 77.1 | 77.6 |
| Demolition (concrete saw/industrial saw, rubber-tired dozer, excavator) | 71.2 | 71.7 |
| Site preparation (dozer, tractor, loader, backhoe) | 69.1 | 69.5 |
| Grading (excavator, grader, rubber-tired dozer, tractor, loader, backhoe) | 70.4 | 70.9 |
| Building construction (crane, forklift, generator set, tractor, loader, backhoe, welder) | 67.7 | 68.2 |
| Paving (cement and mortar mixer, paver, paving equipment, roller, tractor, loader, backhoe) | 71.8 | 72.2 |
| Architectural coating (air compressor) | 58.5 | 58.9 |
| <i>Do any predicted phase noise levels exceed the threshold?</i> | <i>no</i> | <i>no</i> |

Notes: L_{eq} = equivalent noise level; dBA = A-weighted decibels; NSR = noise-sensitive receptor.

* 10 dB greater than the measured sample of outdoor ambient noise level at the NSR.

As presented in Table 2, the estimated construction noise levels are predicted to be as high as 72 dBA L_{eq} hourly L_{eq} at the nearest NSR during site demolition and paving phases. Although these nearby occupied properties to the north and south of the Project would be exposed to elevated construction noise levels, the increased noise levels would typically be relatively short term and, as shown in Table 2, represent a temporary and less than 10 dB increase of the outdoor ambient sound level. Thus, construction-related noise impacts would be considered less than significant.

The report also modeled noise impacts from changes to nearby roadway traffic from the Project on off-site receptors. The modeling concluded that changes in noise would be a nominal amount (less than 1 dBA reduction) and would thus be considered less than significant.

The report further explains that onsite operational noise sources associated with the Project would include those from the planned above-ground five-level parking garage (i.e., vehicles arriving and leaving, occasional vehicle horns and alarms), background music playback and adults conversing at common areas (e.g., pool and fifth-floor exposed decks), and outdoor-exposed rooftop HVAC equipment. Onsite Project noise events would also include occasional delivery trucks, trash pick-up trucks, and landscape equipment; however, these are intermittent short-duration sound sources that are already part of the pre-Project existing environment. The report concludes that the aggregate operational noise does not exceed the City of Carlsbad daytime or nighttime exterior noise level standards for non-transportation noise sources.

For these reasons, the report concludes that noise impacts related to Project construction, traffic, and operation would be less than significant.

Air Quality

An air quality technical memorandum has been prepared by Dudek (Attachment C). The construction analysis includes demolition of the existing commercial buildings, removal of existing pavement, and construction of the proposed new commercial buildings, and the operational analysis includes operational activities associated with the residential development.

Construction and operational emissions in the technical memorandum were analyzed for both regional and local air quality impacts through the use of the California Emissions Estimator Model (CalEEMod) computer modeling software. The Project's potential impacts to air quality and GHG were quantified using CalEEMod and compared to the CEQA thresholds of significance. Based upon this modeling and the estimated maximum daily construction emissions associated with construction of the Project were less than significant for all criteria air pollutant emissions as shown in Table 3.

Table 3. Estimated Maximum Daily Construction Criteria Air Pollutant Emissions

| Year | VOC | NO _x | CO | SO _x | PM ₁₀ | PM _{2.5} |
|----------------------------|----------------|-----------------|--------------|-----------------|------------------|-------------------|
| | Pounds per Day | | | | | |
| 2024 | 1.42 | 24.82 | 44.14 | 0.10 | 6.14 | 3.12 |
| 2025 | 1.13 | 14.2 | 26.14 | 0.05 | 1.65 | 0.50 |
| 2026 | 18.75 | 25.94 | 45.10 | 0.08 | 2.33 | 0.79 |
| <i>Maximum</i> | <i>18.75</i> | <i>25.94</i> | <i>45.10</i> | <i>0.10</i> | <i>6.14</i> | <i>3.12</i> |
| <i>SDAPCD threshold</i> | <i>137</i> | <i>250</i> | <i>550</i> | <i>250</i> | <i>100</i> | <i>55</i> |
| Threshold exceeded? | No | No | No | No | No | No |

Notes: VOC = volatile organic compound; NO_x = oxides of nitrogen; CO = carbon monoxide; SO_x = sulfur oxides; PM₁₀ = coarse particulate matter; PM_{2.5} = fine particulate matter; SDAPCD = San Diego Air Pollution Control District.

