Notice of Exemption

To: ☒ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☒ County Clerk
County of San Luis Obispo
1144 Monterey Street, Suite A
San Luis Obispo, CA 93408

From: City of San Luis Obispo
Community Development Department
919 Palm Street
San Luis Obispo, CA 93401-3249

☐ Filing Not Required

Project Title: Old Garden at Patricia Emergency Repair – 2090742-14

Project Location - City of San Luis Obispo, 266 Patricia Drive

Project Location - City: San Luis Obispo **Project Location - County**: San Luis Obispo

Description of Project:

Emergency repair of a failing culvert along Patricia Drive that is impacting the roadway, a school and City bus route, causing sinking pavement and bypass around the constructed facilities, and imminent damage to essential public services, including Patricia Drive and the associated utilities (water, sewer later, natural gas and communication lines) buried in the crossing. This repair will involve removal of the existing culvert, installation of a new precast concrete culvert, and reconstruction of the roadway above. This project will protect the roadway, creek and adjacent neighborhoods from flooding in future storms. Emergency declared on 7/17/2026 per the attached. The proposed emergency project includes best management practices and measures that will both mitigate the existing hazard and protect water quality (refer to attached).

Name of Public Agency Approving the Project: City of San Luis Obispo

Name of Person or Agency Carrying Out the Project: City of San Luis Obispo/Public Works Department

Exempt Status (check one):

- ☐ Ministerial (Section 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:
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Pursuant to California Code of Regulations Title 14, Division 6, Chapter 3, Article 18, Section 15269 - Emergency Projects, the following emergency projects are exempt from the requirements of CEQA:

b) Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare. Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency.

This project was recognized as having a high chance of failure in the short term, which would damage essential public services, including Patricia Drive and the associated utilities (water, sewer later, natural gas and communication lines) buried in the crossing. If these facilities were damaged, the public would have limited access to their properties, and limited ability to use water or natural gas.

(c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply (i) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (ii) if activities (such as fire or catastrophic risk mitigation

or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.

The culvert is failing and causing sinking pavement and bypass around the constructed facilities. Construction of this project will prevent expected failure, which is anticipated to occur during the winter season with heightened rainfall associated with an El Nino event. Further failure of the culvert will a blockage into the creek and roadway closure, which would release additional sediment into the creek and require a more extensive repair, or multiple temporary repairs, all of which would further impact the water quality of Old Garden Creek more significantly than the project as described above.

Measures to protect habitat and water quality within Old Garden Creek, as established by the regulatory agencies with the receipt of permits, will be incorporated into the project. This will include the following to ensure the restoration of affected areas:

Implementation of Geotechnical Design Features. A registered geotechnical engineer will be on site inspecting work and performing other special inspections such as rebar placement and concrete mixes. The geotechnical engineer will observe grading, backfilling and final wall alignment.

Noise-Reducing Best Management Practices. For the entire duration of the construction phase of the project, the following practices will be adhered too – use of noise control devices such as mufflers, limited use of pneaumatic tools and a complaints process through the Public Works Department.

Equipment Idling Restrictions. Throughout the construction phase of the project, the project proponent/contractor shall implement the following idling restrictions to minimize impacts to sensitive receptors. These idling restrictions shall be enforced by the Public Works Department.

Biological Resources:

Worker Environmental Awareness Program. Prior to initiation of construction activities (including staging and mobilization), all personnel associated with Project construction shall attend Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist.

Best Management Practices to Protect Water Quality. All vehicles and equipment shall be in good working condition and checked daily for leaks. Work during times of precipitation shall be avoided to the maximum extent possible. The City or their contractor(s) or representative(s) shall utilize Best Management Practices (BMPs), including (but not limited to): berms, burlap-wrapped fiber rolls, jute netting, sand/gravel bags, and straw bale barriers to stabilize work areas and prevent any sediment or pollutants from entering the creek.

Preconstruction Survey for Special-Status Plant Species. A preconstruction survey for special-status plant species shall be conducted by a qualified botanist within the Project Site prior to any site disturbance. If any special-status plant species, are observed within the Project Site, the location(s) of individual plants or group(s) of plants shall be clearly flagged by the qualified botanist and avoided during Project construction.

Avoidance and Minimization Measures for Pacific Lamprey. No project activities shall occur in flowing or standing water within Old Garden Creek, with the exception of the installation and removal of the temporary creek diversion. Capture and relocation surveys for Pacific lamprey shall be conducted by qualified biologists prior to the commencement of diversion construction, as well as during dewatering of the work areas.

Steelhead Capture and Relocation: No Project activities shall occur in flowing or standing water in Old Garden Creek, with the exception of the installation and removal of the temporary creek diversion. Project activities within the Old Garden Creek channel are proposed to occur between June 1 and October 30, outside of the steelhead migration season. Block nets shall remain in place until the diversion is functional, at which time the downstream and upstream block nets shall be removed. Non-native fishes and invertebrates shall be removed from the creek by qualified biologists.

A qualified biological monitor shall be on-site full-time during all Project activities that involve creek dewatering and/or the installation or removal of surface water diversions. Once the work area is completely blocked from the creek and dewatered, and if work conditions and/or prolonged Project activities are conducted outside of the active Old Garden Creek channel, the monitor shall be on site for no less than two days per week.

Avoidance and Minimization Measures for California Red-legged Frog. A qualified biologist shall survey the Project Site no more than 48 hours before the onset of work activities. If the biologist finds any life stage of the California red-legged frog and these individuals are likely to be killed or injured by work activities, the biologist shall be allowed sufficient time to relocate them from the Project Site before work begins. To ensure that diseases are not conveyed between sites, the qualified biologist, shall follow the fieldwork code of practice developed by the Declining Amphibian Populations Task Force at all times.

