

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency

Contact Person: _____ Area Code/Telephone/Extension: _____

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

Signature: Taylor Herrvall Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

CITY OF VENTURA
PUBLIC WORKS DEPARTMENT

Date March 14, 2023

To: Jamie Peltier, Community Development Principal Planner
From: Greg Knudson, Public Works Design and Construction Division Manager
Subject: CEQA Determination for Promenade Repair and Improvements & Oak Street Drain Repair

Project No. 90100, 66100

We are respectfully requesting a CEQA determination for the subject project. Please review the following:

- Environmental application
- 90% design – Promenade Repairs
- Coastal Engineering Analysis – Final Report – Promenade
- Prelim. Details – Oak St. Storm Drain
- Proposed CEQA Determination: Categorical Exemption

Please contact the project engineer, Ling Liu at extension 4791, if you need any additional information that will assist you with a determination.

Please return the signed document to Ling Liu.

Thank you.

CEQA DETERMINATION FOR PROMENADE REPAIR & IMPROVEMENTS & OAK ST. DRAIN

Instructions

PART A (To be filled out by Project Engineer and reviewed by Departmental Division Manager)

All requests must address the following. Please place a check next to each complete item and sign below each section when complete.

PART B (to be filled out by the Planning Division)

Determination of Proper Environmental Document

The purpose here is to arrive at a conclusion as to the type of environmental document most appropriate for the described project.

Part A

Section 1: Project Facts

1. **Project Title:** Promenade Repair and Improvements/Oak Street Drain Repair
2. **Source(s) of funding:** Measure O (05) & General Fund CIP (04) (10)
3. **Lead City Agency Name:** Public Works
4. **Program Coordinator:** Barbara McCormack(Promenade), Joe Yahner (Oak St.)
5. **Project Manager and Phone Number:** Ling Liu, 805-658-4791
6. **Contact Person and Phone Number:** Ling Liu, 805-658-4791
7. **Project Location and Street Address:** Shoreline Dr. and Figueroa St.
8. **Parcel Numbers (if any):** N/A
9. **Q: Description of the intent, goals, and objectives of the project:**

R: The goal of the project is to make necessary repairs and minor upgrades to the existing facilities indicated in order to prevent future failure that could result in threats to health and life safety and damage to public facilities and private property.

10. **Q: What problem is the project intended to solve?**

R: The Promenade Repairs work intends to repair and replace degraded and corroded segments of the Promenade pathway. The beach access stairway, from the promenade to the beach, will be removed and replaced. Also, several alcoves used to view the ocean will be repaired. Lastly, the existing rock revetment will be rejuvenated with new rock of similar size and density.

R: The Oak Street Drain Repair work intends to repair and replace a 28 foot long, 42-inch in diameter storm drain outfall which insulated a 33-inch inner pipe located under the Promenade Pathway to discharge stormwater into the ocean directly during the rainy season. The subject storm drain used to connect to a junction vault that diverts the underflow into a sewer pump and discharges the underflow into an 8-inch

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sewer line near the Crowne Hotel Parking Lot. Yet storm surge pushed the debris and cobbles backflow into the outfall that clogged the storm vault and broke the sewer pump. The overflow eventually flooded over the adjacent parking lot and apartment basement.

The city plans to clean up the upper stream of the subject storm drain that collected runoff from Oak Street in the old town. Then the city plans to install another 42" HDPE storm drain above the existing pipeline to discharge the peak flow.

11. Q: Why is the project being proposed now?

R: The Promenade pathway repairs are necessary to reduce the chances of a catastrophic failure in the near future. The repairs of the stairway are necessary to remove the immediate trip and fall hazard that is a direct result of damaged steps caused by wave impacts over the years.

The backflow flood from the existing storm outfall has damaged the property of Buena Vista Apartment next to the Promenade Pathway. The city needs to repair and improve the existing drainage system to prevent future damage.

Section 2: Project Description

12. Description of the Project:

Q: What existing structures are involved? (Describe existing structures including size and functional capacity, and how it will be affected.)

R: The existing structures involved in Promenade Repair work include: a concrete beach access stairway, 18.5- feet in length and 11-feet wide, two revetment segments, both approximately 400-feet in length, three alcoves, and nine concrete bench support platforms.

R: The existing structures involved in Oak Street drain repairs include a 6'x6'x10' concrete storm vault that connected to the existing 42-inch storm drain and diverted the underflow into the 5-foot diameter pump lift station vault with a depth of 15 feet and the lift station connected to a 4'X6' concrete meter vault with a depth of 4 feet.