See Appendix A for complete results.

The values shown are the maximum summer or winter daily emissions results from CalEEMod.

As shown in Table 3, daily construction emissions for the Project would not exceed SDAPCD's significance thresholds for VOCs, NO_x, CO, SO_x, PM₁₀, or PM_{2.5}. Therefore, the Project would result in a less than significant impact.

Further, for operational emissions, the net maximum daily operational emissions would not exceed thresholds for any criteria air pollutant emissions as shown in Table 4 and 5.

Table 4. Estimated Maximum Daily Operational Criteria Air Pollutant Emissions – Existing Land Uses

| Source | VOC | NO _x | CO | SO _x | PM ₁₀ | PM _{2.5} |
|--------------|----------------|-----------------|--------------|-----------------|------------------|-------------------|
| | Pounds per Day | | | | | |
| Area | 1.39 | <0.01 | 0.02 | 0 | <0.01 | <0.01 |
| Energy | <0.01 | 0.04 | 0.03 | <0.01 | <0.01 | <0.01 |
| Mobile | 9.08 | 8.25 | 71.86 | 0.14 | 15.66 | 4.24 |
| Total | 10.47 | 8.29 | 71.91 | 0.14 | 15.66 | 4.24 |

Notes: VOC = volatile organic compound; NO_x = oxides of nitrogen; CO = carbon monoxide; SO_x = sulfur oxides; PM₁₀ = coarse particulate matter; PM_{2.5} = fine particulate matter; SDAPCD = San Diego Air Pollution Control District. <0.01 = reported value is less than 0.01.

See Appendix A for complete results.

The values shown are the maximum summer or winter daily emissions results from CalEEMod.

Table 5. Estimated Maximum Daily Operational Criteria Air Pollutant Emissions – Net Project Emissions Compared to SDAPCD Thresholds

| Source | VOC | NO _x | CO | SO _x | PM ₁₀ | PM _{2.5} |
|---------------------------------|----------------|-----------------|--------------|-----------------|------------------|-------------------|
| | Pounds per Day | | | | | |
| Area | 7.02 | 0.21 | 18.00 | <0.01 | 0.10 | 0.10 |
| Energy | 0.08 | 0.74 | 0.46 | <0.01 | 0.06 | 0.06 |
| Mobile | 7.57 | 6.94 | 60.47 | 0.12 | 13.29 | 3.60 |
| Total | 14.67 | 7.89 | 78.93 | 0.12 | 13.45 | 3.76 |
| <i>Net (Project – Existing)</i> | <i>4.20</i> | <i>-0.40</i> | <i>7.02</i> | <i>-0.02</i> | <i>-2.21</i> | <i>-0.48</i> |
| <i>SDAPCD threshold</i> | <i>137</i> | <i>250</i> | <i>550</i> | <i>250</i> | <i>100</i> | <i>55</i> |
| Threshold exceeded? | No | No | No | No | No | No |

Notes: VOC = volatile organic compound; NO_x = oxides of nitrogen; CO = carbon monoxide; SO_x = sulfur oxides; PM₁₀ = coarse particulate matter; PM_{2.5} = fine particulate matter; SDAPCD = San Diego Air Pollution Control District. <0.01 = reported value is less than 0.01.

See Appendix A for complete results.

The values shown are the maximum summer or winter daily emissions results from CalEEMod.

As shown in Table 5, the net maximum daily operational emissions would not exceed SDAPCD's thresholds for VOCs, CO, NO_x, SO_x, PM₁₀, or PM_{2.5} during the operation of the Project. Therefore, the Project would result in a less than significant impact.

Tables 6 and 7 shows the annual operational emissions estimated for the existing land uses and the Project, respectively.

