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 2025-0044 (DEV2025-0036) BOYACK RESIDENCE

Project Location - Specific: 3985 Highland Drive

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

Description of Project: Demolition of an existing single-family dwelling, approximately 2,500 square feet and 17 feet 3 inches tall in height. A new single-family dwelling will be constructed on the site, consisting of 4,111 square feet of living area, a 1,448-square-foot attached patio, and a 784-square-foot attached garage. The residence will have a maximum height of 29 feet 2 inches.

Name of Public Agency Approving Project: City of Carlsbad

Name of Person or Agency Carrying Out Project: MADesign & Drafting Services

Name of Applicant: Derek D. Berg

Applicant's Address: 12975 Brookprinter Place, Suite 270, Poway, CA 92064

Applicant's Telephone Number: 760-390-0009 ext. 1

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(a), Class 3
- ☐ Statutory Exemptions - State code number:
- ☐ Common Sense Exemption (Section 15061(b)(3))

Reasons why project is exempt: CEQA Section 15303(a) allows for the construction of one single-family residence in a residential zone. The project proposes a new single-family residence in the One-Family Residential Zone (R-1-10,000).

Lead Agency Contact Person: Mackenzie VanZyverden **Telephone:** 442-339-5301

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 a Class 3 exemption.

   Response – The project location is not considered to be a particularly sensitive environment due to the following reasons:

   The site is not located within an Existing or Proposed Hardline Conservation Area or Standards Area of the Habitat Management Plan, and the project site is currently developed. 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 to conclude that significant impacts will occur based on past project approvals or that the proposed Project's impacts are cumulatively considerable when evaluating any cumulative impacts associated with construction air quality, noise, transportation, or water quality in the area surrounding the proposed Project. The Project, and all future projects, will be required to comply with all applicable local, regional, and state laws, regulations, and guidelines, and as described above, any potential impact caused by the Project's construction and operation would continue to be less than significant and would not contribute significantly to regional cumulative impact in the broader project region. 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 that would have a significant impact on the environment due to the project. The Project does not involve any unusual circumstances. The project site has been previously developed and is not located within an existing or proposed Hardline Conservation Areas or Standards Areas of the Habitat Management Plan. In addition, there are no historic resources onsite.

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 viewshed 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."

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 existing single-family residence was constructed in 1955. A Historic and Cultural Resources Report, dated April 2026, was prepared by Wendy L. Tinsley Becker, RPH, AICP (Urbana Preservation & Planning, LLC) to determine if the Project would impact any historical resources pursuant to CEQA. The report concluded that the house on the Project site is not listed or eligible to be listed in any national, state, or local landmark or historic district programs, and that no cultural resources were found on site. 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(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 in a developed part of the city and is surrounded by residential uses. The Project site is developed with a single-family residence and contains only non-native 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].

   The existing single-family residence was constructed in 1955 with several unpermitted additions throughout the years. A Historic and Cultural Resources Report, dated April 2026, was prepared by Wendy L. Tinsley Becker, RPH, AICP (Urbana Preservation & Planning, LLC), and concluded that the single-family residence is not listed or eligible to be listed in any national, state, or local landmark or historic district programs (Exhibit 1). Furthermore, the likelihood that intact archaeological or cultural resources exist on the Project site is low due to previous site disturbance and a small amount of

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

grading required to execute the project. Therefore, earth-moving activities associated with the Project would 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: Mackenzie VanZyverden **Telephone:** 442-339-5301

11/10/26

SCOTT NIGHTINGALE, City Planner Date

Date received for filing at OPR: