

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: Feb. 18, 2022

Project Number and Title: ZCA 2022-0001/LCPA 2022-0013 – Housing Element Programs – Building and Zoning Ordinance Update

Project Location - Specific: Citywide

Project Location - City: Carlsbad

Project Location - County: San Diego

Description of Project: Amendments to the Carlsbad Municipal Code Title 18, the Building Code, and Title 21, The Zoning Ordinance, to implement three program objectives outlined in the city's Housing Element adopted on April 6, 2021. Amendments include clarification of authority for Affordable Housing Projects, Definition of mixed use, and authorities to accept plans in the building code. Includes Local Coastal Program Amendment for consistency.

Name of Public Agency Approving Project: City of Carlsbad

Name of Person or Agency Carrying Out Project: City of Carlsbad, Community Development Department

Name of Applicant: Eric Lardy, Principal Planner

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

Applicant's Telephone Number: 442-224-9595

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: _____
- Statutory Exemptions - State code number: _____
- Common Sense Exemption (Section 15061(b)(3))
- Criteria for Subsequent EIR (Section 15162 & 15168(c)(2))

Reasons why project is exempt: Pursuant to the California Environmental Quality Act, (CEQA, Public Resources Code section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Section 15168 set the criteria for use of a Program Environmental Impact Report (EIR) for later activities to determine if an additional environmental document must be prepared prepared. Section 15168 (c) (2) directs a Program EIR to utilize the specific process referenced in Sections 15162 through 15164 that forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified EIR covering the project for which a subsequent discretionary action is required.

As part of its approval of the Comprehensive General Plan Update on Sept. 22, 2015, the City Council adopted Resolution 2015-242, certifying EIR 13-02 and adopting Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

EIR 13-02 is available as part of the General Plan Update documents page of the Planning Division at <https://www.carlsbadca.gov/services/depts/planning/update/documents.asp>

Subsequently, on April 6, 2021 the City Council approved an update of the city's Housing Element for the 6th cycle (2021 – 2029) by Resolution 2021-073, which included an Addendum consistent with Section 15164 of the CEQA Guidelines to study impacts of the Goals, Policies, Programs and Objectives contained in the Housing Element. On July 13, 2021 the California Department of Housing and Community Development found the element to be in substantial compliance with all applicable laws. The Addendum and resolution are available at: [2021-04-06; City Council; Resolution 2021-073 \(carlsbadca.gov\)](#) The Addendum included an evaluation of the Housing Element Goals, Policies, Programs and Objectives that will be implemented throughout the eight-year housing cycle. Additionally, the Housing Element did not include any changes to Land Uses in the General Plan or Zoning Ordinance. Of the three objectives that are proposed as part of this action, two of which are administrative in nature and will not have any potential for impact to the environment by clarification of the authorities of the Planning Commission to provide only objective standards [Objective 1.6 (G)], and through changing authorities in the Building Code to allow online submittals of plans [Objective 1.6 (F)]. The third objective makes changes to definitions applicable to mixed use in the C-1, C-2 and C-3 zones through implementation of Objective 1.8 (C). The proposed addition of definitions clarifies what is allowed but will not result in any increase in the density or intensity of the maximum residential or commercial use that is allowed through the General Plan. The definition breaks no new legal ground and is within the scope of the of the Addendum. During adoption of the General Plan, EIR 13-02 considered and evaluated all land use impacts for the components of the proposed project, and studied the maximum intensity of commercial and residential allowed on all C-1, C-2 and C-3 zones, and as such the modification and addition of definitions for horizontal and vertical mixed use are consistent with that evaluation. The Addendum evaluated all direct and indirect impacts, in addition to cumulative impacts, that would result from Housing Element implementation.

All of the proposed amendments to the Carlsbad Municipal Code all fall under the scope of the Addendum and are internally consistent with other provisions of the code, and the land use regulations and requirements set forth in the city's General Plan and Local Coastal Program. As these programs were considered in the April 6, 2021 Addendum, there are no cumulative impacts that have not been considered and studied, and there are no unanticipated environmental impacts or changes in circumstances. Additionally, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3) and none of the triggers for a subsequent/supplemental EIR apply. Therefore, the Addendum to the EIR and certified EIR are adequate without modification.

On the basis of this analysis, the City Planner has determined that there are no substantial changes proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects.

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



Mike Strong, Assistant Director of Community Development

2/18/2022

Date