

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING (“MOU”) WITH THE LAND CONSERVANCY OF THE SAN LUIS OBISPO COUNTY (“LAND CONSERVANCY”) TO CONTRIBUTE FUNDS TO SUPPORT LONG-TERM MAINTENANCE OF THE BLACK LAKE ECOLOGICAL AREA AS ENVIRONMENTAL MITIGATION FOR THE TRAFFIC WAY BRIDGE REPLACEMENT PROJECT

WHEREAS, the Traffic Way Bridge (“Bridge”) spans Arroyo Grande Creek allowing Traffic Way to connect to West Branch Street. Traffic Way is an arterial roadway that conveys approximately 11,500 vehicles per day. The Bridge is a reinforced concrete structure supported by abutments on each end of the Bridge and concrete piles along the span; and

WHEREAS, in 2006, Caltrans designated this Bridge as “scour critical” meaning that the supporting members of the Bridge are compromised due to erosion of surrounding soil. In 2016 the Bridge was reinspected, and that inspection found signs of deck cracking, failed expansion joints, spalling concrete, concrete abrasion, and creek channel erosion. In March 2018, it was determined that not only is scour an issue, but that the foundation is vulnerable in bearing capacity; and

WHEREAS, Caltrans determined the Bridge needed replacing and placed it in the federal Highway Bridge Program (HBP). HBP provides funding for bridge repair and replacement. It provides 88.53% of federal funding and a required local match of 11.47%; and

WHEREAS, The City awarded a construction contract to replace the bridge to Granite Construction Company on December 10, 2024, and this project is commonly referred to as the Traffic Way Bridge Replacement Project (the “Project”); and

WHEREAS At that time, it was noted that the City had not yet acquired a Regional Water Quality Control Board (“Regional Board”) 401 Water Quality Certification permit (“401 permit”) for this project due to complications meeting off-site mitigation requirements, and this permit is needed prior to beginning construction in Arroyo Grande Creek, which is expected in June 2025; and

WHEREAS, After failing to find appropriate City land to meet 401 permit regulatory requirements, and finding no projects on Arroyo Grande Creek that meet the Regional Board’s requirements for timeliness and relevance, City staff found the opportunity to contribute funds to long-term maintenance of wetland plantings in the Blake Lake Ecological Area in southern San Luis Obispo County; and

RESOLUTION NO.
PAGE 2

WHEREAS, initial conversations with the Regional Board indicate that they are likely to approve this solution in satisfaction of the mitigation requirements, and Land Conservancy has similarly had conversations with the State Coastal Conservancy indicating that entity will approve this arrangement; and

WHEREAS, execution of an MOU with the Land Conservancy is the most feasible mechanism to satisfy the Regional Board's 401 permit requirement; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arroyo Grande, as follows:

1. **RECITALS.** The foregoing recitals are true and correct and are incorporated herein.
2. **MOU EXECUTION.** The City Council authorizes the City Manager to execute a Memorandum of Understanding (MOU), in substantially the same form as that provided in Exhibit "A", with the Land Conservancy to contribute funds to support long-term maintenance of the black lake ecological area as environmental mitigation for the Traffic Way Bridge Replacement Project, subject to any additional negotiated changes requested by the Land Conservancy or Regional Board, as approved by the City Manager in consultation with the City Attorney, and provided that the Regional Board confirms in writing that the MOU with the Land Conservancy will satisfy the mitigation requirement necessary to obtain the 401 permit required for the Traffic Way Bridge Replacement Project.
3. **CEQA.** On September 26, 2023 , the City Council adopted a Mitigated Negative Declaration (MND) for the Project (SCH No. 2022060452). The MND analyzed the environmental impacts of the Project in compliance with the California Environmental Quality Act ("CEQA"). The adoption of this Resolution occurs pursuant to and in conformity with the analysis contained within the previously adopted MND. None of the conditions requiring subsequent environmental review called out in Public Resources Code section 21166 or State CEQA Guidelines section 15162 are present. Approval of this Resolution will not directly or indirectly cause any new physical impacts to the environment than what was previously analyzed in the prior MND. Specifically, the approval of this Resolution is (i) not a substantial change proposed in the Project that will require major revisions to the previous MND

due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (ii) not a substantial change with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous MND due to the involvement of new significant effects or a substantial increase in the severity of previously identified significant impacts; and (iii) is not new information of substantial importance that shows the Project will have one or more significant impacts not discussed in the previous MND; that significant impacts previously examined will be substantially more severe than shown in the previous MND; that mitigation measures previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects, but the City declined to adopt such measures; or that mitigation measures considerably different from those previously analyzed would substantially reduce one or more significant effects on the environment, but which the City declined to adopt. Thus, none of the conditions requiring subsequent environmental review called out in Public Resources Code section 21166 or State CEQA Guidelines section 15162 are present, and no further environmental review is required.

City Council directs City staff to cause a Notice of Determination to be filed and posted with the County Clerk and State Clearinghouse within five working days of the adoption of this Resolution.

4. **CUSTODIAN OF RECORDS.** The documents and materials associated with this Resolution that constitute the record of proceedings on which these findings are based are located at City Hall, 300 E Branch St Arroyo Grande CA 93420.

On motion of Council Member _____, seconded by Council Member _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

The foregoing Resolution was passed and adopted this 11th day of February 2025.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

MATTHEW DOWNING, CITY MANAGER

APPROVED AS TO FORM:

ISAAC ROSEN, CITY ATTORNEY

Exhibit "A"