Preconstruction Survey for Special-Status Birds and Other Nesting Birds. A preconstruction nesting bird survey shall be conducted by a qualified biologist no more than 14 days prior to initiation of Project activities.

All Project personnel shall be notified as to the existence of the buffer zones and to avoid entering buffer zones during the nesting season. No Project activities shall occur within the buffer until the avian biologist has confirmed that breeding/nesting is complete, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

On-site Biological Monitoring. A qualified biologist shall be on-site during all vegetation removal, initial ground disturbing activities, and/or during any construction activities that may impact sensitive biological resources, such as dewatering and diversion installation or removal. The biologist shall have the authority to temporarily halt or redirect work to avoid impacts to special-status species or other protected biological resources. Once the diversion has been installed and vegetation removal and initial ground-disturbing activities have been completed, the biological monitor shall be on-site for no less than two days per week, for a minimum two-hour period per day.

Habitat Mitigation and Monitoring Plan. Project impacts to habitat within the Old Garden Creek corridor shall be mitigated through implementation of a Habitat Mitigation and Monitoring Plan (HMMP). The HMMP shall be prepared by a qualified biologist/restoration ecologist. The HMMP shall include details on the restoration of portions of Old Garden Creek that will be disturbed by the Project, including jurisdictional features, sensitive natural communities, and associated riparian and stream habitats.

Compensatory actions shall occur on-site and/or off-site using regionally collected native plant material at a minimum ratio of 1:1 (habitat created to habitat impacted) as directed by a qualified biologist. Note the resource agencies may require a higher mitigation ratio and, if so, their requirements would prevail. The City is committed to addressing all temporary and permanent impacts in full upon project completion. Final mitigation ratios required by the regulatory agencies during the emergency permitting process may differ but shall be confirmed upon the project completion.

At a minimum, the HMMP shall include the following:

- A description of the jurisdictional waters, sensitive plant communities, riparian and stream habitat, and/or sensitive plant species disturbed by the project, and how the mitigation method (e.g., restoration, invasive species removal, enhancement) will achieve the necessary mitigation goal/s;
- a plant palette and methods of salvaging, propagating, seeding, and/or planting the site to be restored;
- a schedule for restoration activities including weed abatement, propagating and planting, soil preparation, erosion control, qualitative and quantitative monitoring, and reporting;
- identification measurable performance standards for each objective to evaluate the success of the compensatory mitigation;
- maintenance and monitoring necessary to confirm the mitigation area meets the success criteria; and
- Identification of contingency and adaptive management measures to address unforeseen changes in site conditions or other components of the mitigation project.

Cultural Resources:

Worker Environmental Awareness Program. A qualified archaeologist shall conduct a Worker Environmental Awareness Program training on archaeological sensitivity for all construction personnel prior to the commencement of the project. The training shall be developed by an archaeologist and include a description of the types of cultural materials that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.

Archaeological Monitoring. Construction-related ground disturbances shall be monitored by a qualified archaeologist. A Construction Monitoring Treatment Plan shall be approved by the City and implemented during construction, which will include archaeological monitoring, procedures should an unanticipated discovery occur, and coordination with Native American Tribes if suspected tribal resources are discovered. Any discoveries will be summarized in a project completion report.

Lead Agency
Contact Person: Wyatt Banker-Hix **Area Code/Telephone/Ext.** (805) 295-1609

Signature:_____ Date: September 30, 2026

By: Shawna Scott, Assistant Director of Utilities

805-781-7176

sscott@slocity.org

State of California - Department of Fish and Wildlife

2026 ENVIRONMENTAL DOCUMENT FILING FEE CASH RECEIPT

DFW 753.5a (REV. 01/01/26) Previously DFG 753.5a

RECEIPT NUMBER: 40-10192026-279

STATE CLEARINGHOUSE NUMBER *(If applicable)*

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY	LEAD AGENCY EMAIL	DATE
SAN LUIS OBISPO CITY	sscott@slocity.org	10/19/2026

COUNTY/STATE AGENCY OF FILING	DOCUMENT NUMBER
COUNTY OF SAN LUIS OBISPO	

PROJECT TITLE

OLD GARDEN AT PATRICIA ELEMENTARY REPAIR - 2090742-14

PROJECT APPLICANT NAME	PROJECT APPLICANT EMAIL	PHONE NUMBER
CITY OF SAN LUIS OBISPO	sscott@slocity.org	(805) 295-1609

PROJECT APPLICANT ADDRESS	CITY	STATE	ZIP CODE
919 PALM STREET	SAN LUIS OBISPO	CA	93401

PROJECT APPLICANT *(Check appropriate box)*

☒ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)	$4,227.50	$
☐ Mitigated/Negative Declaration (MND)(ND)	$3,043.75	$
☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW	$1,437.25	$

☒ Exempt from fee

- ☒ Notice of Exemption (attach)
- ☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only)	$850.00	$
☒ County documentary handling fee		$ $90.00
☐ Other		$

PAYMENT METHOD:

☐ Cash ☒ Credit ☐ Check ☐ Other **TOTAL RECEIVED** $ $90.00

SIGNATURE	AGENCY OF FILING PRINTED NAME AND TITLE
X Michelle Maltby	Michelle Maltby, Deputy County Clerk-Recorder

Filed in County Clerk's Office
Elaina Cano
San Luis Obispo - County Clerk-Recorder

40-10192026-279

10/19/2026
FISH
Pages: 5
Fee: $ 90.00

By MMaltby, Deputy