NOTICE OF EXEMPTION

To: Assessor/Recorder/County Clerk
Attn: Fish and Wildlife Notices
1600 Pacific Highway, Suite 260
San Diego CA 92101
MS: A-33

From: **CITY OF CARLSBAD**
Planning Division
1635 Faraday Avenue
Carlsbad, CA 92008
(442) 339-5153

Subject: Filing of this Notice of Exemption is in compliance with Section 21152b of the Public Resources Code (California Environmental Quality Act).

Project Number and Title: AMEND 2024-0005 (DEV2020-0283) — SOUTHERN CALIFORNIA GAS COMPANY MAINLINE PIPE REPAIR – RESTORATION PLAN AMENDMENT

Project Location - Specific: Right-of-way along Ponto Drive adjacent to APN 216-140-43-00

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

Description of Project: Amendment to Coastal Development Permit CDP 2021-0035 and Habitat Management Plan Permit HMP 2021-0005 to approve a revised habitat restoration and stabilization plan associated with emergency gas line repairs previously completed along Ponto Drive. The revised plan updates the biological mapping and mitigation scope, providing for the creation of 0.107 acre of Diegan coastal sage scrub to mitigate for 0.053 acre of permanent impact, and stabilizes an additional 0.642 acre of disturbed non-native vegetation.

Name of Public Agency Approving Project: City of Carlsbad

Name of Person or Agency Carrying Out Project: Southern California Gas Company

Name of Applicant: James Chuang, Senior Environmental Specialist/ Land Planner/ Contract Delegate

Applicant's Address: 555 W. 5th Street, MLGT02A, Los Angeles, CA 90013

Applicant's Telephone Number: (213) 244-5817

Name of Applicant/Identity of person undertaking the project (if different from the applicant above):

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 – Replacement or Reconstruction – Section 15302(c)
- ☐ Statutory Exemptions - State code number:
- ☐ Common Sense Exemption (Section 15061(b)(3))

Reasons why project is exempt: Categorical Exemption: Section 15302(c) – Replacement or Reconstruction exempts projects involving replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity. The proposed amendment does not authorize new development or expansion of utility services but rather implements a revised restoration and stabilization plan related to previously approved emergency repairs. Restoration activities will occur in previously disturbed areas and do not result in new impacts.

Exceptions to Exemptions

CEQA Section 15300.2 – Exceptions

Planning staff evaluated all the potential exceptions to the use of Categorical Exemptions for the proposed project (in accordance with CEQA Guidelines Section 15300.2) and determined that none of these exceptions apply as explained below:

a. **Location**. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. This project is eligible for the Class 3 exemption.

   Response – This project is eligible under Class 2 – Replacement or Reconstruction, which is not subject to the location exception.

b. **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."

   Response – There is no evidence to suggest that the project, when viewed in conjunction with past or reasonably foreseeable future projects in the vicinity, would result in a significant cumulative impact. The amendment implements a revised restoration plan for a previously approved emergency repair and does not involve new development or intensification of land use. Accordingly, this exception does not apply.

c. **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."

   Response – The project does not present unusual circumstances that would result in significant environmental impacts. The revised plan addresses impacts that have already occurred and ensures full on-site mitigation and monitoring consistent with the city's Habitat Management Plan and Coastal Program policies.

d. **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 does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR."

   Response – The project is not located within or adjacent to a highway officially designated as a state scenic highway. While it is near Carlsbad Boulevard, a local scenic corridor, the project involves no above-ground structures or new grading and will not alter public views or visual character. This exception does not apply.

e. **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."

   Response – A review of available records did not identify any sites which are included on any list compiled pursuant to Section 65962.4 of the Government Code.

f. **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."

Response – The project area does not contain or adjoin any known historical resources, nor does the work involve demolition, alteration, or new development. The restoration work is limited to disturbed habitat areas and does not affect any structure or site with historical significance. This exception does not apply.

Carlsbad Municipal Code Section 19.04.070 C - Exceptions

Exceptions. Even though a project may otherwise be eligible for an exemption, no exemption shall apply in the following circumstances:

1. 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

2. 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)

   Response – The proposed project will not result in new grading, ground disturbance, or expansion of use beyond what was previously permitted for the emergency repair. All biological impacts associated with the original work have been fully characterized and will be addressed through the revised restoration plan. The project is located outside any Hardline Preserve or Standards Areas under the Habitat Management Plan and does not affect stream courses or mapped wetlands.

   As a habitat restoration effort, the project is specifically designed to avoid and mitigate potential biological impacts and has been reviewed and conditioned accordingly. The proposed habitat creation area, for example, is within disturbed habitat adjacent to Diegan CSS habitat. Due to its low quality, impacts to disturbed habitat do not require mitigation. No sensitive archaeological or cultural resources have been identified on site, and the area has already been disturbed. There are no known hazardous materials, unstable soils, or other environmental conditions requiring special review.

Lead Agency Contact Person: Alex Alegre **Telephone:** 442-339-5268

MMS 8/11/25

MICHAEL STRONG, Assistant Director of Community Development Date