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 2023-0044 (DEV2023-0141) – Ocean Street Residence

Project Location - Specific: APN 203-141-03-00, Carlsbad, CA 92008

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

Description of Project: A Coastal Development Permit for the demo of a 360-square-foot garage, and the construction of a new 3,730-square-foot, three-story, 30-feet-tall, single-family residence and an attached 480-square-foot 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: Samuel Wright, Wright Design

Applicant's Address: 2911 State Street, Suite A

Applicant's Telephone Number: (760) 213-1460

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) and Section 15305 – Minor Alterations in Land Use Limitations
- ☐ 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, including accessory structures such as a garage in a residential zone. Section 15305 – Minor Alterations in Land Use Limitations exempts projects requesting a setback variance in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, and furthermore do not result in the creation of any new parcels. The project proposes one single-family residence and attached garage in the R-3 Multiple-family Residential Zone with a reduced front yard (20 feet to 15 feet) and rear yard (10 feet to 8 feet 4 inches) setbacks.

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

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 – The Project proposes the construction of one single-family residence including accessory structures (i.e., an attached garage, on a lot that was previously used as a parking lot and contained a small garage. 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. 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 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.

f. **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.

g. **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 existing site contains a garage and parking lot. A cultural resources report was prepared for the project site. The garage is not listed on any local, state, or federal register of historic resources, nor has it been identified as potentially eligible. 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(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 located in a developed/urban part of the city surrounded entirely by residential uses. The Project site has been previously developed with a garage and parking lot which has no value for 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 the limited amount of grading proposed (60 cubic yards (CY) of cut, 15 CY of fill, 45 CY of export and 265 CY of over excavation/remedial), 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 paleontological, 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 paleontological, 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: Edward Valenzuela **Telephone:** 442-339-2624

Scott Nightingale, City Planner 11/16/26 Date

Date received for filing at OPR: