

CITY OF CARMEL-BY-THE-SEA
Notice of Exemption

To: County Clerk
County of Monterey
168 Alisal Street, 1st Floor
Salinas, CA 93901

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: City of Carmel-by-the-Sea, Public Works Department

Project Title: Mission Trail Nature Preserve Drainage Improvements

Project Address: Rio Road across from Carmel Mission

Assessor's Parcel No.: 009-341-008-2000

Project Location: City of Carmel-by-the-Sea; see Figure 1. **County of:** Monterey

Project Description: The project consists of minor drainage improvements located at three locations at the City-owned Mission Trail Nature Preserve (MTNP) within approximately 800 feet of the Rio Road entrance to the MTNP. The purpose of the project is to address existing drainage deficiencies to improve hydraulic functioning of existing drainages, prevent localized flooding and erosion and protect existing public trails in response to drainage and localized flooding issues that have occurred within the MTNP, resulting in localized erosion as well as trail closures. The project components consist of the following elements:

1. *Serra Trail Improvements.* Approximately 105 linear feet of a new 24-inch diameter high-density polyethylene (HDPE) storm drain would be installed from a new catch basin at the park entrance on Rio Road, a location that experiences local flooding during winter months. The new pipe would replace an existing 18-inch pipe that drains a portion of the area. Rock rip-rap would be installed at the discharge point into the downstream drainage. Approximately 20 linear feet of an existing drainage channel would be regraded to remove accumulated sediment, and 20 linear feet of an 18-inch diameter HDPE pipe would be installed to connect to the new primary storm drain.

At the Serra Trail's intersection with Willow Trail approximately 800 feet north of the Rio Road entrance, 3 linear feet of 18-inch diameter HDPE pipe would be installed under Willow Trail with regrading of approximately 20 linear feet of an existing drainage swale on the west side of Serra Trail to a depth of 12-18 inches and a width of 18-24 inches. The swale would be directed to divert drainage into an existing low area approximately 90 feet south of the Serra Trail junction with Willow Trail. The length of diverted swale is approximately 25 feet long and 18 inches wide and deep.

2. *Pedestrian Boardwalk.* A new 4-foot, 8-inch wide redwood boardwalk would be installed for a distance of 85 feet on Willow Trail, west of Serra Trail, in response to seasonal flooding of this unimproved trail segment, which remain wet and muddy into summer months under existing conditions. The proposed boardwalk would be supported by two rows of 10 3.5-inch diameter, helical piles set at 8-foot 6-inch longitudinal intervals. The redwood deck would be placed on top of beams installed across each pair of helical piles, approximately 1

foot above ground level. Approximately 30 feet of the trail immediately west of Serra Trail would be restored to a 5-foot width with placement of 4 inches of decomposed granite on the surface.

- 3. *Tributary-Trail Crossing.* Approximately 80 feet west of the above improvement, a rock-lined swale extends across Willow Trail that conveys upstream urban runoff into the unnamed drainage west of Serra Trail. The existing rock-lined swale is proposed to be restored by creating an approximate 10-foot wide, 15-foot long rock-lined concrete swale. A small, approximately 700-square foot area adjacent to the north of the re-created swale would be regraded to improve drainage flow. Approximately 30 linear feet of the trail north of the swale would be raised and covered with wood chips.

In addition, the Serra Trail from Rio Road to the Willow Trail will be regraded and improved with the addition of 6 inches of decomposed granite aggregate base rock to provide an improved surface for City maintenance and emergency vehicles and reduce seasonal flooding of the trail.

Construction is expected to take 2 months or less in August and September 2023. No trees would be removed to accommodate the proposed improvements. Best Management Practices (BMPs) will be implemented during construction to prevent or minimize the discharge of pollutants directly or indirectly into onsite drainages and to protect environmentally sensitive areas from inadvertent impacts during construction.

Name of Person or Agency Carrying Out Project: City of Carmel-by-the-Sea

Name of Public Agency Approving Project: City of Carmel-by-the-Sea

Exempt Status: (check one)

- Ministerial Project (Section 21080(b)(1); 15268).
- Statutory Exemption (Code/Section 21083.3).
- Categorically Exempt (Sections 15301, 15302 and 15303).
- Declared Emergency (Section 21080(b)(3); 15269(a)).
- Emergency Project (Section 21080(b)(4); 15269(b)(c)).
- The project clearly will not have a significant effect on the environment (15061(b)(3)).

Reasons why project is exempt: The project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15301 (Categorical Exemption, Class 1, Existing Facilities), 15302 (Categorical Exemption, Class 2, Replacement or Reconstruction, and 15303 (Categorical Exemption, Class 3, New Construction or Conversion of Small Structures) as explained below.

Categorial Exemption - CEQA Guidelines Sections 15301, 15302 and 1530322. CEQA provides several “categorical exemptions” which are applicable to categories of projects and activities that the Natural Resource Agency has determined generally do not pose a risk of significant impacts on the environment.

The Class 1 categorical exemption is for of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical

equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of “existing facilities” itemized in the State CEQA Guidelines as examples are not intended to be all-inclusive of the types of projects which might fall within Class 1. The examples include restoration or rehabilitation of deteriorated or damaged structures, facilities. The minor removal of sediment along Serra Trail (Location 1) and repair of the existing culvert Tributary Crossing (Location 3) constitute repairs and maintenance at an existing City-owned facility. These minor maintenance and repairs would be located in a small area and would not result in expansion of any facilities.

The Class 2 categorical exemption consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The examples provided include replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity. This exemption would cover replacement of the inlet structure and short pipe segment at the Rio Road entrance (Location 1) and the culvert crossing (Location 3). The new inlet and storm drain pipe to be replaced would be in the same general area and size as the current facilities, though the storm drain would be slightly larger and would be considered negligible. The Tributary Crossing currently has a rock culvert, which is deteriorated and would be replaced with the project. In both cases, the replaced facilities will have the same purpose and be in same location as existing facilities.

The Class 3 categorical exemption consists of construction and location of limited numbers of new, small facilities or 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. This exemption would cover the approximate 100-linear feet of new storm drain, a small part of which replaces an existing pipe as explained above, and the new boardwalk trail. The boardwalk trail would be less than 5 feet wide and approximately 85 feet long, covering approximately 525 square feet. Both of these structures would be considered small given their limited geographic coverage within the larger Mission Trail Nature Preserve.

Therefore, the three categorical exemptions cover the three project components to address existing drainage flooding problems and prevent further erosion and deterioration of trails at the MTNP.

The City has further considered whether the project is subject to any of the exceptions to the use of a categorical exemption found at CEQA Guidelines Section 15300.2. This section prohibits the use of categorical exemptions under the following circumstances:

- (a) for certain classes of categorical exemptions (including Class 5 but not Class 32), due to locations with particularly sensitive environmental conditions;
- (b) when the cumulative impact of successive projects of the same type in the same place, over time, is significant;
- (c) where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;
- (d) where the project 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;
- (e) where the project is located on a state designated hazardous waste site; and

- (f) where the project may cause a substantial adverse change in the significance of a historical resource.

Under CEQA Guidelines Section 15300.2(a), a categorical exemption for Classes 3, 4, 5, 6 and 11 is qualified by consideration of where the project is located – a project that is ordinarily insignificant in its impact on the environment may, in a particularly sensitive environment, be significant. The consideration includes where the project may impact an environmental resource of “hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.” Section 15300.2(a) does not apply to the Class 1 or 2 category of projects. For purposes of the Class 3 exemption, the project site does not qualify as an environmental resource of hazardous or critical concern. The City’s certified Local Coastal Program (LCP) identifies the MTNP as an “environmentally sensitive habitat area” (ESHA), but no other state or federal regulatory document has precisely mapped or officially designated the site as such an environmental resource. While the project site is located within a mapped ESHA in the City’s LCP, the project is consistent with all LCP policies and provisions, including the Mission Trail Nature Preserve Master Plan, which do support drainage and erosion control measures to protect drainage features in the MTNP. The LCP does support maintenance activities in the MTNP that are consistent with the Master Plan for the Preserve. The City staff review for the coastal permit for the project found the project to be consistent with all LCP policies. In addition, the biological resources study prepared for the project did not identify significant impacts resulting from the project. Thus, while the project is located within an ESHA that could be considered a resource of concern, the project would not result in significant impacts due to this location, and thus, this exception does not apply.

