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 2025-0004 (DEV2024-0096) – FORREST RESIDENCE TAMARACK AVENUE

Project Location - Specific: 1640 Tamarack Avenue. The subject site consists of a vacant, 0.18-acre (7,894-square-foot) legal lot (Lot 3 of Parcel Map No. 12803, July 14, 1983), located on the north side of Tamarack Avenue, between Valley Street and Park Drive; Assessor's Parcel Number 207-120-68-00

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

Description of Project: Coastal Development Permit for construction of a new 1,930-square-foot, one-story single-family residence with a loft and an attached 574-square-foot two-car garage. Of the 1,930 square feet of proposed living area, 325 square feet is devoted to a loft. Access is provided from Tamarack Avenue via a new curb cut and driveway. Estimated grading quantities include 70 cubic yards (cy) of cut, and 70 cy of fill. Grading operation includes ±275 cy of over excavation and recompaction. No import or export of materials is proposed.

Name of Public Agency Approving Project: City of Carlsbad

Name of Person or Agency Carrying Out Project: Amy and Stephen Forrest

Name of Applicant: Amy and Stephen Forrest

Applicant's Address: 3025 John F. Kennedy Boulevard #2113, Philadelphia, PA 19104

Applicant's Telephone Number: 650-313-8304

Exempt Status: Categorical Exemption: Class 3, Section 15303 (New Construction or Conversion of Small Structures)

Reasons why project is exempt: CEQA Section 15303 allows for the construction of one single-family residence, including accessory (appurtenant) structures such as garages, carports, patios, swimming pools and fences. The project development consists of one single-family residence, including accessory (appurtenant) structures (i.e. an attached two-car garage, patios, and perimeter fencing), all of which is located on a residentially zoned property (One-family Residential (R-1) Zone) surrounded by similarly developed residential.

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."

Response: CEQA Section 15303 (New Construction or Conversion of Small Structures) is a Class 3 Exemption.

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: The Project proposes the construction of one single-family residence including accessory (appurtenant) structures (i.e., an attached two-car garage, patios, and perimeter fencing) on a previously subdivided (Lot 3 of Parcel Map 12803, July 14, 1983) and graded lot (DWG No. 247-8, Oct. 16, 1986) that is consistent with the city's General Plan land use and zoning designation for the site. The Project, and all future projects, will be required to comply with all applicable local, regional, and state laws, regulations, and guidelines; and any potential impact caused by the Project's construction and operation would continue to be less than significant and would not contribute significantly to a regional cumulative impact in the broader project region.

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."

Response: There are no unusual circumstances that would have a significant impact on the environment due to the Project. The Project does not involve any unusual circumstances. In regard to biological resources, the Project is not located within an existing or proposed Hardline Conservation Area or Standards Area of the City of Carlsbad's Habitat Management Plan (HMP) but instead consists entirely of 0.18-acres of disturbed land, an HMP Group F Habitat. The project is conditioned to pay the applicable in-lieu fee for 0.18-acres of HMP Group F Habitat prior to issuance of a grading permit or building permit, whichever occurs first.

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 area of proposed development is not located within the view shed of a state scenic highway or any state highway that is designated as eligible for listing as a scenic highway. The project

site is surrounded entirely 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: The project site is not listed on the California Department of Toxic Substances Control (DTSC) Hazardous Waste and Substance Site (CORTESE) List.

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 site is located on a previously graded legal lot designated for single-family residential development. The site is vacant of any structures, graded flat, and is entirely disturbed. 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. The property is not known to have any other special circumstances that would make the property a historic resource.

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 Project site is located in a developed/urban part of the city and is surrounded entirely by residential uses. The Project site has been previously graded flat and contains only HMP Group F Habitat (disturbed land), which has no value as habitat for endangered, rare, or threatened species. Furthermore, the site is not located within mapped areas of potential critical habitat as depicted in the City's General Plan.[1]

   Furthermore, based on previous grading of the site, combined with the limited amount of grading proposed (70 cubic yards (cy) of cut, 70 cy of fill, and ±275 cy of over excavation and recompaction),

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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

the likelihood that intact archaeological or cultural resources exist on the Project site is low due to the previous site disturbance. Nonetheless, the Project will be conditioned to require archaeological and Native American 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.

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: Jason Goff, Senior Planner **Telephone:** 442-339-2643

MMS 9-18-25

MICHAEL STRONG, Assistant Director of Community Development Date