

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: PUD 2024-0006/CDP 2024-0028/MS 2024-0006 (DEV2024-0003) – CARLSBAD BLVD HOMES

Project Location - Specific: 5211 CARLSBAD BLVD (APN 210-062-09-00)

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

Description of Project: Development of a vacant 0.14-acre lot (APN 210-062-09-00), located at 5211 Carlsbad Boulevard, to construct two three-story air space condominiums with a height of 35 feet. Unit 1 is 3,343 square feet, and Unit 2 is also 3,343 square feet. The units will be connected at the ground floor and will each include a ground-floor two-car garage. A total of eight parking spaces will be provided, including four enclosed spaces within the ground-floor garages and two additional spaces in the driveway of each unit. Access to the site will be provided via two 15-foot-wide driveways off Carlsbad Boulevard. The project involves 10 cubic yards of excavation and 465 cubic yards of fill, resulting in the import of 455 cubic yards of material.

Name of Public Agency Approving Project: City of Carlsbad

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

Name of Applicant: Kirk Moeller

Applicant's Address: 2888 Loker Avenue, Suite 220, Carlsbad, CA 92010

Applicant's Telephone Number: 760-803-8006

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(b)
- Statutory Exemptions - State code number: _____
- Common Sense Exemption (Section 15061(b)(3))

Reasons why project is exempt: Categorical Exemption: Section 15303(b) of CEQA exemptions (Class 3) exempts the construction of a duplex or similar multi-family residential structure totaling no more than four dwelling units. The project consists of the construction of a new duplex.

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 project qualifies for a Class 3 exemption (Section 15303), which is subject to the location exception. However, the project site is not located within a particularly sensitive environment or area designated as containing environmental resources of hazardous or critical concern. Therefore, this exception does not apply.

- 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 residential developments in this immediate area that would result in cumulative environmental impacts. The project proposes development of one infill lot and will not contribute to cumulative impacts related to traffic, air quality, noise, or other 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.”

Response – The project consists of constructing two residential units consistent with zoning and surrounding land use. The site is currently vacant and located within a fully urbanized area. There are no unusual circumstances associated with this project that would result in significant environmental impacts. Therefore, this exception does not apply.

- 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 – Carlsbad Boulevard is not designated by Caltrans as an official State Scenic Highway. Therefore, this exception does not apply.

- 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 any hazardous waste site lists maintained by the Department of Toxic Substances Control or other responsible agencies. Therefore, this exception does not apply.

- 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 project site is not listed on any local, state, or federal register of historic resources, nor has it been identified as potentially eligible. No historical resources are present on the site. 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 project site is a vacant infill lot within the original Terramar Unit No. 1 subdivision, an established residential neighborhood. While the broader area is identified in the city's Tribal, Cultural and Paleontological Resources Guidelines as having sensitivity for cultural and paleontological resources, the site itself is not associated with any known archaeological site or Tribal Cultural Resource. Standard conditions of approval require archaeological and Luiseño Native American monitoring during grading activities, in accordance with citywide protocols for areas with mapped sensitivity. These conditions are precautionary and do not indicate the presence of any identified resource. Given the infill nature of the site, its prior subdivision, and the surrounding development context, the project does not present circumstances that would trigger the exception criteria. Therefore, the exceptions outlined in CMC Section 19.04.070(B) do not apply.

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5/8/2025
Date

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