There is no evidence of a potential significant cumulative impact (section 15300.2(b)) because successive projects of the same type in the same place have not been approved and are not proposed. The City does engage in periodic maintenance activities throughout the MTNP in accordance with provisions of the MTNP Master Plan and existing permits, but no other maintenance, repair or improvement projects are currently planned within the area of the current project. Additionally, there is no evidence to conclude that significant impacts would occur based on past project approvals in the surrounding area or that the proposed project's impacts are cumulatively considerable when evaluating any cumulative impacts as a result of other approved projects in the surrounding area. Therefore, this exception does not apply.

The project would not result in any significant effects on the environment due to unusual circumstances (section 15300.2(c)). The project site’s immediate area has similar General Plan and zoning designations as the project property. There are no “unusual circumstances” that differentiates the project from the general class of similarly situated projects. The project is located within the larger 35-acre MTNP that is surrounded by urban development. The MTNP is subject to routine maintenance, repairs and installation of small facilities in other parts of the park, and there are no unusual features or circumstances that distinguish the project site and repairs, maintenance and improvements from other locations in the park where similar maintenance, repairs, and improvements have been or could be implemented.

Additionally, there is no substantial evidence that the proposed project would result in a significant impact based on biological resource and cultural resource studies conducted for the project as reviewed. The studies concluded that the project would not result in significant impacts to biological or cultural resources. No special status species were identified as occurring or potentially occurring at the project sites. The project would not result in removal of any trees, and no sensitive

riparian or wetland vegetation would be removed. The site is located within the coastal zone, but is within a developed urban area, surrounded by development, and sensitive resources are not present on the project site. For these reasons, the project would not result in any significant effects on the environment due to unusual circumstances, and exception (c) does not apply to the project.

The project will not result in damage to scenic resources within a scenic highway (section 15300.2(d)), as the site is not adjacent to or visible from a designated scenic highway. There are no designated state scenic highways within the City, and the project is not adjacent to the highways located in the City. Therefore, the project site is not located within or near a highway officially designated as a state scenic highway and would not result in damage to scenic resources within a state scenic highway. Thus, this exception does not apply to the project.

The site is not a hazardous waste site based on review of the State’s data bases for such sites, and thus is not subject to the exception set forth in subdivision (e) of section 15300.2.

There are no structures on the project site, and the cultural resources investigation found no evidence of historical resources as defined under CEQA. Therefore, the project would not result in a substantial adverse change to the significance of a historic resource. The project is not subject to the exception set forth in subdivision (f) of section 15300.2.

For all of these reasons, the City is able to document that the project qualifies for the Categorical Exemption found at CEQA Guidelines section 15301, 15302 and 15303 for existing facilities, replacement of existing facilities, and installation of new small structures, and that none of the potential exceptions to the use of a categorical exemption, as set forth in CEQA Guidelines section 15300.2, apply to this project or the project site.

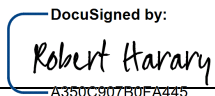
Lead Agency

Contact Person: Robert Harary, P.E.

