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: CDP 2024-0031 (DEV02030) – CARLSBAD OCEAN ESTATES (LOT 2)

Project Location - Specific: 4332 Adams Street, Carlsbad, CA 92008

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

Description of Project: A Coastal Development Permit for the construction of a new 5,787-square-foot, two-story, 26-feet-6-inch-tall, single-family residence and an attached 1,397-square-foot three-car garage.

Name of Public Agency Approving Project: City of Carlsbad

Name of Person or Agency Carrying Out Project: Edward Valenzuela, City of Carlsbad

Name of Applicant: Henry Olivier

Applicant's Address: P.O. Box 9493, San Bernadino, CA 92427

Applicant's Telephone Number: (909) 880-1146

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 – New Construction or Conversion of Small Structures– Section 15303(a)
- ☐ Statutory Exemptions - State code number:
- ☐ Common Sense Exemption (Section 15061(b)(3))

Reasons why project is exempt: Categorical Exemption: Section 15303(a) - New Construction or Conversion of Small Structures exempts the construction of a single-family residence in a residential zone. The project proposes a 5,787-square-foot single-family residence in the One-family Residential (R-1-15000) Zone.

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 project location is not considered to be a particularly sensitive environment due to the site not being located within an existing or proposed Hardline Conservation Area or Standards Area of the Habitat Management Plan. Additionally, the project site has been previously rough graded. Therefore, the project will not have an impact on an environmental resource of hazardous or critical concern.

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 substantial evidence that the proposed project would contribute to a significant cumulative impact. Review of available information does not indicate that past or reasonably foreseeable projects in the area, combined with this project, would result in cumulatively considerable effects related to construction air quality, noise, transportation, or water quality. The project will comply with all applicable local, regional, and state regulations, which further ensures that potential impacts remain less than significant. Accordingly, the project's incremental contribution would not be cumulatively considerable, and 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 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 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 – The project site is located east of Adams Street which is a designated scenic corridor protecting westerly views of both the Agua Hedionda Lagoon and the coast. However, since the project site is east of Adams Street, public views of the lagoon and the coast will not be affected, and 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 – The project site is not listed on any local, state, or federal register of historic resources, nor has it been identified as potentially eligible. The project site is currently vacant. Therefore, the project will not result in a substantial adverse change to any historical resource, and 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 project site, a vacant infill lot that has been previously rough graded, is located in an established residential neighborhood. There are no sensitive plant or animal habitats located on site. While the broader area is identified in the city's Tribal, Cultural and Paleontological Resources Guidelines as having sensitivity for cultural and paleontological resources, the site itself is not associated with any known archaeological site or Tribal Cultural Resource. Standard conditions of approval require archaeological and Luiseño Native American monitoring during grading activities, in accordance with citywide protocols for areas with mapped sensitivity. These conditions are precautionary and do not indicate the presence of any identified resource. Given the infill nature of the site, its prior subdivision, and the surrounding development context, the project does not present circumstances that would trigger the exception criteria. Therefore, the exceptions outlined in Carlsbad Municipal Code Section 19.04.070(B) do not apply.

Lead Agency Contact Person: Edward Valenzuela **Telephone:** 442-339-2624

Eric Lardy 10/21/25

Eric Lardy, City Planner Date

Date received for filing at OPR: