

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) 339-2600

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: SDP 2023-0012 / CDP 2023-0022; Legoland California Project 2025

Project Location - Specific: The project is located at 1 Legoland Drive, APN: 211-100-09-00, on a 2.38-acre project site within LEGOLAND California along the western side of the inner park at the site of the existing "Driving School" and "Junior Driving School" attractions.

Project Location - City: Carlsbad

Project Location - County: San Diego

Description of Project: The project includes a Major Site Development Plan, SDP 2023-0012, and Minor Coastal Development Permit, CDP 2023-0022 for the demolition and replacement of the existing "Driving School" and "Junior Driving School" themed attractions with a new space-themed attraction on a 2.38-acre project site. The major components of the new attraction include an indoor roller coaster, an exterior secondary ride, an exterior area featuring a children's play structure, and an exterior toddler play area (greater description is provided below).

Name of Public Agency Approving Project: City of Carlsbad

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

Name of Applicant: Tom Storer on behalf of Merlin Entertainments Group U.S. Holdings, Inc.

Applicant's Address: 1 Legoland Drive, Carlsbad, CA 92008

Applicant's Telephone Number/Email: Tel: (858) 334-8938 e: tom.storer@legoland.com

Name of Applicant/Identity of person undertaking the project: Richard Apel

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: Class 32, Section 15332 (In-fill Dev. Projects)
- Statutory Exemptions - State code number: _____
- Common Sense Exemption (Section 15061(b)(3))

Reasons why project is exempt: See attachment

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


ERIC LARDY, City Planner

4/10/2024
Date

Date received for filing at OPR:

Reasons why project is exempt:

Sections 15300 to 15333 of the California Environmental Quality Act ("CEQA") Guidelines provide classes of projects that have been determined not to have a significant effect on the environment and are exempt from further CEQA review. As provided below, the Project is consistent with CEQA Guidelines Section 15332, In-Fill Development Projects, and would therefore be exempt from CEQA.

Location and Project Site:

The 2.38-acre project site is located within the Legoland Theme Park in Carlsbad, San Diego County, California. The project site is surrounded by a business park to the west across Legoland Drive and the existing theme park immediately to the north, east, and south. The project is at the site of the existing "Driving School" and "Junior Driving School" attractions, which will be removed. The site is approximately 103,470 square feet (sq. ft.) [2.38 acres] in size with a generally flat topography. Local access to the project site is provided by Legoland Drive and Crossings Drive. Please reference the attached exhibits for the location map (Exhibit 1) and site plan (Exhibit 2).

Project Description:

Proposed is the new space themed attraction within the existing LEGOLAND theme park. The project will be located at the site of the existing "Driving School" and "Junior Driving School" attractions, which will be removed. The site is approximately 103,470 sq. ft. (2.38 acres) in size with a generally flat topography. Existing site development to be removed includes the driving school courses, queues, shade covers, a small retail facility, and landscaping.

The major components of the proposed project are as follows:

Headline ride – an indoor roller coaster, where guests are launched out in an exploration mission into the uncharted LEGO Galaxy in their own customized LEGO spacecraft. The ride will be housed inside a new single story, 32,319 sq. ft., forty-three (43) foot high pre-manufactured steel building enhanced with exterior LEGO "space port" theming. Ancillary uses within the building include the ride queue, a LEGO brick building attraction, retail, maintenance, mechanical and storage spaces. There will be a 1,316 sq. ft. covered, unconditioned outdoor queue.

Secondary ride – approximately 4,122 sq. ft. site area including shaded outdoor queue and 66 sq. ft. operator building. The proposed ride has three cantilever arms which are lifted by hydraulic actuators and carry a counter rotating gyro element holding four gondolas at its end. The gondolas are designed to accommodate two riders to provide a capacity of up to 24 passengers.

Playscape – approximately 1,755 sq. ft. exterior area featuring a children's play structure with an alien spaceship theme.

Toddlers play area – approximately 1,234 sq. ft. exterior area designed for the smallest guests, with LEGO DUPLO play features, shade cover and seating.

Proposed site development will include grading, utilities, new hardscape, planting and retrofitting of existing recycled water irrigation systems.