Table 6. Estimated Annual Operational Criteria Air Pollutant Emissions– Existing Land Uses

| Source | VOC | NO _x | CO | SO _x | PM ₁₀ | PM _{2.5} |
|--------------|---------------|-----------------|--------------|-----------------|------------------|-------------------|
| | Tons per Year | | | | | |
| Area | 0.25 | <0.01 | <0.01 | 0 | <0.01 | <0.01 |
| Energy | <0.01 | 0.01 | 0.01 | <0.01 | <0.01 | <0.01 |
| Mobile | 1.24 | 1.17 | 10.10 | 0.02 | 2.21 | 0.60 |
| Total | 1.49 | 1.18 | 10.11 | 0.02 | 2.21 | 0.60 |

Notes: VOC = volatile organic compound; NO_x = oxides of nitrogen; CO = carbon monoxide; SO_x = sulfur oxides; PM₁₀ = coarse particulate matter; PM_{2.5} = fine particulate matter; SDAPCD = San Diego Air Pollution Control District. <0.01 = reported value is less than 0.01.

See Appendix A for complete results.

Table 7. Estimated Annual Operational Criteria Air Pollutant Emissions– Net Project Emissions Compared to SDAPCD Thresholds

| | VOC | NO _x | CO | SO _x | PM ₁₀ | PM _{2.5} |
|---------------------------------|---------------|-----------------|--------------|-----------------|------------------|-------------------|
| Source | Tons per Year | | | | | |
| Area | 1.23 | 0.02 | 1.62 | <0.01 | 0.01 | 0.01 |
| Energy | 0.02 | 0.14 | 0.08 | <0.01 | 0.01 | 0.01 |
| Mobile | 1.122 | 1.09 | 9.34 | 0.02 | 2.08 | 0.57 |
| Total | 2.37 | 1.25 | 11.04 | 0.02 | 2.10 | 0.59 |
| <i>Net (Project – Existing)</i> | <i>0.88</i> | <i>0.07</i> | <i>0.93</i> | <i>0</i> | <i>-0.11</i> | <i>-0.01</i> |
| <i>SDAPCD threshold</i> | <i>13.7</i> | <i>40</i> | <i>100</i> | <i>40</i> | <i>15</i> | <i>10</i> |
| Threshold exceeded? | No | No | No | No | No | No |

Notes: VOC = volatile organic compound; NO_x = oxides of nitrogen; CO = carbon monoxide; SO_x = sulfur oxides; PM₁₀ = coarse particulate matter; PM_{2.5} = fine particulate matter; SDAPCD = San Diego Air Pollution Control District. <0.01 = reported value is less than 0.01.

See Appendix A for complete results.

As shown in Table 7, the annual operations emissions for the Project do not exceed SDAPCD’s significance thresholds for VOCs, CO, NO_x, SO_x, PM₁₀, or PM_{2.5}. Therefore, the Project would result in a less than significant impact.

Further in analyzing cumulative impacts, the Project would not result in a cumulatively considerable contribution to regional ozone concentrations or other criteria pollutant emissions. Cumulative impacts would be less than significant for the Project.

Water Quality

The Project is not anticipated to have a substantial adverse effect on water quality. CEQA threshold questions pertaining to water quality (from Appendix G of the CEQA Guidelines) are addressed below.

Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Construction

The Project site is located within a developed urbanized and commercial area and does not contain any streams, rivers, or waterbodies. Construction activities associated with the Project are subject to implementation of stormwater BMPs. To avoid adverse impacts on water quality, the applicant and their construction contractors would be required to conduct construction activities in accordance with the statewide Construction General Permit (Order No. 2022-0057-DWQ/CAS000002, as amended). This would include compliance with the Phase I Regional Municipal Separate Storm Sewer System (MS4) Permit (NPDES Permit No. CAS0109266), which requires regulation of surface water quality.

In addition, pursuant to the City’s Municipal Code Chapter 15.16, grading activities would be required to be performed in compliance with the NPDES requirements and must implement BMPs prior to commencement of grading activities. Compliance with all applicable federal, state, and local requirements concerning the handling, storage, and disposal of hazardous waste would reduce the potential for the release of contaminants

into the groundwater and would not cause a violation of regulatory water quality standards related to surface water or groundwater. Further, implementation of BMPs to minimize erosion and sedimentation would ensure that Project construction would not substantially degrade surface or groundwater quality.

