

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: HMP 2023-0003 (DEV2023-0073) – KHAWAR RESIDENCE

Project Location - Specific: 3346 Venado Street (APN 223-250-12-00)

Project Location - City: Carlsbad

Project Location - County: San Diego

Description of Project: A Minor Habitat Management Plan Permit to ensure the construction of a 5,144-square-foot, two-story single-family dwelling, with an 885-square-foot attached garage, a 623-square-foot detached accessory dwelling unit (ADU), and a pool and basketball court complies with the habitat preservation and conservation standards contained within the City of Carlsbad's Habitat Management Plan including the payment of in-lieu (or Habitat Take) fees for 0.46-acres of coastal sage scrub, and 0.57-acres of disturbed, non-native habitat.

Name of Public Agency Approving Project: City of Carlsbad

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

Name of Applicant: Curtis Lively

Applicant's Address: 431 W Grand Ave., Unit 103, Escondido, CA 92025

Applicant's Telephone Number: 760-594-1255

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: Categorical Exemptions: 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) of CEQA exemptions (Class 3) exempts the construction of a single-family residence, or a second dwelling unit in a residential zone. The project consists of a single-family residence and accessory dwelling unit in a residential zone.

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 site is located outside of the coastal zone and outside of an Existing or Proposed Hardline Conservation Area or Standards Area of the Habitat Management Plan. Impacts to habitat will be consistent with the provisions of the Habitat Management Plan for Natural Communities in the City of Carlsbad, the Citywide Incidental Take Permit issued for the HMP, the Implementing Agreement, and the Terms and Conditions of the Incidental Take Permit. Therefore, the project impacts remain insignificant.

- 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 – While several other single family dwelling projects have been approved on Venado Street, this current Project along with the other residences in the vicinity were considered during the approval of the subdivision map 7950, Carlsbad Tract No. 72-20 La Cosa Val Unit 3 and the La Costa Land Company Specific Plan and Planned Development (SP 38/ PUD 7). The lot along with the surrounding lots were designated for single family residential uses at the time of approval of the CT/PUD. In addition, the habitat removal required for the Project along with similar projects for single family residence outside of the coastal zone are consistent with the general plan through the payment of in-lieu fees which assist in conserving a full range of vegetation types remaining in the city, with a focus on rare and sensitive habitats.

- 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 located outside of an existing or proposed Hardline Conservation Areas or Standards Areas of the Habitat Management Plan. The conditions of approval for the project will reduce impacts to migratory birds, include payment of all applicable Habitat Mitigation In-Lieu

fees, and require ongoing compliance with all provisions of the Habitat Management Plan for Natural Communities in the City of Carlsbad, the Citywide Incidental Take Permit issued for the HMP, the Implementing Agreement, the Terms and Conditions of the Incidental Take Permit.

- 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 – Venado Street is not considered a historical and scenic corridor throughout Carlsbad, is not a highway officially designated as a State Scenic Highway, nor is it visible from a Carlsbad historical or scenic corridor or State Scenic Highway. The project site is also surrounded on all sides 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 – 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 – The lot is vacant and therefore no historical resources are proposed to be demolished.

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 would result in permanent impacts to the following vegetation community: Diegan Coastal Sage Scrub (0.46 acres) and disturbed, non-native habitat (0.57 acres).

Disturbed Habitat and Non-native Vegetation are generally of no biological resource value. While some isolated small native coastal sage shrub species found onsite may be used by the California gnatcatcher for foraging, this area is fragmented, surrounded by urban development and has no connection to high quality habitat. Therefore, the isolated small shrubs are not considered a sensitive vegetation community or habitat for the California gnatcatcher. No other plant or animal species would be impacted. No waters of the State or waters of the US would be impacted. The conditions of approval for the project will include payment of all applicable Habitat Mitigation In-Lieu fees. Approval of this application will allow the project to comply with the provisions of the Habitat Management Plan.

Undertaking will result in no effect to historical resources or tribal cultural resources.

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, Associate Planner Telephone: 442-339-2634



ERIC LARDY, City Planner

11/26/2024

Date