

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: San Luis Obispo
1055 Monterey Street
San Luis Obispo, California 93408

From: (Public Agency): City of Pismo Beach
760 Mattie Road
Pismo Beach, California 93449

(Address)

Project Title: Shell Beach Road Shared Use Path

Project Applicant: City of Pismo Beach

Project Location - Specific:

Shell Beach Road from Avila Beach Drive (San Luis Obispo County) to Terrace Avenue

Project Location - City: Pismo Beach Project Location - County: San Luis Obispo

Description of Nature, Purpose and Beneficiaries of Project:

The project includes construction of a 2-mile Class I multi-use trail with coastal access trail connections, restriping of Shell Beach Road to include Class II and Class III bike lanes, bicycle parking and seating nodes, planted and hardscaped buffers to provide separation between the Class I multi-use trail and Shell Beach Road, and medians and planting as traffic calming measures.

Name of Public Agency Approving Project: City of Pismo Beach

Name of Person or Agency Carrying Out Project: City of Pismo Beach

Exempt Status: (check one):

- Ministerial (Sec. 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: 21080.25

Reasons why project is exempt:

The project qualifies for a Statutory Exemption as a pedestrian and bicycle facility within the public ROW because the project involves a Class I multi-use trail and associated bicycle and pedestrian facilities entirely within the public ROW, as documented in the attached memorandum. Therefore, the project is exempt from CEQA requirements pursuant to PRC Section 21080.25.

Lead Agency

Contact Person: Benjamin Fine (bfine@pismoeach.org) Area Code/Telephone/Extension: (805) 773-4656

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: [Signature] Date: 12/11/2023 Title: Public Works Director/City Engineer

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR:



October 26, 2023
Rincon Project No: 23-15027

Stephen Hanamaikai
Programming & Project Delivery
San Luis Obispo Council of Governments
1114 Marsh Street
San Luis Obispo, California 93401
Via email: SHanamaikai@slocog.org

**Subject: Shell Beach Road Shared Use Path, Statutory Exemption Memorandum
Spyglass Drive to Avila Beach Drive, San Luis Obispo County, California**

Dear Mr. Hanamaikai:

The purpose of this memorandum is to identify that the Shell Beach Road Shared Use Path Project (project) in San Luis Obispo County, California meets the provisions of Senate Bill 922 (SB 922), which provides a Statutory Exemption from the California Environmental Quality Act (CEQA) under Public Resources Code (PRC) 21080.25. The exemption recognizes that pedestrian and bicycle facilities that improve safety, access, or mobility, including new facilities, within the public right-of-way (ROW) are exempt from CEQA when specific criteria are met. This memorandum describes the project's consistency with the applicable criteria and accompanies a Notice of Exemption (NOE) for the project.

Project Location and Description

The approximately 2-mile Shell Beach Road Shared Use Path, the majority of which is identified in both Pismo Beach's Complete Street Plan (March 2013) and Bicycle and Pedestrian Master Plan (June 2010), would span from the northern Pismo Beach City Limit to Avila Beach Drive in unincorporated San Luis Obispo County and from El Portal Drive to Terrace Avenue in the City of Pismo Beach.

Improvements would include:

- A Class I multi-use trail on Shell Beach Road adjacent to Palisades Park and coastal access trail connections;
- Restriping Shell Beach Road along the project alignment to provide Class II (where available road width allows) and Class III bike lanes;
- Bicycle parking and seating nodes at certain locations in the corridor;
- Street crossings signage, and paving markings to warn motorists to be alert and reduce speeds due to the presence of the trail;
- Planted or hardscaped buffers to provide separation between the Class I multi-use trail and Shell Beach Road;
- Medians and planting as space and access needs allow, which visually narrow the road and act as traffic calming measures along the project alignment; and
- Retaining walls where necessary to provide slope stability and ensure the above-described improvements remain entirely within the existing public ROW.



At the Seacliff Drive intersection, anticipated enhancements include signage and a pedestrian hybrid beacon for multi-use trail users to cross Shell Beach Road.

It is anticipated that permanent facilities will be constructed entirely within the existing public ROW, will not require permanent easements or private property purchases, and early construction cost estimates anticipate less than \$10M in construction costs. The final project plans will be required to verify this assumption.