Operation

Project operations would not introduce any significant industrial discharges, and therefore, would not violate any water quality standards or waste discharge requirements related to non-stormwater discharges. Under current conditions, the Project site produces nonpoint source pollutants associated with stormwater runoff. The existing Project site is developed with several commercial structures that would be demolished prior to Project construction. The site is primarily impervious, and the existing drainage is a sheet flow from the parking lot (impervious area). Under current conditions, approximately 93.6% of the Project site is paved and impervious. The primary stormwater pollutants that may occur under existing conditions are spilled or leaked petroleum products from parked vehicles on the site, household hazardous materials used for maintenance and cleaning at the existing and proposed commercial buildings, and sediments from landscaping planters.

During redevelopment of the Project site, modern stormwater runoff design requirements and operational practices would be required pursuant to City regulatory requirements. Compliance with such requirements may reduce the volume of stormwater runoff from the site and would likely improve the quality of such runoff. A Stormwater Quality Management Plan (SWQMP) shall accompany all development permit applications. Therefore, the Project would capture and convey stormwater consistent with applicable regulations and would not substantially degrade surface or groundwater quality.

Upon Project implementation, the site would be covered with two five-story residential structures, two single-story commercial structures, a five-story parking structure, and landscaped areas. Stormwater collected onsite would be directed to onsite stormwater treatment BMPs in accordance with the City's BMP Design Manual and would comply with the City's stormwater regulations.

Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Onsite drainage patterns are expected to remain substantially the same following Project construction. The existing development of paved surface will be removed and replaced with new pavement surface.

The Project site does not contain any streams, rivers, or waterbodies. Upon compliance with the regulatory requirements described above, the proposed Project is not anticipated to result in substantial erosion or siltation, to increase the rate or amount of surface runoff from the site or create runoff that would exceed the capacity of the stormwater drainage system. Due to the developed nature of the Project site and required compliance with existing regulations, any alterations to the existing drainage pattern on the Project site would not result in significant, adverse impacts.

Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

In 2014, California enacted the Sustainable Groundwater Management Act (SGMA) to bring the state's groundwater basins into a more sustainable regime of pumping and recharge. The legislation provides for the sustainable management of groundwater through the formation of local groundwater sustainability agencies and the development and implementation of Groundwater Sustainability Plans (GSPs). In San Diego County, the State has designated three of the County's groundwater basins as medium- or high-priority and subject to SGMA, including the Borrego Valley (Borrego Springs Subbasin), San Luis Rey Valley (Upper San Luis Rey Valley Subbasin), and San Pasqual Valley (San Diego County Planning and Development Services 2021), none of which underlie the project site.

As noted above, the Project is not expected to violate any water quality standards, and measures would be taken both during construction and throughout operation to prevent potential contaminants from leaving the site by runoff. Through compliance with Regional Water Quality Control Board requirements and implementation of a SWPPP (construction phase), the Project would not conflict with or obstruct implementation of the San Diego Sustainable Groundwater Management Act. Thus, the proposed Project would not result in substantial conflict nor obstruction of the implementation of a water quality control plan or sustainable groundwater management plan. Additionally, the Project site is primarily impervious under existing conditions and is not considered a significant groundwater recharge area. Therefore, no significant, adverse impacts would be caused due to conflict with a water quality control plan or sustainable groundwater management plan.

Summary

In conclusion, development of the proposed Project has been evaluated for its potential to result in significant effects relating to traffic, noise, air quality, and water quality. No significant effects were identified, as described above and further substantiated in Attachments A, B, and C to this memorandum. As such, the Project meets the Class 32 categorical exemption criteria for not having significant impacts to traffic, air quality, noise, or water quality.

Utilities & Public Services: The Project site can be adequately served by all required utilities and public services.

The Project is located in an infill urban area served by existing public utilities and services and is situated on a site previously developed with a commercial shopping center.

