

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.

Project Number and Title: CT 2023-0005/PUD 2023-0007/CDP 2023-0058 (DEV2023-0151) - JUNIPER COAST HOMES

Project Location - Specific: 270 Juniper Avenue

Project Location - City: Carlsbad

Project Location - County: San Diego

Description of Project: Demolition of an existing single-family residence and a detached two-story accessory structure, followed by the construction of 21 three-story condominium units. The condominium buildings consist of one duplex, five triplexes, and one quadplex (four-unit structure), with units ranging in size from 1,460 to 2,354 square feet and contain two, three, or four bedrooms. All units include a first-floor, two-car garage. Five visitor parking spaces are also provided. All units, garages, and parking spaces will be accessed from a central drive isle that extends north from Juniper Avenue. A 5% density bonus is requested, with the dedication of one unit for very-low-income households (1 unit).

Name of Public Agency Approving Project: City of Carlsbad

Name of Person or Agency Carrying Out Project: RINCON HOMES

Name of Applicant: KIRK MOELLER, KIRK MOELLER ARCHITECTS INC

Applicant's Address: 2888 LOKER AVE EAST, SUITE 220, CARLSBAD, CA, 92010

Applicant's Telephone Number: (760) 814-8128

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, density, and development standards. The project is within the city limits, is less than five acres in size, and is surrounded by urban uses. 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 Analysis prepared by LOS Engineering, Inc. dated September 9, 2024, Exhibit 1), noise (as verified by the Noise Study prepared by Birdseye Planning Group dated October 2023, Exhibit 2), air quality (as verified by the Air Quality/Greenhouse Gas Study by Birdseye Planning Group dated June 2024, Exhibit 3), or water quality. Finally, the site can be adequately served by all required utilities and public services.

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. 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 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 – 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 not located within an existing or proposed Hardline Conservation Areas or Standards Areas of the Habitat Management Plan, and the conditions of approval for the project will reduce impacts to breeding or nesting birds.

- 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 – Juniper Avenue 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 – A Cultural Resources Report (Exhibit 4), dated July 6, 2023, was prepared by Kristi S. Hawthorne to determine if the Project would impact any historical resources pursuant to CEQA. The report concluded that none of the buildings on the Project site are 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, 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 located in a developed part of the city and is surrounded by residential uses. The Project site, while only containing two existing buildings covering a small percentage of the site, 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 Plan¹.

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>

A Cultural Resources Report (Exhibit 4), prepared by Kristi S. Hawthorne, concluded that none of the buildings on the Project site are listed or eligible to be listed in any national, state, or local landmark or historic district programs. Furthermore, the likelihood that intact archaeological or cultural resources exist on the Project site is low due to previous site disturbance. Nonetheless, the Project will be conditioned to require archaeological monitoring of ground-disturbing activities during Project construction in compliance with standard City regulatory procedures outlined in the Carlsbad Tribal, Cultural, and Paleontological Resources Guidelines (City of Carlsbad 2017). 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: Kyle Van Leeuwen Telephone: 442-339-2611



ERIC LARDY, City Planner

9/23/24
Date