Senate Bill 922

SB 922, signed into law in September 2022, amends PRC Sections 21080.20 and 21080.25 to exempt “pedestrian and bicycle facilities that improve safety, access, or mobility, including new facilities, within the public right-of-way” (PRC Section 21080.25[b][1]). PRC Section 21080.25 of the CEQA Guidelines establishes a statutory exemption for transit prioritization projects and pedestrian and bicycle facility projects, as well as projects for the institution or increase of new bus rapid transit, bus, or light rail services on public or highway ROW. To be eligible for this statutory exemption under PRC 21080.25, the following must be true:

- A local agency is carrying out the project and is the lead agency for the project.
- The project does not induce single-occupancy vehicle trips, add additional highway lanes, widen highways, add physical infrastructure or striping to highways, or include the addition of any auxiliary lanes.
- Construction of the project does not require the demolition of affordable housing units.
- The project estimate does not exceed \$50 million.
- The local lead agency will certify that the project will be completed by a skilled and trained workforce.

This exemption expires on January 1, 2030. Lead agencies must file an NOE when pursuing an exemption under SB 922. Therefore, this memorandum accompanies the NOE for the project.

Consistency Analysis

The Shell Beach Road Shared Use Bike Path Project qualifies for a Statutory Exemption under SB 922 as a pedestrian and bicycle facility within the public ROW because the project involves a Class I multi-use trail, Class II bike lanes where possible, and associated bicycle and pedestrian facilities entirely within the public ROW. The project would improve access and mobility by creating new opportunities for both residences and visitors to use bicycle and pedestrian facilities to access residential communities, park and recreational areas including coastal recreational areas, neighborhood commercial districts, hotels, restaurants, and tourist-serving facilities. The project would also improve safety by adding new features to warn motorists of the presence of bicycle and pedestrian users and by using medians and planting to visually narrow the road and act as a traffic calming device. For these reasons, the project would be statutorily exempt from CEQA requirements, in accordance with PRC Section 21080.25.



A project exempt from CEQA must also be in conformance with the additional requirements of SB 922, as articulated in PRC Section 21080.25(c). The analysis below demonstrates how the project meets each of the SB 922 stipulations.

A local agency is carrying out the project and is the lead agency for the project. (Section 21080.25 [c][1])

The project would be carried out by the City of Pismo Beach, which would also serve as the lead agency. All decisions made by the lead agency will be subject to approval by the Pismo Beach City Council. Therefore, this project meets this requirement.

The project does not induce single-occupancy vehicle trips, add additional highway lanes, widen highways, or add physical infrastructure or striping to highways, except for minor modifications needed for the efficient and safe movement of transit vehicles, bicycles, or high-occupancy vehicles, such as extended merging lanes, shoulder improvements, or improvements to the roadway within the existing right of way. The project does not include the addition of any auxiliary lanes. (Section 21080.25 [c][2])

The project would not induce single-occupancy vehicle trips or add automobile capacity to the existing public ROW or nearby streets. Rather, the project would be limited to installing a Class I multi-use trail, Class II bike lanes, and associated bicycle and pedestrian facilities. Therefore, the project meets this requirement.

The construction of the project does not require the demolition of affordable housing units. (Section 21080.25 [c][3])

The project would be located entirely within the public ROW and would not require the demolition of any residential development, including affordable housing units. Therefore, the project meets this requirement.

The project estimate does not exceed \$50 million. (Section 21080.25 [d] and [e])

PRC Section 21080.25(d) and (e) include additional requirements for projects exceeding \$100 million dollars in cost and \$50 million dollars in cost, respectively. The existing Project Programming Request (08/2020) currently identifies a total project cost of approximately \$4,355,000. This does not exceed either the \$100 million or \$50 million threshold. Funding for the project is provided by a grant through the Caltrans Clean California Grant. That awarded grant totals approximately \$4,298,522. Therefore, the project would not be required to comply with the additional requirements under PRC Section 21080.25(d) and (e).

The lead agency shall take an action at a public meeting of its governing board to certify that the project will be completed by a skilled and trained workforce. (Section 21080.25 [f][1])

The project would be required to be completed by a skilled and trained workforce. Therefore, the project meets this requirement.



Conclusion

Based on the analysis documented in this memorandum, the proposed Shell Beach Road Shared Use Bike Path Project meets all criteria for a Statutory Exemption from CEQA. Therefore, the project is statutorily exempt from CEQA pursuant to PRC Section 21080.25, as amended and enacted by SB 922.

Sincerely,

Rincon Consultants, Inc.

A handwritten signature in blue ink, appearing to read "CB", with a long horizontal stroke extending to the right.

Chris Bersbach
Supervising Environmental Planner

A handwritten signature in blue ink, appearing to read "MJ", with a long horizontal stroke extending to the right.