Q: What new structures will be involved? (Describe the new structure including size and functional capacity.)

R: See below:

- The stairway will be replaced in a new orientation that will align the stairs with the shoreline. The purpose of the re-alignment is to eliminate the direct impact of the waves and cobbles on the stairs. The stairway footprint will increase by approximately 172 square feet.
- The existing revetment will be supplemented with an additional 2-to-5-tons of rock. The slope will follow the original 1970 design of 1.5:1. The rock will be placed in a prism shape from the edge of the Promenade to shoreline.
- The three existing alcove overhangs will need new guardrails. Exposed reinforcing bars will be removed and replaced with competent material along all edges of the alcoves.
- The proposed 42" HDPE storm drain will be installed horizontally above the existing drainage system. The new pipe will connect to the existing storm vault and cross under the Promenade concrete beam to discharge the overflow through the existing revetment.

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Q: Describe the physical setting of the project site and vicinity including property lines; include aerial map, zoning, and general plan of the site, using the GIS database.

R: The project area for the promenade repairs portion of the project is an approximately 400-foot-long section along the Promenade between the Ventura Pier and Surfers Point (roughly the extension of Figueroa Street to the shoreline, or alcoves "E" and "G"). Zoning is Parks and the general plan designation is Parks and Open Space. The Oak Street storm drain is located on the Promenade Pathway between California Street and Paseo De Playa.

13. **Q: Enclose a plot plan of the proposed development. Include vicinity map, showing subject site (the footprint) in relation to nearby streets and features. Use aerial maps, street maps, photographs of the site vicinity, and generalized land use map of the site and surrounding properties. The plot plan must show the location of the proposed buildings, structures, fences, equipment, utility lines and extent of the work area in relation to existing structures and property lines. (For example, for a conveyance system or municipal facility projects, indicate alignment, construction launching site, street intersections impacted, footprint of structure, height of stack etc.) Also note any vegetation to be removed and landscaping to be planted as well as below ground activities or structures including depth and amount.**

R: Preliminary Design Memorandum and plans are attached.

14. **Q: Indicate the construction methodology (e.g., for a conveyance system, open trench, tunneling, micro tunneling etc.). Include a complete description of construction including grading, cut and fill, depth, cubic yards, etc. Note any below ground activities; describe depth and amount as well as any vegetation removed.**

R: The construction activities include the items below:

Stairway Replacement

- Demolish existing access stairway and excavate 10 cubic yards of concrete underneath the stairs.
- Relocate revetment stone from the east side of existing stairway to the bottom of proposed stairway to support posts for the new stairway.
- Form and construct L shape concrete stair.

Revetment Replacement

- Trucks will deliver the stone to the project location by driving on Promenade from Shoreline Street. The construction vehicles will only drive along the walkway, they will not access the shore. An excavator with a mandible bucket will be used to deliver the equipment and position the stone along the shoreline from the Promenade.
- The sandbags and select stones will be used to form a barrier during the construction to prevent both pedestrian and tidal intrusion.
- Replace and regrade the existing revetment stone into the 1.5:1 design slope. Fill the revetment voids with smaller stones, when necessary, per design.
- Fill the revetment voids underneath the Promenade with grout.

Alcove Repair

CEQA DETERMINATION FOR PROMENADE REPAIR & IMPROVEMENTS & OAK ST. DRAIN

- Repair the existing alcoves by removing the exposed reinforcing bars along the hanging edge; insert the sacrificial anodes and glass fiber rebars as the alternatives and repatch the cracked areas with cement.
- Replace the aluminum guardrails that have been affected by corrosion or damaged.
- Relace the cracked and spalling concrete bench pads.
- The chain-link fences will be used to create a barrier between the public and the work zone. Repair work on the alcoves will not impact the shoreline.

Oak Street Drain Repair

- The contractor will open a trench on the Promenade walkway to replace the existing storm drain with a minimum width of 6.5 feet per construction standard. The 42" replacing pipeline will be filled with an uncompacted base to place another HDPE pipe above the same location.
- The contractor will drill another opening on the wall of the existing storm vault that is 1 foot above the existing storm outlet.
- The contractor will cover the pipe under the sands and cobbles of revetment stone which will not come out of the Promenade walkway.

15. Q: Indicate whether site or right-of-way acquisition will be required.

R: N/A

16. Q: Indicate whether the project will increase vehicle trips or traffic congestion during construction and operation.

R: The project won't significantly increase vehicular traffic congestion during construction. Construction will have a minor impact on pedestrians and bicycles using the Promenade pathway.

17. Q: Indicate if the project will result in aesthetic and/or visual impacts that create light and glare?

R: N/A

18. Q: Indicate if trees will be removed or relocated.

R: There are no trees that will be impacted by the project.

Section 3: Special Studies/Other Info.

19. Q: List any special studies conducted for the project.

R: Coastal Impact Assessment

20. Q: List "related projects" known to you.

R: The Pier Corrosion Repair Project is in the vicinity of this project

Section 4: Public Agencies and Stakeholders

CEQA DETERMINATION FOR PROMENADE REPAIR & IMPROVEMENTS & OAK ST. DRAIN

21. Indicate other agencies whose approval is required and from whom permits are required or who may have issued prior approvals:

- a. U.S Environmental Protection Agency (for conformity with facilities plan, work in areas of sensitive habitat and wetlands)
- b. U.S. Army Corps of Engineers (for work done in water course or water body)
- c. U.S. Fish & Wildlife Service (for work impacting wetlands, and endangered species)
- d. California Coastal Commission (for work in the Local Coastal Zone)
- e. California Fish & Game (for work in wetlands)
- f. Regional Water Quality Control Board (for work impacting wetlands, stormwater, groundwater, solid waste disposal sites)
- g. Ventura County Air Pollution Control District
- h. Southern California Association of Governments (for conformity with Clean Water and Clean Air Acts, as well as population growth issues)

R: b, d, and f (Oak Street only needs d)

22. **Q: List of other agencies participating in the funding.**

R: N/A

23. **Q: Stakeholders: list additional persons, agencies, and organizations that, to your knowledge, have an interest in this project.**

R: The Surfrider Foundation.

Section 5: Project Alternatives or Design Changes

24. **Q: Describe alternatives to the project that have been considered and indicate reasons for discarding these alternatives**

R: See below.

Promenade Repairs

One alternative is to remove the existing damaged stairway and not replace it. This alternative was discarded because access to the beach would be limited to other existing access points approximately 800 feet east (near parking garage) or 770 feet west (near Promenade Park).

Another alternative is managed retreat. This option was discarded because it would require reduction or elimination of the pedestrian accessway and relocation of existing development and infrastructure, which is currently infeasible.

An additional option would be to replace the existing revetment with a seawall. The concept would entail driving concrete or steel sheet piles to sufficient depth below the surface to achieve the necessary lateral support for the backfill and promenade deck areas. The presence of gravel, boulders, and cobble below the subsurface would complicate installation of the sheet piles. Furthermore, it is estimated that the vertical face

CEQA DETERMINATION FOR PROMENADE REPAIR & IMPROVEMENTS & OAK ST. DRAIN

of the seawall would increase wave runup and the ensuing down rush forces. Therefore, it is likely that scour would deepen along the wall section which could jeopardize beach widths at times. In addition to the above, the alternative would entail more work and is also more costly than the preferred alternative.

Oak Street Drain

One alternative would be to maintain the existing condition. This alternative was discarded because the proposed repairs and improvements are necessary to prevent further damage.

CEQA DETERMINATION FOR PROMENADE REPAIR & IMPROVEMENTS & OAK ST. DRAIN

Ling Liu

Ling Liu, PE
Public Works
Civil Engineer

Date: 01-09-2024

Greg Knudson

Greg Knudson, PE
Public Works
Capital Design Division Manager

Date: 17 January 2024

Taylor Hernwall for

Jamie Peltier
Community Development
Planning Manager

Date: 12/19/2023

CEQA DETERMINATION FOR PROMENADE REPAIR & IMPROVEMENTS & OAK ST. DRAIN

PART B (to be filled out by the Planning Division)

1. Is this an emergency project designed to alleviate a declared emergency? Yes/No

R: No

2. Does the project qualify as exempt from CEQA? If yes, describe exemption.

R: The project qualifies for an exemption under 14 CCR § 15301 – Existing Facilities, as it consists of repairs and minor alterations to existing public accessways, public recreation facilities, and storm drain equipment/facilities.

No exception under CCR §15300.2 applies as the exemption indicated above does not fall under one of the exemption classes that is qualified by consideration of project location, does not result in significant cumulative impacts, would not result in damage to scenic resources, is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code, and will not cause a substantial adverse change in the significance of a historical resource.

(If you answered yes to questions 1 or 2, you do not need to answer remaining questions)

3. Will the project result in displacing existing housing, or will the project require acquisition of property (right-of-way)? Yes/No. If yes, explain.

