

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: Monterey
188 West Alisal Street, 1st Floor
Salinas, CA 93901

From: (Public Agency): City of Monterey Public Works Department
424 Madison Street
Monterey, CA 93940

FILED

(Address) APR 22 2026

XOCHITL MARINA CAMACHO
MONTEREY COUNTY CLERK
2026-0045 DEPUTY

Project Title: Via Esperanza Storm Damage Repair Project

Project Applicant: City of Monterey

Project Location - Specific:

The project is located in the City of Monterey along portions of Via Esperanza.

Project Location - City: Monterey Project Location - County: Monterey

Description of Nature, Purpose and Beneficiaries of Project:

The proposed project consists of repair and stabilization of a damaged drainage channel and retaining wall, including construction of a new engineered retaining wall, channel stabilization measures, and riparian restoration within an existing disturbed drainage corridor.

Name of Public Agency Approving Project: City of Monterey

Name of Person or Agency Carrying Out Project: City of Monterey Public Works Department

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: Sections 15301(d), 15302(c), and 15333(d)(5)
Statutory Exemptions. State code number:

Reasons why project is exempt:

The proposed project is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15301, Class 1 (d), because restoration of the creek embankment would meet current standards of public health and safety; State CEQA Guidelines Section 15302, Class 2 (c), reconstruction of creek embankment would have substantially the same purpose and capacity as the structure replaced; and, State CEQA Guidelines Section 15333, Class 33 (d)(5), enhancement and stabilization of the channel would implement native vegetation and/or other bioengineering techniques.

Lead Agency
Contact Person: Christy Sabdo Area Code/Telephone/Extension: (831)646-3758

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: Christy Sabdo Date: 4/22/26 Title: Principal Planner

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:

Attachment A

Via Esperanza Storm Damage Repair Project CEQA Exemption Information Form

City of Monterey

Project Location

The project site is located in City of Monterey, within Monterey County, California. See *Figure 1: Regional Map*. The project site is an existing natural drainage located within the community of the Monterey Vista neighborhood adjacent to Via Esperanza Street between Soledad Drive and Via Arcerolo Drive. The drainage is located on the south side of Via Esperanza. The areas surrounding the proposed project are highly urbanized and land uses are dominated by residential uses and an existing church located at 52 Soledad Drive. Across Soledad Drive are neighborhood retail commercial uses. The drainage is located along the 50-80 block of Via Esperanza in Monterey, California 93940. See *Figure 2: Vicinity Map*.

Proposed Improvements/Description

The Via Esperanza Storm Damage Repair Project consists of repair and stabilization of a damaged drainage channel and retaining wall along an existing drainage corridor adjacent to Via Esperanza. The project includes construction of a new engineered retaining wall, channel stabilization and erosion control measures, and riparian restoration within an existing disturbed drainage feature. Temporary stabilization measures will be removed, and best management practices will be implemented to minimize erosion and protect water quality during construction. The project does not expand the existing use or capacity of the drainage facility.

Reasons Why Project is Exempt

The proposed project is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section Class 1, Section 15301(d).

Section 15301, Class 1, is a categorical exemption (CE) which consists 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. (Cal. Code Regs., § 15301.) Subsection (d) provides that restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood, would be exempt.

- The proposed project is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15301, Class 1 (d). The key consideration for this exemption is that the restoration

of the creek embankment would meet current standards of public health and safety. As discussed in the project description above, the proposed improvements fall under restoration or rehabilitation of deteriorated or damaged structures. Therefore, the project would be considered exempt under Class 1 (d).

Section 15302, Class 2, is a categorical exemption (CE) which consists of the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure and will have substantially the same purpose and capacity as the structure replaced. (Cal. Code Regs. § 15302.) Subsection (c) provides that replacement or reconstruction of existing utility systems and/or facilities involving negligible, or no expansion of capacity would be exempt.

- The proposed project is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15302, Class 2 (c). The key consideration for this exemption is that the reconstruction of creek embankment would have substantially the same purpose and capacity as the structure replaced. As discussed in the project description above, the proposed improvements fall under reconstruction of the existing damaged storm drainage utility structure. Therefore, the project would be considered exempt under Class 2 (c).

