

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 2026-0002 / V 2026-0001 (DEV2024-0003) – CARLSBAD BLVD HOMES MCDP

Project Location - Specific: 5211 CARLSBAD BLVD (APN 210-062-09-00)

Project Location - City: Carlsbad

Project Location - County: San Diego

Description of Project: Modification to an approved two-unit residential air-space condominium development on a 0.14-acre lot located at 5211 Carlsbad Boulevard (APN 210-062-09-00). The project involves a Minor Coastal Development Permit and Minor Variance related to site grading, retaining walls, and associated fencing along the north and west property lines. Due to grade differences between the subject property and adjacent developed parcels, portions of the retaining wall and fence combination exceed the six-foot maximum height permitted by the Carlsbad Municipal Code when measured from the lowest adjacent grade. The Minor Variance allows the increased wall and fence heights in limited locations. No changes to the number of dwelling units or overall development intensity are proposed.

Name of Public Agency Approving Project: City of Carlsbad

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

Name of Applicant: Kirk Moeller

Applicant's Address: 2888 Loker Avenue, Suite 220, Carlsbad, CA 92010

Applicant's Telephone Number: 760-803-8006

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

Reasons why project is exempt: The project involves minor modifications to an approved residential development consisting of two dwelling units. The requested Minor Coastal Development Permit and Minor Variance pertain only to site grading, retaining walls, and associated fencing, and do not increase

the number of units or intensity of development. The project remains consistent with the scope of Class 3 exemptions, which include the construction and modification of small residential structures in an urbanized area.

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 – The project qualifies for a Class 3 exemption (Section 15303), which is subject to the location exception. However, the project site is not located within a particularly sensitive environment or area designated as containing environmental resources of hazardous or critical concern. Therefore, this exception does not apply.

- 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 of successive similar residential developments in this immediate area that would result in cumulative environmental impacts. The project proposes development of one infill lot and will not contribute to cumulative impacts related to traffic, air quality, noise, or other concerns. 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.”

Response – The project involves minor modifications to an approved two-unit residential development, limited to site grading, retaining walls, and associated fencing. The site is located within a fully urbanized area and has already been evaluated for residential development. The requested Minor Coastal Development Permit and Minor Variance do not introduce unusual circumstances or changes that would result in a significant effect on the environment. Therefore, this exception does not apply.

- 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 – Carlsbad Boulevard is not designated by Caltrans as an official State Scenic Highway. Therefore, 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 – The project site is not listed on any hazardous waste site lists maintained by the Department of Toxic Substances Control or other responsible agencies. Therefore, this exception does not apply.

- 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. No historical resources are present on the site. 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 a vacant infill lot within the original Terramar Unit No. 1 subdivision, an established residential neighborhood. 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 CMC Section 19.04.070(B) do not apply.

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



ERIC LARDY, AICP, Assistant Director of Community Development

4/20/26

Date

Date received for filing at OPR: