

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE TO ADOPT THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (SCH #2022060452) AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE TRAFFIC WAY BRIDGE REPLACEMENT PROJECT, AND APPROVE THE PROJECT**

**WHEREAS**, the Traffic Way Bridge was built in 1932; and

**WHEREAS**, in 2016 an inspection revealed signs of deck cracking, failed expansion joints, spalling concrete, concrete abrasion, and creek channel erosion; and

**WHEREAS**, in 2018 the Bridge was determined to be high risk and identified as a replacement project; and

**WHEREAS**, on July 24, 2018, City Council approved an updated Master Service Agreement and Program Supplement Agreement for the replacement of the Traffic Way Bridge; and

**WHEREAS**, pursuant to the California Environmental Quality Act (Public Resources Code, §210000 et seq.) and the State CEQA Guidelines (California Code of Regulations, title 14, §150000 et seq.) (collectively, "CEQA"), an Initial Study was prepared in June 2022 to evaluate potential impacts to the environment consistent with the California Environmental Quality Act (CEQA); and

**WHEREAS**, pursuant to the California Environmental Quality Act (Public Resources Code, §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, title 14, §15000 et seq.) (collectively, "CEQA"), an Initial Study analyzing all potential impacts of the Project was prepared for the City's consideration as the lead agency under State CEQA Guidelines section 15063; and

**WHEREAS**, on the basis of the Initial Study, which indicated that all potential environmental impacts from the Project would be less than significant with the incorporation of the mitigation measures in the Mitigation Monitoring and Reporting Program ("MMRP"), City staff determined that a Mitigated Negative Declaration ("MND") should be prepared; and

**WHEREAS**, the Draft Initial Study/MND (SCH #2022060452) was prepared in accordance with CEQA and circulated for public review and comment between June 20, 2022 and July 20, 2022 by: (1) filing a Notice of Intent to Adopt a Mitigated Negative Declaration ("NOI") with the State Clearinghouse; (2) filing a NOI with the San Luis Obispo County Clerk; (3) placing a NOI in the San Luis Obispo Tribune, a newspaper of general

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circulation; (4) mailing a NOI to various interested persons, agencies, and tribes; and (5) posting a NOI on the City's website; and

**WHEREAS**, copies of the Draft Initial Study/MND were available during the public review period at City Hall, and on the City's website; and

**WHEREAS**, pursuant to Public Resources Code section 21081.6 and State CEQA Guidelines section 15074(d), the MMRP has been prepared and includes mitigation measures for air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use, noise, public services, tribal cultural resources, utilities and service systems, and wildfire, and

**WHEREAS**, the public review period closed on July 20, 2022 and no comments were received; and

**WHEREAS**, the Planning Commission of the City of Arroyo Grande, after giving notices thereof as required by law, held a public hearing on August 2, 2022 concerning the review of the environmental document and carefully considered all pertinent testimony and the staff report offered in the case as presented adopted a Resolution recommending the City Council adopt the Mitigated Negative Declaration for the Project; and

**WHEREAS**, at the Planning Commission's recommendation, the Draft Initial Study/MND was revised to include additional review and analysis of safety issues related to traffic calming mitigation during construction be evaluated on Traffic Way and Fair Oaks, and other information was added to clarify, amplify, and make insignificant modifications to the MND; and

**WHEREAS**, the City Council, after giving notices thereof as required by law, held a public hearing on September 26, 2023 concerning the review of the environmental document and carefully considered all pertinent testimony and the staff report offered in the case as presented; and

**WHEREAS**, the Final Initial Study/MND consists of the Initial Study/MND, with redlines containing minor revisions to the Initial Study/MND, and is attached hereto as **Exhibit "A"**; and

**WHEREAS**, the Final Initial Study/MND reflects the independent judgment of the City and is deemed adequate for purposes of making decisions on the merits of the Project; and

**WHEREAS**, no comments or additional information submitted to the City Council, and no other circumstances have produced substantial new information requiring substantial revisions that would trigger recirculation of the MND or additional environmental review of the Project under State CEQA Guidelines section 15073.5.

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

1. The matters set forth in the recitals to the Resolution are true and correct statements and are incorporated herein as substantive findings of this Resolution.
2. The City Council has reviewed and considered the information contained in the Final Initial Study/MND, and administrative record, including all oral and written comments received during the comment period, which is on file with the City and available for review. Based on the City Council's independent review and analysis, the City Council finds that the Final Initial Study/MND has been completed in compliance with CEQA.
3. Based on the Final Initial Study/MND and the administrative record, the City Council finds that the Final Initial Study/MND contains a complete and accurate reporting of the environmental impacts associated with the Project. The City Council further finds on the basis of the whole record before it that there is no substantial evidence supporting a fair argument that the Project will have a significant effect on the environment and that the Final Initial Study/MND reflects the City's independent judgement and analysis. The City Council further determines that the MND has not been substantially revised after public notice of its availability, nor have there been new significant environmental effects identified in the Final Initial Study/MND and thus recirculation is not required under State CEQA Guidelines, section 15073.5.
4. Pursuant to Public Resources Code section 21080, subdivision (c)(2), the City Council approves and adopts the Final Initial Study/MND prepared for the Project.
5. Pursuant to Public Resources Code section 21081.6, the City Council approves and adopts the MMRP, which was prepared for the Project and made a condition of Project approval and is attached hereto as **Exhibit "B"**.
6. The City Council approves the Project as described in the Final Initial Study/MND.
7. The documents or other materials which constitute the record of proceedings upon which this decision is based are located at the City's office at 300 East Branch Street, Arroyo Grande, California. The custodian of these documents or other material is the City Clerk for the City of Arroyo Grande.
8. The City Council directs staff to file a Notice of Determination with the County of San Luis Obispo and the State Clearinghouse within five (5) working days of approval of the Project.

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On motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and by the following roll call vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

the foregoing Resolution was adopted on this 26<sup>th</sup> day of September 2023.

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**CAREN RAY RUSSOM, MAYOR**

**ATTEST:**

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**JESSICA MATSON, CITY CLERK**

**APPROVED AS TO CONTENT:**

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**BILL ROBESON, INTERIM CITY MANAGER**

**APPROVED AS TO FORM:**

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**ISAAC ROSEN, CITY ATTORNEY**