Section 15333, Class 33, is a categorical exemption (CE) which consists of projects that do not exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife. (Cal. Code Regs. § 15333.) Subsection (d)(5) lists one type of small restoration project as stream or riverbank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion and sedimentation, would be exempt.

- The proposed project is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15333, Class 33 (d)(5). The key consideration for this exemption is that the proposed project would provide enhancement and stabilization of the channel and would implement native vegetation and/or other bioengineering techniques. As discussed in the project description above, the proposed improvements would stabilize the creek to reduce erosion and sedimentation. Therefore, the project would be considered exempt under Class 33 (d)(5).

Exceptions to Exemptions

CEQA Section 15300.2 (a through f) presents a list of exceptions to the use of an exemption. The proposed project does not meet any of the exceptions as discussed below:

- a) Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the proposed project is to be located – a project that is ordinarily insignificant in its impact on the environment may be in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except 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.
 - The proposed project does not rely on a Class 3, 4, 5, 6, or 11 exemption and 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.
- The proposed project would not have an impact on surrounding areas, adjoining properties, or result in a cumulative impact over time. Overall, the storm damage repair along Via Esperanza would benefit public safety for users of Via Esperanza. The proposed project does not propose any new land uses and would repair the existing land use. Therefore, the proposed project would not result in any impacts to the environment and would not make a cumulative contribution to an environmental impact or loss of resources.
- c) Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- The proposed project would not have a significant effect on the environment as it would occur on an existing creek embankment that is a part of a stormwater drainage system. The project site is disturbed and consists of a damaged creek embankment. Although native vegetation may potentially be present on the project site and may be removed, the proposed project would revegetate with hydroseed/native seed mix. Furthermore, the proposed project would not overlap with any critical habitats of threatened, endangered, or candidate species. The proposed project would not affect any historic, cultural, or tribal cultural resources. Therefore, there is not, within a reasonable amount of possibility, an activity that would have an effect on the environment due to unusual circumstances.
- d) Scenic Highways.** 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.
- The proposed project would occur entirely within an area already developed within public facilities and would not remove any trees, damage any historic structures or scenic resources within a highway officially designated as a state scenic highway. The project site is not located within or immediate vicinity to a designated scenic highway. The nearest officially designated scenic highway is Highway 1 approximately 0.3 miles south of the project site. (Caltrans, 2018). The project site is not visible from Highway 1.
- e) Hazardous Waste Sites.** 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.
- The proposed project does not occur within a hazardous waste site and the proposed project would not use, handle, store, or dispose of any acutely hazardous materials. Review of the State Water Resources Control Board Geotracker tool and the Department of Toxic Substances Control (DTSC) EnviroStor Database revealed no evidence of hazardous materials site in areas where the project proposes improvements.
- 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.
- The project proposes improvements in an urban environment within existing disturbed right of way areas. The improvements would not impact any buildings or structures that are older

than 45 years. The project area is currently disturbed, grading and excavation would be limited to the minimum necessary to construct the proposed improvements. No Historical resources would be affected.

Conclusion

The proposed project is consistent with State CEQA Exemptions Class 1 – Existing Facilities (d), Class 2 – Replacement or Reconstruction (c), and Class 33 – Small Habitat Restoration Projects (d)(5). With the addition of standard permitting conditions and the applicant proposed design guidelines, the proposed project would not result in any substantial changes to the environment. As discussed above, no exceptions to either exemption detailed in §15300.2 would be applicable or occur.

References

- California Department of Transportation (Caltrans). 2018. *California State Scenic Highway System Map*. Available at <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>, Accessed March 12, 2024.
- Federal Emergency Management Agency (FEMA). 2024. *FEMA Flood Map Service Center*. Available at <https://msc.fema.gov/portal/home>. Accessed August 29, 2024.
- State of California Department of Toxic Substances Control. 2024. *EnviroStor*. Available at <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Search>. Accessed March 12, 2024.
- State Water Resources Control Board. 2024. *GeoTracker*. State of California. Available at <https://geotracker.waterboards.ca.gov/>. Accessed March 12, 2024.
- United States Department of Interior Fish and Wildlife Service. 2023. *USFWS IPaC Via Esperanza Storm Damage Repair Project*. Accessed August 29, 2024.