4. Is this project located in a seismically active site? Is it near a known fault line or area prone to liquefaction, landslides, erosion, or unstable soil condition? Yes/No (If yes, explain)

5. Is the project located in a flood hazard zone? Yes/No (If yes, explain)

6. Will the project result in changes in the course or direction of water movements? Yes/No (If yes, explain)

7. Will the project involve a construction site of five or more acres or otherwise meet stormwater quality criteria? Yes/No (If yes, discuss what Stormwater Best Management Practices are being implemented to maximize on-site retention/detention of stormwater, whether the project will address the issues of decreasing or shifting of peak storm flows, and whether the project will enhance run-off quality by allowing sediments to settle out.

8. Will the project increase vehicle trips or traffic congestion during construction and operation? Yes/No (If yes, explain)

9. Is there sufficient parking capacity on-site or off-site? Yes/No (If yes, explain.)

10. Will the project result in the need for or alteration of governmental services such as fire and police protection, schools, maintenance, sewer services, or stormwater drainage? Yes/No If yes, explain.

11. Will any trees be removed or relocated? Yes/No If yes, explain.

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12. Is the project located within a Design Review or Historic District. Is the project included within analysis for a Community or Specific Plan?

13. List additional persons, agencies, and organizations that, to your knowledge, may have an interest in this project.



State of California - Department of Fish and Wildlife
2023 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

RECEIPT NUMBER: — —
STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY	LEAD AGENCY EMAIL	DATE 1/3/3034
COUNTY/STATE AGENCY OF FILING		DOCUMENT NUMBER
PROJECT TITLE		

PROJECT APPLICANT NAME	PROJECT APPLICANT EMAIL	PHONE NUMBER ()
PROJECT APPLICANT ADDRESS	CITY STATE	ZIP CODE

PROJECT APPLICANT (Check appropriate box)

- Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

- Environmental Impact Report (EIR) \$3,839.25 \$ _____
 Mitigated/Negative Declaration (MND)(ND) \$2,764.00 \$ _____
 Certified Regulatory Program (CRP) document - payment due directly to CDFW \$1,305.25 \$ _____

- Exempt from fee
 Notice of Exemption (attach)
 CDFW No Effect Determination (attach)
 Fee previously paid (attach previously issued cash receipt copy)

- Water Right Application or Petition Fee (State Water Resources Control Board only) \$850.00 \$ _____
 County documentary handling fee \$ _____
 Other \$ _____

PAYMENT METHOD:

- Cash Credit Check Other
 TOTAL RECEIVED \$ _____

SIGNATURE X Taylor Hernvall	AGENCY OF FILING PRINTED NAME AND TITLE
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State of California - Department of Fish and Wildlife
2023 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

NOTICE

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

COUNTY DOCUMENTARY HANDLING FEE

The county clerk may charge a documentary handling fee of fifty dollars (\$50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (e); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS

Filing Notice of Determination (NOD):

- Collect environmental filing fee or copy of previously issued cash receipt. *(Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)*
- Issue cash receipt to project applicant.
- Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.
- Mail filing fees for **CRP** document to CDFW prior to filing the NOD or equivalent final approval (Cal. Code Regs. Tit. 14, § 753.5 (b)(5)). The CRP should request receipt from CDFW to show proof of payment for filing the NOD or equivalent approval. Please mail payment to address below made attention to the Cash Receipts Unit of the Accounting Services Branch.

If the project applicant presents a **No Effect Determination** signed by CDFW, also:

- Attach No Effect Determination to NOD *(no environmental filing fee is due)*.

Filing Notice of Exemption (NOE) *(Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))*

- Issue cash receipt to project applicant.
- Attach copy of cash receipt to NOE *(no environmental filing fee is due)*.

Within 30 days after the end of each month in which the environmental filing fees are collected, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as "Environmental Document Filing Fees" per Fish and Game Code section 711.4.

The county clerk shall mail the following documents to CDFW on a monthly basis:

- ✓ A photocopy of the monthly State of California Form No. CA25 (TC31)
- ✓ CDFW/ASB copies of all cash receipts (including all voided receipts)
- ✓ A copy of all CDFW No Effect Determinations filed in lieu of fee payment
- ✓ A copy of all NODs filed with the county during the preceding month
- ✓ A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

DOCUMENT RETENTION

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

RECEIPT NUMBER

- # The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.
- # The next eight digits automatically populate when a date is entered.
- # The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies 1) save a local copy of this form, and 2) track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.

Mail to:

California Department of Fish and Wildlife
 Accounting Services Branch
 P.O. Box 944209
 Sacramento, California 94244-2090