Request for increased building height. With this application, the applicant requests approval of increased building height to forty-five (45) feet maximum with allowed architectural protrusions to a maximum height of fifty-five (55) feet. The proposed coaster ride building is a single-story structure with a building height of forty-four (44) feet. Allowed architectural height protrusions are proposed not to exceed forty-five (45) feet in height. Per the Carlsbad Ranch Specific Plan, all buildings within LEGOLAND shall not exceed the height of thirty-five feet or three levels, and allowed height protrusions, as described in Section

21.46.020 of the Carlsbad Municipal Code, shall not exceed forty-five feet. Per the Specific Plan, *“Additional building height may be permitted to a maximum of forty-five feet through a Site Development Plan approved by City Council provided that: ... all required setbacks are increased at a ratio of one horizontal foot for every one foot of vertical construction beyond thirty-five feet...”* (other requirements also apply).

Qualifications for a Categorical Exemption. CEQA Guidelines, Section 15300, includes a list of project classes that have been determined not to have a significant effect on the environment and are exempt from the provisions of CEQA. Project actions on the project site are applicable to CEQA Guidelines, Section 15332, In-Fill Development Projects (Class 32).

Per CEQA Guidelines, Section 15332, Class 32 consists of projects characterized as infill development meeting the conditions described below:

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c. The project site has no value as habitat for endangered, rare or threatened species.
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e. The site can be adequately served by all required utilities and public services.

Justification for why the proposed project meets the infill exemption requirements described previously is provided below.

Findings in Support of a Categorical Exemption

The project will qualify for a categorical exemption under the CEQA Guidelines, Section 15332 (Class 32, In-Fill Development Projects), for the following reasons.

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**

This project site is designated as the land use of Visitor Commercial (VC) within the general plan. The project is consistent with the intent of the VC designation due to the following.

This designation is intended to provide sites for commercial uses that serve the travel, retail, shopping, entertainment, and recreation needs of visitors, tourists, and residents. The primary use of the property must be visitor-serving. The proposed project aligns with the purpose of VC land use by updating and enhancing an existing theme park, LEGOLAND California, which contributes to travel, retail, shopping, entertainment, and recreation needs of visitors, tourists, and residents. The primary use of LEGOLAND California is directed towards serving the needs of visitors.

This project also supports the general plan goals outlined below.

Land Use and Community Design Element General Plan Goals:

- Goal 2-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 2-G.8: Provide opportunities for continued economic growth and vitality that enhance Carlsbad’s position as a premier regional employment center.

- Goal 2-G.10: Promote continued growth of visitor-oriented land uses and provide enhanced opportunities for new hotels and visitor-services in desirable locations.

Economy, Business Diversity, & Tourism Element General Plan Policies:

- Goal 8-G.2: Facilitate retention, expansion, attraction, and incubation of businesses that meet the city's economic development objectives.
- Policy 8-P.5: Encourage increased year-round tourism through such means as working with the Carlsbad Tourism Business Improvement District to help market Carlsbad as a complete multi-day, year-round destination, and by working with other organizations to promote and develop Carlsbad as an ecotourism destination.

The project is in support of these general plan goals because it is an infill project to replace an attraction and enhance an existing theme park which generates revenue, enhances the economy, provides, and creates employment opportunities, supports businesses, and influences tourism year-round.

The project site is located within the C-T commercial tourist zone. The project is consistent with the intent of the C-T Zone due to the following.

The intent and purpose of the C-T commercial tourist zone is to provide for the development of tourist-oriented attractions and commercial uses that serve the travel and recreational needs of tourists, residents, as well as employees of business and industrial centers. Also, to provide regulations and development standards to ensure such uses are compatible with and designed to protect surrounding properties, ensure safe traffic circulation, and promote economically viable tourist-oriented areas of the city (Ord. NS-769 § 2, 2005). In addition, it is intended that the C-T Zone be placed on properties located near major transportation corridors or recreation areas as designated by the general plan and any applicable specific plans (Ord. NS-769 § 2, 2005).

The goal of the proposed project is to update and enhance the existing theme park, LEGOLAND California, which directly contributes to development of tourist-oriented attractions and commercial uses that serve the travel and recreational needs of tourists, residents, as well as employees of business. This also goes along with the general plan goal to promote continued growth of visitor-oriented land uses and provide enhanced opportunities for new hotels and visitor-services in desirable locations.

