

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE APPROVING CONDITIONAL USE PERMIT 23-001 AND GRANTING A FEE WAIVER FOR THE ASSOCIATED APPLICATION FEES; LOCATION – AN APPROXIMATELY ONE-MILE STRETCH OF CORBETT CREEK BETWEEN EAST BRANCH STREET AND 379 CORBETT CANYON ROAD; APPLICANT – COASTAL SAN LUIS RESOURCE CONSERVATION DISTRICT

WHEREAS, the project site is an approximately one-mile stretch of Corbett Creek located between East Branch Street and 379 Corbett Canyon Road, and

WHEREAS, the applicant has filed Conditional Use Permit 23-001 to complete a comprehensive restoration project; and

WHEREAS, the Staff Advisory Committee considered the project on September 8, 2022 and February 2, 2023 and recommended approval of the project; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) Guidelines, staff conducted an Initial Study (IS) and prepared a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP). The IS/MND was reviewed by the Planning Commission on April 16, 2013. Due to the age of the environmental document, the applicant prepared an addendum to the IS/MND. The previously certified IS/MND, the MMRP and the addendum are included as Exhibits “B” and “C” and “D,” respectively, in this attached Resolution; and

WHEREAS, the City has limited approval and implementing authority over the project, and thus is a “responsible agency” for the project pursuant to the requirements of CEQA and the terms of the Addendum to the IS/MND; and

WHEREAS, all the procedures of CEQA have been met, and the MND prepared in connection with the project is sufficiently detailed so that all the potential effects of the project on the environment and measures necessary to avoid or substantially lessen such effects have been evaluated in accordance with CEQA; and

WHEREAS, the Planning Commission of the City of Arroyo Grande has reviewed the project at a duly noticed public hearing on June 6, 2023; and

WHEREAS, the City Council of the City of Arroyo Grande has reviewed the project at a duly noticed public hearing on July 25, 2023; and

WHEREAS, the City Council finds, after due study, deliberation, public hearing and finding all legal other prerequisites to the adoption of this Resolution have occurred, the following circumstances exist, and the Recitals herein incorporated by reference:

1. Environmental Determination. As responsible agency, the City Council of Arroyo Grande has determined the addendum to the previously certified IS/MND, the MMRP and the addendum,

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included as Exhibits “B” and “C” and “D,” respectively in this attached Resolution, is adequate for use by the City, consistent with Cal. Code Regs. tit. 14 § 15096.

2. Conditional Use Permit Findings:

1. The proposed use is permitted within the subject district pursuant to the provisions of this section and complies with all the applicable provisions of this title, the goals, and objectives of the Arroyo Grande General Plan, and the development policies and standards of the City.

The proposed use of the site for a restoration project is permitted with approval of a conditional use permit by the City Council after receiving a recommendation from the Planning Commission and the project complies with all applicable provisions of the Arroyo Grande General Plan and Municipal Code.

2. The proposed use would not impair the integrity and character of the district in which it is to be established or located.

The proposed use of the site for a creek restoration project will not impair the integrity of the project site due to the intent of the project to return the site to its natural condition.

3. The site is suitable for the type and intensity of use or development that is proposed.

The site is an approximately one-mile stretch of Corbett Creek, which is suitable for a creek restoration project and meets the development standards of the Arroyo Grande Municipal Code.

4. There are adequate provisions for water, sanitation, and public utilities and services to ensure public health and safety.

The project involves restoring a one-mile section of creek to a natural state. Based on the project description, no utilities will be required at the site. No aspect of the proposed project is anticipated to be overly impactful to the existing services. Conditions of approval developed for the project will additionally ensure public services are minimally impacted.

5. The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties and improvements in the vicinity.

The proposed use will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity, as it will comply conditions of approval specifically developed for the project.

3. Fee Waiver.

1. The proposed fee waiver request may be granted by the City Council because

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the project:

- a. Serves a public purpose of promoting the public health, safety, and general welfare by;
 - i. Reducing the expenditure of public money for costly flood control projects;
 - ii. Reducing the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - iii. Reducing damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- b. Serves a public purpose by safeguarding important environmental and sensitive biological resources contributing to a healthy, functioning ecosystem; and
- c. Is proposed by the San Luis Coastal Resource Conservation District, a special district established by California law that does not receive annual local tax base but relies on grants, service contracts, and private donations to protect and enhance natural resources through education, restoration, conservation, and collaboration with local stakeholders.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arroyo Grande hereby approves Conditional Use Permit 23-001 as set forth in Exhibits "B," "C," and "D", attached hereto and incorporated herein by this reference, with the above findings and subject to the conditions as set forth in Exhibit "A", attached hereto and incorporated herein by this reference.

On motion by Commissioner _____, seconded by Commissioner _____, and by the following roll call vote, to wit:

AYES:

NOES:

ABSTAIN

ABSENT:

the foregoing Resolution was adopted this 25th day of July, 2023

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

WHITNEY McDONALD, CITY MANAGER

APPROVED AS TO FORM:

ISAAC ROSEN, CITY ATTORNEY

EXHIBIT 'A'
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT 23-001
CORBETT CREEK RESTORATION PROJECT

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

GENERAL CONDITIONS

1. The applicant shall ascertain and comply with all Federal, State, County and City requirements as are applicable to this project.
2. The applicant shall comply with all conditions of approval for Conditional Use Permit 23-001.
3. This application shall automatically expire on July 25, 2025 unless a Lake and Streambed Alteration permit is issued by the California Department of Fish and Wildlife (CDFW). Thirty (30) days prior to the expiration of the approval, the applicant may apply for an extension of one (1) year from the original date of expiration.
4. Development shall occur in substantial conformance with the plans presented to the City Council at the meeting of July 25, 2022 and marked Exhibit B.
5. The applicant shall agree to indemnify and defend at his/her sole expense any action brought against the City, its present or former agents, officers, or employees because of the issuance of said approval, or in any way relating to the implementation thereof, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his/her obligations under this condition.
6. A copy of these conditions shall be incorporated into all construction documents.
7. At the time of application for construction permits, plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
8. All conditions of this approval run with the land and shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Development

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Code Section 16.08.100.

GENERAL CONDITIONS

9. All project improvements shall be designed and constructed in accordance with the most recent version of the City of Arroyo Grande Standard Specifications and Engineering Standards.
10. Preserve existing survey monuments and vertical control benchmarks in compliance with Standard Specifications Section 5-1.26A.
11. The applicant shall be responsible for obtaining an encroachment permit for all work within a public right-of-way (City, County and/or Caltrans).