Phone: (831) 620-2070

Department: Public Works

Address: P.O. Box CC
Carmel-by-the-Sea, CA 93921

Signature:  _____
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Date: 2/16/2023 _____

Signed by Lead Agency

Signed by Applicant

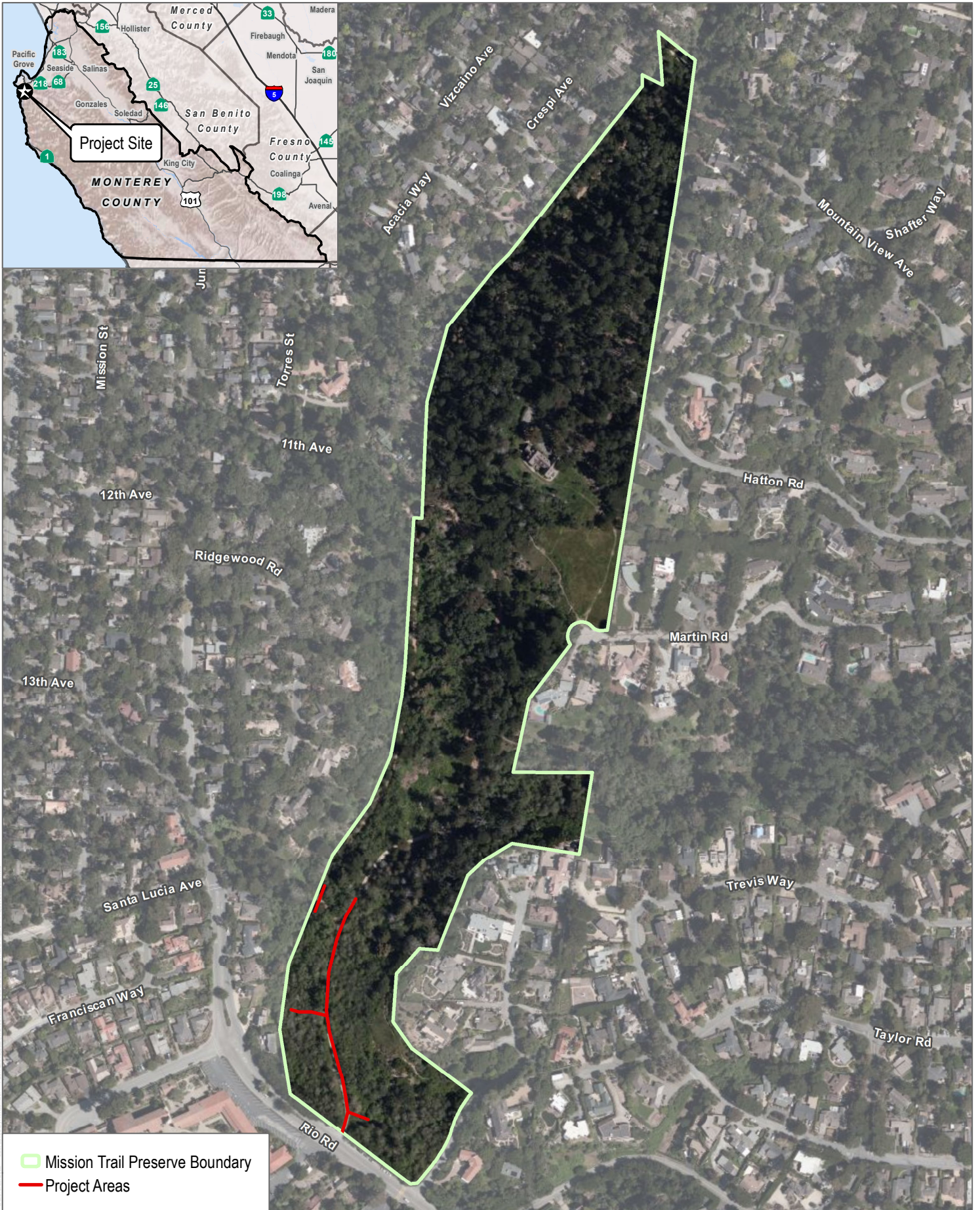
Title: Environmental Compliance Manager

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes No

Date Received for filing at County Clerk: _____

Date Received for filing at OPR:



SOURCE: Bing Maps; Monterey County