A Water Study was prepared by Dexter Wilson Engineering (Attachment D). Water service to the Project will be provided by the Carlsbad Municipal Water District. There is an existing 8-inch public water line south of the Project in Oak Avenue and an existing 6-inch water line north of the Project in Carlsbad Village Drive east of Harding Street that increases to an 8-inch water line east of the fire hydrant near the northeast corner of the Project Site. The Project will connect to the existing public water lines in Carlsbad Village Drive and Oak Avenue. The Project will upsize the Carlsbad Village Drive water pipeline along the Project's frontage to an 8-inch diameter to be consistent with the City's standard engineering design criteria outlined in the City of Carlsbad Engineering Standards – Volume 2 (2022).

A Sewer Study was prepared by Dexter Wilson Engineering (Attachment E). Existing public sewer service to the site is provided by the City of Carlsbad. The Project proposes to connect to the existing sewer line in Carlsbad Village Drive near the northwest corner of the Project site. Wastewater from the existing sewer line in Carlsbad Village Drive is conveyed west to Harding Street, north in Harding Street to Grand Avenue, then west in Grand Avenue to the existing trunk sewer in Jefferson Street.

Using temporary sewer flow monitoring data provided by the City, the flow depth criteria for 12" and smaller diameter sewer mains is exceeded under pre-project conditions (without the addition of project flows) and, therefore, the existing 6-inch sewer line in Carlsbad Village Drive, from Harding Street to the northeast corner of the project site requires upsizing to an 8-inch sewer line and the existing 10-inch sewer line in Harding Street, from Carlsbad Village Drive to Grand Avenue requires upsizing to a 12-inch sewer line based on the City of Carlsbad Engineering Standards – Volume 2 (2022). The Project's cost contribution to construct a larger pipe will be based on the proportionate share of Project Equivalent Dwelling Units ("EDUs") in accordance with Title 13 of the Carlsbad Municipal Code (13.08.035 and 13.08.040).

When Project flows are further evaluated for the Master Plan buildout condition, which assumes all sites contributing to the sewer basin are developed to the maximum densities allowed for the zoning assumed in the 2019 Sewer Master Plan, the analysis also shows that the existing 10-inch sewer main in Harding Street between Carlsbad Village Drive and Grand Avenue requires upsizing to a 12-inch sewer line based on City engineering standards.

Therefore, the Project site, which has been previously developed, can and will be served by all public utilities and services with the proposed improvement of the water and sewer systems and is consistent with the General Plan. Therefore, the Project meets this requirement.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

There are five exceptions that must be considered in order to find a project exempt under Class 32:

(a) Cumulative Impacts. 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.

There is no evidence to conclude that significant impacts will occur based on past project approvals or that the proposed Project's impacts are cumulatively considerable when evaluating any cumulative impacts associated with construction air quality, noise, transportation, or water quality in the area surrounding the proposed Project. The Project, and all future projects, will be required to comply with all applicable local, regional, and state laws, regulations, and guidelines, and as described above, any potential impact cause by the Project's construction and operation would continue to be less than significant and would not contribute significantly to regional cumulative impact in the broader project region.

Therefore, this exception does not apply.

(b) Significant Effect Due to Unusual Circumstances. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The Project proposes a mixed-use, transit proximate development that includes market rate and affordable housing with neighborhood serving commercial uses in an area zoned and designated for such development. The surrounding area is developed with a mixture of residential and commercial uses; as such, the proposed Project is not unusual in character for the area. The Project site is 4.12 acres and almost entirely covered by impervious surfaces. Moreover, development of the Project would result in a net reduction in vehicular trips due to the removal of the existing commercial shopping center. As described above, the proposed Project has been studied for its potential to cause environmental impacts in a variety of categories, including air quality, noise, traffic, and water quality. No significant effects were identified in those categories.

As indicated above, the Project would not result in impacts to biological resources as none exist on the Project site or surrounding area. Also, the Project site is not located in or near a state responsibility area or lands classified as very high fire hazard severity zones by CALFIRE¹. The Project is located with a X Flood Zone as designated by the Federal Emergency Management Agency². This designation indicates that the Project area is subject to inundation by a 0.2-percent-annual-chance flood event; and the area is subject to 1-percent-annual-chance of flood with average depth less than one foot or with drainage areas of less than one square mile. This zone designation, and its implications, does not represent an unusual circumstance.

