

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 2025-0031/SDP 2025-0008/MS 2025-0003/PUD 2025-0003 (DEV2025-0075)- 4016 GARFIELD HOMES

Project Location - Specific: 4016 Garfield Street (Assessor’s Parcel Number 206-080-02-00)

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

Description of Project: Minor Coastal Development Permit, Minor Site Development Plan, Minor Subdivision and Minor Planned Development Permit to construct a deck addition, a new deck and an entryway addition to an existing residential duplex and subdivide the duplex into two air space condominium units. Unit 1, located on the ground floor, is 2,428 square feet and has a 189-square-foot porch. A 44-square-foot entryway addition is proposed to the front of unit 1 along with a 188-square-foot deck. Unit 2, located on the second floor, is 2,445 square feet and has a 492-square-foot deck. A 274-square-foot deck addition is proposed to unit 4 to create a 763-square-foot deck. The structure contains a 2,605-square-foot underground parking garage with five spaces which will be held in common interest. Access will continue to be provided by Garfield Street.

Name of Public Agency Approving Project: City of Carlsbad

Name of Person or Agency Carrying Out Project: Kirk Moeller

Name of Applicant: Kirk Moeller

Applicant’s Address: 2888 Loker AVE E Unit: Ste 317 Carlsbad, CA 92010

Applicant’s Telephone Number: (760) 803-8006

Exempt Status: Categorical Exemption: Class 1, Section 15301 (Existing Facilities)

Reasons why project is exempt: CEQA Section 15301 allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures involving negligible or no expansion of existing or former use. This includes, but is not limited to, 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, or 2,500 square feet, whichever is less, and division of existing multiple family residences into common-interest ownership. The project development consists of a small addition and deck additions to an existing residential duplex, as well as conversion of those units into air space condominiums and conversion of the property and underground parking into common

ownership. The proposed changes are minor in nature and will result in negligible expansions of the existing residential use. The addition is less than 50% of the floor area of the structure prior to the addition and less than 2,500 square feet.

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 15301 (Existing Facilities) is a Class 1 Exemption. Class 1 categorical exemptions are not subject to this exception.

- 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 projects in the area that would result in cumulative environmental impacts. The Project proposes an addition and deck addition to an existing residential duplex as well as conversion of the structure into air space condominium units on a developed lot that is consistent with the city’s General Plan land use and zoning designation for the site. The project will not contribute to cumulative impacts related to air quality, noise, transportation, or other environmental 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: 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).

- 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 to the north, east and south 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 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 developed with a single-family home constructed in 2005. Pursuant to Section 9.5 of the Carlsbad tribal, Cultural and Paleontological Resources Guidelines, buildings, structures, and facilities less than 45 years old at the time of study are exempt from evaluation as modern resources, unless determined to be of exceptional significance and meet Criterion Consideration (g) of the NRHP (A property achieving significance within the past 50 years) and is thereby subject to the guidance in National Register Bulletin 22. There is nothing that suggests the existing building has achieved significance pursuant to National Register Bulletin 22. Therefore, the project will not result in a substantial adverse change to any historical resource, and this exception does not apply. 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.

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 an established and developed part of the city and is surrounded to the north, east and south by residential uses. The Project site has been previously graded and developed with a residential duplex with an underground parking garage, concrete hardscape and ornamental landscape 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, as no grading is proposed, the Project will 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: Lauren Yzaguirre, Senior Planner **Telephone:** 442-339-2643



5/20/26

ERIC LARDY, Assistant Community Development Director

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>