

CEQA DETERMINATION OF EXEMPTION

Subject: This California Environmental Quality Act (CEQA) Determination of Exemption is in compliance with Carlsbad Municipal Code Section 19.04.060. An appeal to this determination must be filed in writing with the required fee within ten (10) calendar days of the City Planner's decision consistent with Carlsbad Municipal Code Section 21.54.140.

City Planner Decision Date: October 27, 2023

Project Number and Title: CDP2021-0062 and CDP2022-0017

Project Location - Specific: 4874 Park Drive / APN 207-250-23-00

Project Location - City: Carlsbad

Project Location - County: San Diego

Description of Project: The project is a Coastal Development Permit (CDP2021-0062) to demolish an existing single-family residence and construct a new 2,603-square-foot, single-story, single-family residence and a pool. The site is subject to the R-4 General Plan Land Use Designation and is Zoned R-1-8000. Access would continue to be provided by a private driveway off Park Drive. A separate Minor Coastal Development Permit (CDP2022-0017) is being processed to construct an 800 SF detached accessory dwelling unit behind the new residence, in the near the rear of the property.

Name of Public Agency Approving Project: City of Carlsbad

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

Name of Applicant: Stefanie Yerkes

Applicant's Address: 3255 Canyon ST Carlsbad, CA 92008-1123

Applicant's Telephone Number: 619-816-0373

Name of Applicant/Identity of person undertaking the project (if different from the applicant above):
N/A

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

Reasons why project is exempt: Class 3 consists of new construction or conversion of small structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.

The project is eligible for the categorical exemption and none of the exceptions to categorical exemptions listed in the CEQA Guidelines § 15300.2 or Chapter 19.04 of the Municipal Code have been triggered (see below), and no substantial evidence has been submitted to the city that would support a finding that the exemption requirements would not be satisfied. The project site is in an urbanized area zoned for residential use and the design of the map, site development, and the types of improvement would not cause serious public health or safety problems since the project would not degrade the levels of service

on the adjoining streets, drainage system, public facilities, and city sewer and water is available to the site or can be provided. The project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and right-of-way; lot size and configuration; and traffic and emergency response access were all reviewed for compliance to relevant city policies and codes.

Exceptions to the Use of Categorical Exemptions:

Categorical exemptions are identified by the State Resources Agency for "classes" of projects as defined in the CEQA Guidelines (§§ 15300 - 15333) that have been determined not to have a significant effect on the environment and are therefore exempt from the provisions of CEQA to prepare environmental documents. Projects that may otherwise meet the qualifications for one of the classes of categorical exemptions may be excluded from using a categorical exemption based on a series of exceptions identified in CEQA Guidelines § 15300.2, that if triggered, prohibit the application of a categorical exemption. In accordance with CEQA, Planning staff evaluated all the potential exceptions to the use of Categorical Exemptions for the proposed project (in accordance with CEQA Guidelines § 15300.2) and determined that none of these exceptions apply as explained below. The following providing herein establishes a framework for the city to conduct the preliminary review and proceed forward in a manner that is consistent with CEQA.

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." The exception applies when, although a particular project may not have a significant impact, the impact of successive projects, of the same type, in the same place, over time is significant. While several projects have been and will be implemented within the general area, this current project involves demolishing an existing residence and construction of a new single-family home and ADU in urbanized area zoned for residential use. The project is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available.

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." In general, the exceptions to the applicability of a categorical exemption underscore the need to pay attention to critical resource sensitivities and unusual circumstances. The "location" exception related to unusual circumstances applies where the project may result in a significant impact on a particularly hazardous or sensitive environmental resource of critical concern, or other impact due to the presence of unusual circumstances. Planning staff considered the totality of the administrative record and determined that no unusual conditions are present and the project would not result in a significant effect. The project does not involve any unusual circumstances, such as the presence of sensitive biological or cultural environmental resources. Regarding any potential traffic impacts, a Vehicle Miles Traveled (VMT) analysis was conducted, which utilized the City's VMT Analysis Guidelines to determine the appropriate analysis methodology and significance thresholds. The City's guidelines generally follow state guidance provided in the Office of Planning and Research's (OPR) Technical Advisory but add detail that is specific to the San Diego region and the City of Carlsbad. The project consists of demolishing an existing residence and construction of a new single-family home and ADU and does not have an impact to VMT.

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 exception applies when a project may result in damage to scenic resources within a duly designated scenic highway. There are no highways designated as a State Scenic Highway near, adjacent, or within the vicinity of the project area.

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." This exception

applies when a project is located on a site or facility listed pursuant to California Government Code 65962.5. A review of available records and a field inspection did not identify any sites which are included on any list compiled pursuant to Section 65962.4 of the Government Code.

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." This exception applies when a project may cause a substantial adverse change in the significance of a historical resource. There is no potential for the project to impact historical resources as none exist on the property which would qualify as a historical resource or tribal cultural resource, as defined under CEQA.

Planning staff also evaluated the potential exceptions to the use of Categorical Exemptions as defined by Section 19.04.070 of the Carlsbad Municipal Code and determined that none of these exceptions apply as explained below:

Grading and clearing activities affecting sensitive plant or animal habitats - A categorical exemption shall apply when there is earth moving activities "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." This area is surrounded by urban development and has no connection to high quality habitat. No other plant or animal species would be impacted. No waters of the State or waters of the US would be impacted.

Impacts to biological species or their habitats or archeological or cultural resources - "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." No previously recorded archeological or cultural resources were identified within the project area. There is no potential for the project to impact subsurface cultural resources which would qualify as a historical resource or tribal cultural resource, as defined under CEQA; therefore, the undertaking will result in no effect to historical resources or tribal cultural resources.

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ERIC LARDY, City Planner

10-27-2023
Date