LEGOLAND is a fully functioning theme park that meets all requirements to remain open, safe, and operating to the public. This means it is designed and successful at protecting surrounding properties, ensuring safe traffic circulation, and promoting economically viable tourist-oriented areas of the city. Furthermore, LEGOLAND is a recreation area that is located near major transportation corridors including Cannon Road, Palomar Airport Road, and the San Diego Freeway (Interstate-5).

LEGOLAND California is a popular theme park that attracts many visitors, including locals and tourists, and influences travel of people from all over. LEGOLAND California employs many and continues to provide and create job opportunities. Not only do these factors benefit LEGOLAND, but also stimulate other commercial uses and businesses within Carlsbad which directly supports the intent and purpose of the VC land use designation and C-T zone.

The proposed project is consistent with the Carlsbad Ranch Specific Plan (CRSP) as well. Many of the goals, objectives, and policies within the CRSP are directly related to the development of LEGOLAND California.

This project supports the goals, objectives, and policies of the CRSP outlined below:

- Goal 4: Create a business center and community destination at this significant location within the City of Carlsbad.
- Goal 8: To establish a family-oriented theme park and destination resort that will benefit both the citizens of and visitors to the City of Carlsbad.
- Objective 5: Develop LEGOLAND Carlsbad to focus on providing fun and creative educational experiences for children in the 2-13 age group and their families.
- Policy 5-A: Establish the child as the focal point.
- Policy 5-B: Provide for family interaction and fun.
- Policy 5-C: Create a "park within a park".
- Policy 5-D: Create a world of learning.
- Policy 5-E: Develop theme areas corresponding to LEGO brands.

The project is consistent with these goals, objectives, and policies because it supports the development and improvement of LEGOLAND California, a family friendly focal point within the community, using Objective 5 and Policies 5-A through 5-E as a guide.

b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The proposed development occurs within city limits within an existing theme park, LEGOLAND California. The project site is no more than five acres, it is approximately 2.38 acres. This represents approximately 1.9% of the total existing theme park size (128 acres).

As previously mentioned, this site is located within LEGOLAND. Therefore, the site is surrounded by urban uses and meets CEQA criteria of an In-Fill Development Project. This proposed project is to replace an already existing theme park attraction, meaning no expansion of the existing LEGOLAND theme park footprint is proposed for this project. Also, there is no net change in major attractions due to the project introducing two (2) new attractions (a Headline and Secondary ride) with the replacement of two (2) existing attractions ("Driving School" and "Junior Driving School").

c. The project site has no value as habitat for endangered, rare, or threatened species.

This project site has no value as habitat for endangered, rare, or threatened species. This project site is located within a theme park and is surrounded by an already developed area which harbors an uninhabitable environment for endangered, rare, or threatened species. In addition, this project is to replace an existing theme park attraction. Thus, not only are the project site surroundings uninhabitable, the site itself holds no value of providing livable conditions for endangered, rare or threatened species.

d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

No significant effects relating to traffic, noise, air quality, or water quality would be a result of the approval of the proposed project. The following sections will explain the findings of traffic, noise, air quality, and water quality which all result in less than significant impacts for the proposed project.

i. Traffic

The following information is gathered from a transportation review conducted by The Consulting Collective (C2) for the LEGOLAND Galaxy project in the City of Carlsbad. The Traffic Study is attached (Exhibit 3) for reference.

For the case of the *LEGOLAND California Project 2025*, the project does meet the “Small Project” criteria given the trip generation is not expected to change. Therefore, the project may assume a less than significant transportation impact as supported by the explanation below.

The following project context was considered to assist in evaluating the travel behavior metrics. While each consideration on its own does not necessarily indicate a change in VMT, they provide important insights in evaluating each metric and collectively determining any change in VMT.

- Project Size Relative to the Existing Theme Park - the project site is approximately 2.38 acres. This represents approximately 1.9% of the total existing theme park size (128 acres).
- Increase in Existing Theme Park Size - no expansion of the existing LEGOLAND theme park footprint is proposed.
- Net Change in Major Attractions - the project will introduce two (2) new attractions (a Headline and Secondary ride) with the replacement of two (2) existing attractions (“Driving School” and “Junior Driving School”). The existing ride area is approximately 2.38 acres. The new ride area is approximately 2.38 acres. Therefore, there is no net change in major attractions.