There is no substantial evidence that this Project will cause a significant impact. The Project site has been designated for residential and commercial development by the City of Carlsbad General Plan and is consistent with the policies and regulations contained in the Village and Barrio Master Plan. The circumstances of the Project, which involve redevelopment of an underutilized commercial lot in an infill location near transit with a new mixed use, mixed income project with complementary neighborhood serving commercial uses, are no different than the general circumstances of other projects covered by this exemption classification, within the Master Plan area or elsewhere in the city where this exemption may be applied appropriately. There are no distinguishing features of the Project that give rise to the reasonable possibility that the Project's size, density and intensity, bulk and mass, and use will impact the environment as compared to other projects. Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

(c) Scenic Highways. 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.

There are no designated State Scenic Highways in the City of Carlsbad. Therefore, the Project would not create any impacts within a designated state scenic highway, and this exception does not apply.

(d) Hazardous Waste Sites. 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.

According to EnviroStor, the State of California's database of Hazardous Waste Sites, the Project site is not identified as a hazardous waste site. The adjacent property located at 1089 Carlsbad Village Drive, currently

¹ CAL FIRE (California Department of Forestry and Fire Protection). 2022. San Diego County – State Responsibility Area Fire Hazard Severity Zones. November 21, 2022. Fire Hazard Severity Zones in State Responsibility Area - San Diego County (ca.gov)

² FEMA (Federal Emergency Management Agency). 2022. FEMA Flood Map Service Center, Carlsbad, City of. Effective May 2012 & December 2019. FEMA's National Flood Hazard Layer (NFHL) Viewer (arcgis.com)

occupied by 7-Eleven, is identified as a hazardous waste site (gas station).³ This facility has one closed LUST cleanup associated with it. The government records search indicated that the former gas station at 1089 Carlsbad Village Drive, located immediately north of the Project site, is listed on the State Water Board Leaking Underground Storage Tank (LUST) database with one case that is indicated as “case closed.” However, prior soil and groundwater contamination has been appropriately treated and did not induce significant impact to the subsurface environment of the Project site.

There are no active LUST cleanup sites or other sites identified with potential environmental concern within the immediate vicinity (less than 0.125 miles) of the Project site. According to EnviroStor, no locations in the neighborhood within close proximity to the Project site are considered to pose any environmental threat to the subject property.

Therefore, the Project site is not identified as a hazardous waste site and is not in the vicinity of a hazardous waste site, and this exception does not apply.

(e) 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.

A historic resources technical report (Attachment F) was prepared by Dudek to determine if the Project would impact any historical resources pursuant CEQA. The report included the results of a survey of the Project site by a qualified architectural historian; building development and archival research; development of an appropriate historic context for the evaluation of the Project site; and recordation and evaluation of one commercial property over 45 years old for historical significance and integrity in consideration of National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), and City of Carlsbad designation criteria and integrity requirements. The report concluded that none of the buildings on the Project site are listed or eligible to be listed in any national, state, or local landmark or historic district programs. As such, development of the Project would not cause a substantial adverse change in the significance of a historical resource, and this exception does not apply.

Carlsbad Municipal Code Chapter 19.04 – Additional Exceptions to a Categorical Exemption

Grading and clearing activities affecting sensitive plant or animal habitats, which disturb, fragment or remove such areas as defined by either the California Endangered Species Act (Fish and Game Code Sections 2050 et 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; or

The Project site is located in a developed part of the city and is surrounded by commercial and residential uses. The Project site is developed with a series of existing buildings which would be demolished and removed during construction. Vegetation on the site is limited to a row of decorative trees scattered throughout the Project site that are not known to support any candidate, sensitive, or special-status species. No native habitat is located on the Project site or on adjacent properties. Based on the urbanized nature of the Project site and

³ California Department of Toxic Substances Control. 2022. EnviroStor. Web Mapping Application. Search by map location “945 Carlsbad Village Drive, Carlsbad, CA.” Accessed December 8, 2022. <https://envirostor.dtsc.ca.gov/public/>.

adjacent properties, in conjunction with a lack of suitable habitat for special-status species, the Project site has no value as habitat for endangered, rare, or threatened species and thus meets the Class 32 categorical exemption criteria for lack of habitat. Furthermore, the site is not within mapped areas of potential critical habitat as depicted in the City's General Plan⁴. For these reasons, the Project has no value as habitat for endangered, rare, or threatened species.

