

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: CDP 2024-0037 (DEV2024-0099) – 5370 EL ARBOL ADU

Project Location - Specific: 5370 El Arbol Drive

Project Location - City: Carlsbad

Project Location - County: San Diego

Description of Project: A Minor Coastal Development Permit (CDP) to construct a 650-square-foot accessory dwelling unit (ADU) on the second floor of an existing one-story, 1,800-square-foot single-family residence. Including the ADU, the proposed height of the single-family residence will be 20 feet 4 inches. A separate Minor Coastal Development has been submitted for the project site for an addition to the first floor of the existing single-family dwelling onsite (CDP 2024-0038).

Name of Public Agency Approving Project: City of Carlsbad

Name of Person or Agency Carrying Out Project: Mackenzie VanZyverden, City of Carlsbad

Name of Applicant: Jeff Parshalle

Applicant's Address: P.O. Box 230132, Encinitas, CA 92023

Applicant's Telephone Number: (619) 985-4099

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 – Existing Facilities– Section 15301(e)(1)
- Statutory Exemptions - State code number: _____
- Common Sense Exemption (Section 15061(b)(3))

Reasons why project is exempt: This exemption is for additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition. The project consists of the addition of 235 square feet to the rear of an existing 1,800-square-foot single-family dwelling.

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 – The location exception is not applicable to Class 1 Exemptions for Existing Facilities.

- 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 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.

- 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 – There are no unusual circumstances related to the project that would have a significant impact on the environment. With respect to biological resources, the property is adjacent to a body of water (“Cannon Lake”). The rear yard and a portion of the house are located within the 100-foot-wide wetland buffer, the entire property is disturbed and developed with a single-family residence and attached two-car garage that will remain. Pursuant to the biological assessment (Blue Consulting Group, April 2025), the new construction will not impact the current buffer function or value. In addition, the project is not located within an existing or proposed Hardline Conservation Areas or Standards Areas of the Habitat Management Plan.

- 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 – El Arbol Drive is not considered a historical and scenic corridor throughout Carlsbad, is not a highway officially designated as a State Scenic Highway, nor is it easily visible from a Carlsbad historical or scenic corridor or State Scenic Highway. The project site is also surrounded by existing residential structures. Therefore, implementation of the Project will result in similar visual conditions compared with a no project scenario.

- 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 – There is no evidence that the project site contains or is associated with any historical resources. Therefore, this exception does not apply.

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:


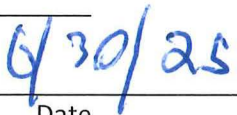
1. Grading and clearing activities affecting sensitive plant or animal habitats, which disturb, fragment or remove such areas as defined by either the California Endangered Species Act (Fish and Game Code Sections 2050 et seq.), or the Federal Endangered Species Act (16 U.S.C. Section 15131 et seq.); 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 – The Project site is in a developed part of the city and is surrounded by residential uses. The Project site contains an existing single-family residence with an attached garage and the site contains only non-natives and ornamental vegetation with no value as habitat for endangered, rare, or threatened species. Furthermore, the site is not within mapped areas of potential critical habitat as depicted in the City’s General Plan¹. Additionally, hazardous materials, unstable soils or other factors requiring special review do not apply or are not found within this project location.

Lead Agency Contact Person: Mackenzie VanZyverden **Telephone:** 442-339-5301

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ERIC LARDY, City Planner Date

¹ 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>