

# 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:** CUP 2024-0008 (DEV2024-0100) – PICKLEBALL CUP

**Project Location - Specific:** 6131 Innovation Way, Suite 100 (APN 213-261-25-00)

**Project Location - City:** Carlsbad

**Project Location - County:** San Diego

**Description of Project:** A Minor Conditional Use Permit to allow for an indoor pickleball facility within an existing 56,915 industrial warehouse building. The existing industrial building contains 26,559 square feet of warehouse, 3,393 square feet of ground floor lobby, bathrooms and office and 2,489 square feet of mezzanine, approved along with the industrial building to the south under SDP 15-09/PUD 15-09/MS 15-06. The 26,559 square foot warehouse will be converted into 11 pickleball courts. The 2,489 square foot mezzanine will be converted into a patron lounge which will contain a snack bar. 500 square feet of the ground floor will be utilized for an office space, and 2,893 square feet will be utilized as the ground floor lobby/entrance. No exterior changes are proposed. The proposed hours of operation are 6AM-10PM Monday through Sunday. The site is developed with an existing 56,915-square-foot industrial building. Access would continue to be provided by Slater Place, connected to Innovation Way. No grading or right-of-way improvements are proposed.

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

**Name of Person or Agency Carrying Out Project:** Nick Dawson

**Name of Applicant:** Nick Dawson

**Applicant's Address:** 6131 Innovation Way Suite 100

**Applicant's Telephone Number:** (858) 353-6425

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

**Exempt Status:** Categorical Exemption: Class 32, Section 15332 (In-Fill Development Projects)

**Reasons why project is exempt:** The project is consistent with the general plan as well as the zoning ordinance in terms of land use, and development standards. The site is subject to the PI, Planned Industrial General Plan Land Use Designation and is Zoned Planned Community (P-C). The site is located within

Planning Area 3 or the Bressi Ranch Master Plan (MP 178(K)). Planning Area 3 refers to the Planned Industrial (P-M) zone for development regulations.

The project is within the city limits, is less than five acres in size, and is within an existing industrial park, surrounded on all four sides by urban uses including offices, a bank, athletic facilities, a trampoline park, a brewery and a restaurant. Because the site contains only non-native and ornamental vegetation, the site has no value as habitat for endangered, rare, or threatened species. Approval of the project would not result in any significant effects relating to traffic (as verified by the Vehicle Miles Traveled Screening Assessment prepared by C2 Consulting Collective, Walter B. Musial, dated April 28, 2025, Exhibit 1<sup>1</sup>), noise (as all operations will be located inside the existing building and the project is conditioned to keep all doors shut during business hours), air quality, or water quality. Finally, the site can be adequately served by all required utilities and public services. In accordance with the Carlsbad Municipal Code, the Project would pay the required Public Facility Fee, traffic impact fees and water and sewer connection fees to help offset the Project's cumulative impact and help fund the public infrastructure and services necessary to accommodate growth.

### 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** – The location exception is not applicable to Class 32 Exemptions for In-Fill Development Projects.

- 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. Accordingly, the Project's incremental impacts, when considered together with the impacts of the related projects, would not result in a cumulatively considerable contribution to a significant cumulative impact. 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 cause by the Project's construction and operation would

---

<sup>1</sup> Vehicle Miles Traveled Screening Assessment prepared by C2 Consulting Collective, Walter B. Musial, dated April 28, 2025  
<https://www.carlsbadca.gov/home/showdocument?id=20776&t=638821229688738755>

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."

**Response** – The project involves the change of use from a warehouse to an indoor pickleball facility for an existing industrial building. No exterior changes are proposed. All operations will be conducted entirely indoors, and the project has been conditioned to have garage doors closed during business hours so as to limit noise. The project is within an existing industrial park surrounded by commercial and industrial uses, including offices, a restaurant, a brewery, an indoor trampoline park, and warehouses. The closest sensitive noise receptors (single family residences) are located approximately 390-feet from the project site. Therefore, the project is not expected to have any noise impacts. 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.

- 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** – Innovation Way and Gateway Road are 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 commercial, office and industrial structures and all project operations will take place entirely indoors. 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 identified on the Department of Toxic Substance Control geoportal map as a Cleanup, Hazardous Waste, or Inspection site. Furthermore, there is no indication that the site has had any previous uses associated with hazardous materials, such as dry-cleaning or gas station.

- 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 56,915 industrial warehouse building on the property was constructed in 2016. As the structure is less than 50 years old, the structure is not listed or eligible to be listed in any national, state, or local landmark or historic district programs, nor is it eligible for listing in the Local Register. 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. The property is not known to have any other special circumstances that would make the property a historic resource.

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 part of the city and is surrounded by commercial, office and industrial uses. The Project site contains an existing building, parking lot and landscaping, and 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.<sup>2</sup>

The existing 56,915 industrial warehouse building on the property was constructed in 2016. As the structure is less than 50 years old, the structure is not listed or eligible to be listed in any national, state, or local landmark or historic district programs. As such, development of the Project would not cause a substantial adverse change in the significance of a historical resource. Furthermore, no grading is proposed with the project and the likelihood that intact archaeological or cultural resources exist on the Project site is low due to previous site disturbance. The Project would not affect archaeological or cultural resources from either historic or prehistoric periods, as there are no earth-moving activities associated with the Project.

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 Telephone: 442-339-2634  
 5/6/2025  
ERIC LARDY, City Planner Date

<sup>2</sup> 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>