Travel Mode Choice, Trip Length, and Vehicle Occupancy are influenced by development density, land use diversity, destination accessibility, and demand management. Given that the project is effectively a replacement/re-theming of existing attractions of substantially the same purpose and consists of a nominal size relative to the theme park, travel behavior for these metrics is not expected to change materially or permanently.

Trip Generation is influenced by the underlying land use type and the defined independent variable. Given the discussion above, there is no measurable change to the land use type. LEGOLAND will continue to operate as a theme park pre- and post-project. An independent variable is a physical, measurable, or predictable unit describing the project site or generator that can be used to predict the value of the dependent variable (i.e., trip generation). Some examples of independent variables used include Acreage, Gross Floor Area (GFA), Employees, and Dwelling Units, etc. For a theme park, the typical independent variable is Acreage. Given no expansion of the existing LEGOLAND theme park footprint is proposed and no measurable change to the land use type, trip generation is not expected to change materially or permanently.

Given the travel behavior metrics are not expected to change materially or permanently, overall VMT is not expected to change due to the project.

Given the following conditions, the project qualifies for the Class 32 – In-Fill Development Project CEQA exemption from a transportation perspective. 1) The overall VMT is not expected to materially or permanently change due to the project; and 2) Per City of Carlsbad guidelines, no significant effect relating to traffic/transportation would result due to the project. Therefore, the project is assumed to have a less-than-significant transportation impact.

ii. Noise

The following information is gathered from a noise and vibration impact analysis conducted by LSA to evaluate the potential noise and vibration impacts and reduction measures associated with the LEGOLAND Galaxy project in the City of Carlsbad. The Noise Study is attached (Exhibit 4) for reference.

The impact analysis found that there are no short term or long term noise/vibration impacts and no noise/vibration reduction measures are required. These findings will be supported by the information provided below.

The project site is surrounded by a business park to the west across Legoland Drive and the existing theme park immediately to the north, east, and south. Noise-sensitive land uses closest to the project site include residences located approximately 2,900 feet to the south and a resort hotel approximately 780 feet to the south. The noise generated by the project will not increase overall park noise, therefore, the residences closest to the project site will not be impacted by the noise generated from the proposed ride.

The primary existing noise sources in the project area are transportation facilities. Traffic on Legoland Drive and other local streets contributes to the ambient noise levels in the project vicinity. Noise from motor vehicles is generated by engines, interaction between tires and the road, and vehicle exhaust systems. In addition, business park industrial activities and McClellan-Palomar airport operations contribute to the background ambient noise in the project vicinity.

The McClellan-Palomar Airport is 1.3 miles east of the project site. The future airport noise contour map contained in the McClellan-Palomar Airport Land Use Compatibility Plan (SDCALUC 2011) shows that the project site is located within the 60 to 65 dBA CNEL noise contour. Also, there are no private airstrips within 2 miles of the project site. The project site is a theme park, and the land use would be similar to recreational and commercial use, which would be considered compatible uses based on the McClellan-Palomar Airport noise compatibility criteria and the allowable noise exposure levels from the City's Noise Element of the General Plan. In addition, the project would not change the noise exposure levels for people working in the project area. Therefore, the project would not expose people working in the project area to excessive noise levels, and this topic is not further discussed.

The closest residence and resort hotel property lines are approximately 3,065 feet and 925 feet, respectively, from the center of the project site and may be subject to short-term construction noise reaching 51.4 and 61.8 dBA Leq, generated by construction activities in the project area. Construction noise is temporary and would stop once project construction is completed. Compliance with the City's hours of construction pursuant to Section 8.48.010 of the City's Municipal Code listed below would ensure construction-related noise would not be generated during the more sensitive nighttime hours. Furthermore, construction-related noise levels would be below the FTA noise level standards of 80 and 85 dBA Leq for residential and commercial uses, respectively. Therefore, no construction noise impacts would occur, and no noise reduction measures are required.

The greatest vibration levels are anticipated to occur during the site preparation and grading phases. All other phases are expected to result in lower vibration levels. This vibration level would not have the potential to result in community annoyance because vibration levels would not exceed the FTA community annoyance threshold of 84 VdB for offices and buildings not as sensitive to vibration. These vibration levels would not result in building damage because business park buildings would be constructed equivalent to or better than non-engineered timber and masonry and vibration levels would not exceed the FTA vibration damage threshold of 0.20 PPV

(in/sec). Therefore, no construction vibration impacts during project construction would occur. No vibration reduction measures are required.

