

**CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION**

PLANNING COMMISSION RESOLUTION NO. 2021-XX-PC

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA APPROVING
A FIVE-YEAR RENEWABLE EXTENSION TO A COASTAL DEVELOPMENT PERMIT FOR INVASIVE
SPECIES REMOVAL AND MAINTENANCE ACTIVITIES IN
MISSION TRAIL NATURE PRESERVE
APN: 009-341-001, 009-341-008, 010-061-006**

WHEREAS, On April 19, 2016, a Coastal Development Permit (CDP 16-155) was filed by the City Public Works Department for a five-year, renewable term program for invasive species removal and maintenance activities in Mission Trail Nature Preserve; and

WHEREAS, CDP 16-155 was approved by the Planning Commission on May 11, 2016; and

WHEREAS, the proposed activities in Mission Trail Nature Preserve require a Coastal Development Permit under Section 17.52.100.E.3 of the City's Municipal Code because a CDP is required for maintenance activities in an environmentally sensitive habitat area and also because mechanized equipment will be used for some of these activities; and

WHEREAS, the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA"), together with State Guidelines (14 California Code Regulations §§ 15000, et seq., the "CEQA Guidelines") and City Environmental Regulations (CMC 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, pursuant to Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources, of the CEQA Guidelines, the project is categorically exempt from CEQA and does not present any unusual circumstances that would result in a potentially significant environmental impact, and there are no exceptions to the exemption; and

WHEREAS, notice of the public hearing was published in compliance with State law (California Government Code 65091), as well as hand-delivery of the public notice by the Applicant to each property owner within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on May 12, 2021, the Planning Commission held a public hearing to receive public testimony, including without limitation, information provided to the Planning Commission by City staff and through public testimony; and

WHEREAS, this Resolution and its findings are made based upon evidence presented to the Commission at the hearing date including, without limitation, the staff report submitted by

the Community Planning and Building Department; and

WHEREAS, the Planning Commission did hear and consider all said reports, recommendations and testimony herein above set forth and used their independent judgement to evaluate the project; and

WHEREAS, the facts set forth in the recitals are true and correct and are incorporated herein by reference.

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the extension of Coastal Development Permit (CDP 16-155, Mission Trail Nature Preserve):

1. The project, as conditioned, is consistent with the General Plan of the City of Carmel, including the Local Coastal Program and Title 17 (Zoning) of the City Municipal Code. In compliance with the City's requirements, a Coastal Development Permit has been requested and is approved.
2. The project, as conditioned, is consistent with and implements the Mission Trail Nature Preserve Master Plan, which is an appendix to the City's Local Coastal Program.
3. The proposed project is consistent with the land use designation of the site.
4. The proposed project, as conditioned, will not generate adverse impacts to the Mission Trail Nature Preserve or surrounding properties.
5. The proposed project, as conditioned, will not be injurious to public health, safety or welfare.
6. The Planning Commission has considered the CEQA Categorical Exemption and determines that the Categorical Exemption has been prepared in compliance with CEQA and is adequate for this project.
7. The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Community Planning and Building Department of the City of Carmel-by-the-Sea located at Monte Verde Street between Ocean and 7th Avenues, Carmel-by-the-Sea, California, 93921.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby APPROVE a five-year extension to Coastal Development Permit (CDP 16-155, Mission Trail Nature Preserve) for invasive species removal and maintenance activities in Mission Trail Nature Preserve, subject to the following Conditions of Approval:

1. This CDP authorizes a 5-year extension period for maintenance activities in the Mission

Trail Nature Preserve (Preserve) with the intention of renewal and extension as set forth in Special Condition #6 below. The scope of the maintenance activities is as set forth in the 1996 Mission Trail Nature Preserve Master Plan, which is an appendix to the City's certified Local Coastal Plan, and supported by the 2015 Baseline Biological Assessment. In addition to the routine seasonal and annual maintenance activities within the Preserve, this CDP also authorizes an invasive species removal program as described in the Baseline Biological Assessment.

2. Activities authorized by this CDP include weed management, trail maintenance, rare plant conservation, maintenance of the Lester Rowntree Native Plant Garden and Flanders Mansion, stream stabilization, and general property management. Maintenance activities including invasive species removal are to be conducted during normal working days and hours, except for emergency work which may be conducted off-hours if necessary for public safety or to avoid environmental impacts.
3. Mechanized equipment such as work trucks of various size, chainsaws, backhoes, cranes, chippers, bucket trucks, dumpsters, and stump grinders are authorized under this CDP.
4. The term of this permit extension is for 5 years (through May of 2026). Following the fifth year and before a sixth-year event is approved, the item shall return to the Planning Commission for discussion on any issues or suggested improvements. The Planning Commission may add or amend the conditions of approval, or may decline to extend the permit further. Should there not be any issues, the permit may be extended for another 5-year period or for some other term acceptable to the Planning Commission.

SPECIAL CONDITIONS:

1. For each year of the permit, the City shall maintain a list of specific activities carried out under the permit and by June 30th of each year provide a year-end summary of such activities to the Community Planning and Building Director for distribution to and presentation before the Planning Commission at the Commission's July or August meeting.
2. In April or May of 2026, and prior to the expiration of any extended term for the CDP, the activities authorized under this CDP will be reviewed by the Planning Commission at a duly-noticed public hearing where the CDP will be considered for extension and renewal for an additional 5-year period or for some other term acceptable to the Planning Commission. As part of this extension request, an updated biological assessment may be prepared and provided to the Planning Commission for review.
3. The activities authorized by this permit shall adhere to the impact avoidance components as set forth in the Baseline Biological Assessment and as summarized in the staff report for this item. These include:

- a. Seasonal limitations. Planned work in the riparian areas will be scheduled during the dry months when there is less water around, access is improved, and soil compaction is less likely;
 - b. Bird nesting. Projects involving invasive tree removal should be performed outside the bird nesting season, or between September 1 and February 29. Any proposed tree or brush removal within the nesting season (March 1 through August 31) will require a pre-project bird nesting survey by a qualified biologist;
 - c. Trail closures. Some work activities will require temporary closure of roads and trails for public safety while work is in progress. The duration of and trail closures will be limited to the maximum practicable extent, and temporary trail closure signage installed on either end of the work zone;
 - d. Fire safety and fuel loads. Fire safety activities will be completed prior to the declaration of fire season (typically in late April or in May) for public safety. Consultation with the local and regional fire department staff will occur to help determine the scale and timing of these activities;
 - e. Habitat restoration. Some maintenance activities will include site restoration to enhance the habitat values of the Preserve upon completion. Removing large areas of invasive trees or cape and English ivy are examples of activities that would require site restoration with erosion control materials such as jute netting and reseeding or replanting with native plants.
4. In the event of unanticipated issues associated with the project, this permit may be scheduled for reconsideration by the Planning Commission to amend the permit or conditions as necessary.

PASSED, APPROVED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 12th day of May, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Michael LePage
Chair

Margi Perotti
Planning Commission Clerk