# 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 2026-0030 (DEV2026-0062)-ANDERSON ADU

**Project Location - Specific:** APN 207-211-37-00, 4308 SEA BRIGHT DRIVE

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

**Description of Project:** The project is a request for a Minor Coastal Development Permit to construct a 499-square-foot detached accessory dwelling unit (ADU), with a maximum height of 12 feet 8 inches, at the rear of the property.

**Name of Public Agency Approving Project:** City of Carlsbad

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

**Name of Applicant:** Owenn Geis

**Applicant's Address:** 5451 Avenida Encinas Carlsbad, CA 92068

**Applicant's Telephone Number:** (714)-402-6241

**Name of Applicant/Identity of person undertaking the project (if different from the applicant above):**
NA

**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: Section 15303(a) – New Construction or Conversion of Small Structures
- ☐ 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 second dwelling unit in a residential zone. The project consists of the construction of one detached accessory dwelling unit (ADU) in the One-Family Residential (R-1) Zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

**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 following reasons:

   The project site is currently developed with a single-family home and ornamental vegetation. The site is not located within an Existing or Proposed Hardline Conservation Area or Standards Area of the Habitat Management Plan. 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 evidence of successive similar projects in the area that would result in cumulative environmental impacts. The project consists of a new detached accessory dwelling unit on a property developed with a single-family home. 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. Examples include projects, which may affect scenic or historical resources."

   **Response** - There are no unusual circumstances associated with the project or project site that would have a significant impact on the environment due to the project.

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** – Sea Bright Drive is not officially designated as a state scenic highway nor are there any scenic or historic resources located onsite. 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 proposed detached ADU is in the rear yard of a property developed with a single-family residence. The rear yard 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 Plan[1]. 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:** Teodora Gutierrez **Telephone:** (442) 339-2628

Scott Nightingale, City Planner 10/29/26 Date

Date received for filing at OPR:

[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