The trip generation of the project is not expected to change because there is no expansion of the existing LEGOLAND theme park footprint and there is no measurable change to the land use type. Given the above, traffic noise along roadways leading to the project site would remain the same under with project condition. Therefore, no traffic noise impacts from project-related traffic on off-site sensitive receptors would occur. No noise reduction measures are required.

The noise generated from the proposed project is not expected to exceed the City's daytime performance standards of 55 dBA Leq and 75 dBA Lmax for non-transportation sources (stationary sources). The City's nighttime performance standards for stationary sources would not be exceeded because the proposed project and the theme park would not operate during nighttime hours. Also, traffic noise on roadways closest to the nearest residences and the resort hotel south of the project site would be the primary noise source, and noise generated by the proposed project would not contribute to any perceptible increase in ambient noise level. Therefore, noise impacts from project operations would not occur. No noise reduction measures are required.

The proposed project would not generate vibration. In addition, vibration levels generated from project-related traffic on roadways leading to the project site are unusual for on-road vehicles because the rubber tires and suspension systems of on-road vehicles provide vibration isolation. Vibration generated from operations of the project would not exceed the FTA's vibration perception threshold of 65 VdB. Therefore, vibration impacts from project-related operations would be less than significant. No mitigation measures are required.

Overall, due to the predisposition of the project location and current use of the project site and its surroundings, the project will not generate any short term or long-term noise or vibration impacts.

iii. **Air Quality**

The following information is gathered from an air quality study conducted by LSA to evaluate the potential impacts associated with construction and operation associated with the LEGOLAND Galaxy project in the City of Carlsbad. The analysis found that the proposed project's construction and operation emissions would be less than significant. These findings will be supported by the information provided below. The Air Quality Study is attached (Exhibit 5) for reference.

The proposed project would replace the two existing attractions with a new indoor rollercoaster. As such, the proposed project would not result in development in excess of that anticipated in the General Plan or increases in population/housing growth beyond those contemplated by SANDAG. As such, the proposed project would not increase the population, vehicle trips, or vehicle miles traveled beyond that anticipated in the RAQS and SIP. Because the proposed project activities and associated vehicle trips are anticipated in local air quality plans, the proposed project would be consistent at a regional level with the underlying growth forecasts in the RAQS and SIP.

It has been found that the proposed project would not exceed the significance criteria for daily VOC, NOx, CO, SOx, PM10, or PM2.5 emissions. Therefore, construction and operation of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State AAQS.

The proposed project is not expected to generate any net new vehicle trips during operation. Therefore, CO concentrations are not expected to significantly increase as a result of the proposed project. Therefore, given the extremely low level of CO concentrations in the project area and the lack of traffic impacts at any intersections, project-related vehicles are not expected to result in CO concentrations exceeding the State or federal CO standards. No CO hot spots would occur, and the project would not result in any project-related impacts on CO concentrations.

Construction activities associated with the proposed project would generate airborne particulates and fugitive dust, as well as a small quantity of pollutants associated with the use of construction equipment (e.g., diesel-fueled vehicles and equipment) on a short-term basis. However, construction contractors would be required to implement measures to reduce or eliminate emissions by following SDAPCD Rule 55, Fugitive Dust Control, which would require the applicant to implement measures that would reduce the amount of particulate matter generated during the construction period. In addition, project construction emissions would be well below SDAPCD significance thresholds. Once the project is constructed, the project would not be a source of substantial pollutant emissions. Therefore, sensitive receptors are not expected to be exposed to substantial pollutant concentrations during project construction and operation.

During project construction, some odors may be present due to diesel exhaust. However, these odors would be temporary and limited to the construction period. In addition, the proposed project would be required to comply with SDAPCD nuisance and odor rules. The proposed project would not include any activities or operations that would generate objectionable odors and once operational, the project would not be a source of odors. Therefore, the proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

In conclusion, based on the analysis, construction and operation of the proposed project would not result in the generation of criteria air pollutants that would exceed SDAPCD thresholds and mitigation measures are not required. Compliance with SDAPCD Rule 55: Fugitive Dust Control would further reduce construction dust impacts. The project would also be consistent with the applicable air quality plans. The proposed project is not expected to produce significant emissions that would affect nearby sensitive receptors. The project would also not result in objectionable odors affecting a substantial number of people. Therefore, the proposed project's emissions would be less than significant.

iv. Water Quality

The following information is gathered from a water quality review conducted by Chang Consultants for the LEGOLAND Galaxy project in the City of Carlsbad. The analysis found that the proposed project's water quality impact would be less than significant. These findings will be supported by the information provided below. The Water Quality Study is attached (Exhibit 6) for reference.