A built environment survey was conducted by Dudek to determine if the Project would impact any historical resources pursuant CEQA. The report included the results of a survey of the Project site by a qualified architectural historian; building development and archival research; development of an appropriate historic context for the evaluation of the Project site; and recordation and evaluation of one commercial property over 45 years old for historical significance and integrity in consideration of National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), and City of Carlsbad designation criteria and integrity requirements. The report concluded that neither the building nor structure on the Project site are currently listed under any national, state, or local landmark or historic district programs.

A records search was reviewed from the South Coastal Information Center (SCIC) at San Diego State University (SDSU) to identify previously discovered cultural resources in the Project vicinity (Attachment G). The SCIC records search was negative for the presence of previously recorded cultural resources within the Project boundaries. Further, a pedestrian survey of the Project site did not reveal any archaeological or cultural resources. In addition, the Project site is currently developed with a commercial shopping center. Therefore, the likelihood that intact archaeological or cultural resources exist on the Project site is low due to previous site disturbance. Furthermore, the Project will be conditioned to require archaeological monitoring of ground-disturbing activities during Project construction in compliance with standard City regulatory procedures outlined in the Carlsbad Tribal, Cultural, and Paleontological Resources Guidelines (City of Carlsbad 2017). Therefore, earth-moving activities associated with the Project would not affect archaeological or cultural resources from either historic or prehistoric periods and this exception does not apply.

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. (Ord. NS-593, 2001)

Biological Resources

As discussed above, the proposed Project would not affect sensitive, threatened, or endangered biological species or their habitat. This exception does not apply.

Cultural Resources

As discussed above, the Project would not affect known archaeological or cultural resources from either historic or prehistoric periods and the Project will be conditioned to require archaeological and Native American monitoring of ground-disturbing activities during Project construction in compliance with standard

⁴ City of Carlsbad. 2015 City of Carlsbad General Plan – Open Space, Conservation, and Recreation Element. Adopted September 2015. <https://www.carlsbadca.gov/home/showpublisheddocument/3424/637434861099030000>

City regulatory procedures outlined in the Carlsbad Tribal, Cultural, and Paleontological Resources Guidelines (City of Carlsbad 2017). This exception does not apply.

Wetlands and Streams

As described above, no evidence of vernal pool or wetland features are present on site or in adjacent area. Further, no streams are located within the vicinity of the site. Thus, this exception does not apply.

Hazardous Materials

Based on the hazardous materials record searches, the Project site is not identified as a hazardous waste site and no hazardous materials with an "open" cleanup case are located on or in the immediate vicinity of the Project site.

Further, a Phase I Environmental Site Assessment was completed by GSI Environmental Inc. on August 8, 2023 and concluded the existing site conditions are not a constraint to future mixed-use development. Finally, the Project will be conditioned to comply with all existing standard applicable regulatory requirements related to hazardous materials. Therefore, this exception does not apply.

Unstable Soils

A review of the City's General Plan Safety Element and California Geological Survey's Earthquake Zones of Required Investigation concluded that the Project site is not located in an area with potential for seismic hazards.

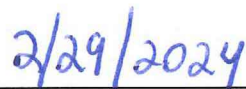
Conclusion

For the reasons described above, the Project meets all the criteria for a Class 32 Categorical Exemption.

Lead Agency Contact Person: Jason Goff, Senior Planner **Telephone:** 442-339-2643



ERIC LARDY, City Planner



Date

Attachments:

- Exhibit 1: Vehicle Miles Travelled
- Exhibit 2: Noise
- Exhibit 3: Air Quality
- Exhibit 4: Water
- Exhibit 5: Sewer
- Exhibit 6: Historical
- Exhibit 7: Archeological
- Exhibit 8: Paleontological