Since the project will disturb over an acre and redevelop over 10,000 sq. ft. of impervious surface it is a Priority Development Project and subject to pollutant and flow control requirements. It is also required to develop and implement a Construction Storm Water Pollution Prevention Plan.

The SWPPP will incorporate construction best management practices during grading and associated construction activities. The BMPs will reduce potential wind and water erosion during grading activities to prevent the potential discharge of pollutants into receiving waters. All

development is subject to design review by the City of Carlsbad to ensure that the project would comply with performance standards and design guidelines.

The project includes a storm water drainage system to prevent post-construction water quality impacts to downstream receiving waters. Storm water runoff from LEGOLAND California is currently conveyed to an existing regional BMP along the southerly edge of the LEGOLAND parking lot. The regional BMP has excess pollutant and flow control capacity. REC Consultants, Inc. performed analyses demonstrating adequacy of the regional BMP to treat the project's runoff.

The project's storm water drainage system and water quality BMPs will be designed in accordance with all applicable requirements including those set forth in the Storm Water Quality Management Plan prepared for the project. The city will review and approve the Storm Water Quality Management Plan prior to the issuance of grading and building permits to ensure that the drainage system and BMPs comply with the Multiple Separate Storm Sewer System permit requirements. As a result, the project's water quality impact would be less than significant.

e. The site can be adequately served by all required utilities and public services.

LEGOLAND, California is a fully functioning theme park that meets all required utilities and public services to remain open, safe, and operating to the public. These utilities and services include adequate water, sewer, power, and emergency services.

Due to this site being within a fully operating theme park and taking the place of an existing and functional attraction, this site has the proper infrastructure and layout to continue to adequately serve all required utilities and public services as mentioned above.

Exceptions to Exemptions

CEQA Section 15300.2 – Exceptions

- 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.

Response – The project location is not considered to be a particularly sensitive environment due to the following reasons:

The site is located within a theme park and is surrounded by an already developed area. In addition, this project is to replace an existing theme park attraction. Thus, the project site surroundings nor the site itself hold any potential to be considered as a particularly sensitive environment. Therefore, the project impacts remain insignificant.

- 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 – Due to LEGOLAND California being the only amusement park within the area and the project replacing an existing theme park attraction (no net change of what is existing), cumulative impact does not apply to this project.

- c. Significant Effect. 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.

Response – The proposed project will not pose reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances because the project (amusement park attraction) is replacing an existing amusement park attraction. Therefore, there are no unusual circumstances associated with the proposed project because it is similar to what is existing.

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

Response – Due to the proposed project being located within LEGOLAND California, no scenic resources will be disrupted by an amusement park attraction replacing an existing amusement park attraction within an amusement park.

- e. 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.

Response – LEGOLAND California, located at 1 Legoland Drive, is not listed as a hazardous waste site.

- 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 amusement park attraction to be replaced is not considered to be a historical resource, therefore, no historical resources will be impacted by this project.

Carlsbad Municipal Code Section 19.04.070(B) - 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 – Sensitive plant or animal habitats will not be impacted because the project site and surrounding area offers no value to plant or animal habitats due to this project being located within LEGOLAND, surrounded by developed area, and replacing an existing amusement park attraction.

Archaeological or cultural resources from either historic or prehistoric periods will not be impacted due to the project replacing an existing amusement park attraction.

Wetlands, stream courses designated on U.S. Geological Survey maps are not located within the project area.

Hazardous materials, unstable soils or other factors requiring special review do not apply or are not found within this project location due to the project replacing an existing amusement park attraction within a fully functioning amusement park.

Attachments (on file in the City of Carlsbad's Planning Division):

Exhibit 1: Project Location

Exhibit 2: Site Plan

Exhibit 3: Traffic Study

Exhibit 4: Noise Study

Exhibit 5: Air Quality Study

Exhibit 6: Water Quality Study