Megan Jones
Principal

Attachments

Attachment A Project Location Map

Attachment B Project Site Plans

Attachment C Visual Simulations



Attachment A: Project Location Map



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 Project Location



0 1,000 2,000 Feet

0 250 500 Meters

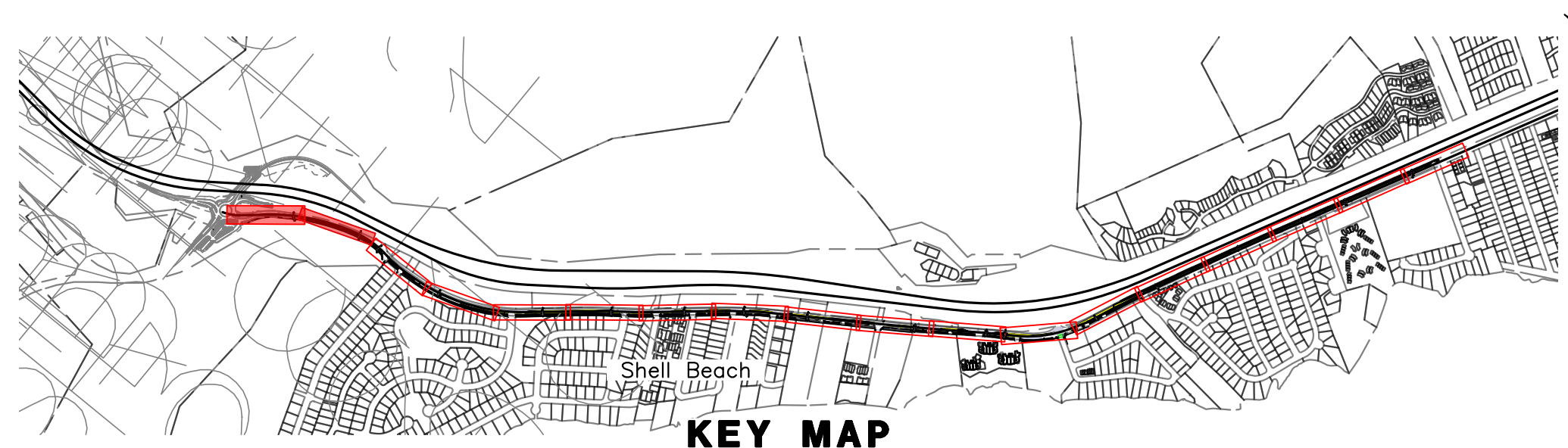
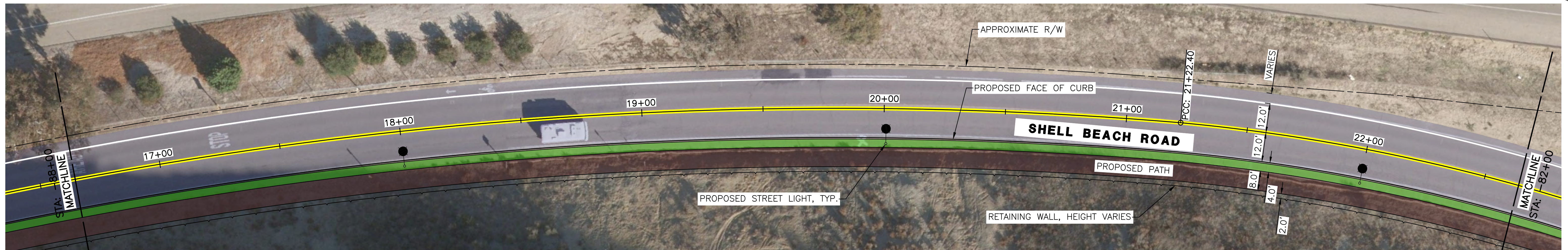
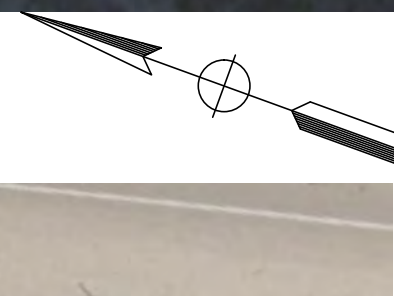
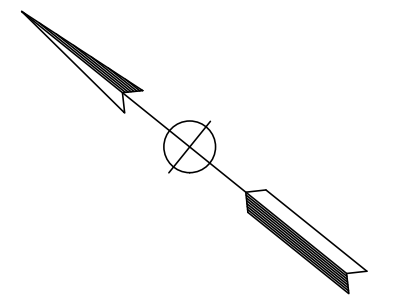
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Project Location





Attachment B: Project Site Plans



KEY MAP


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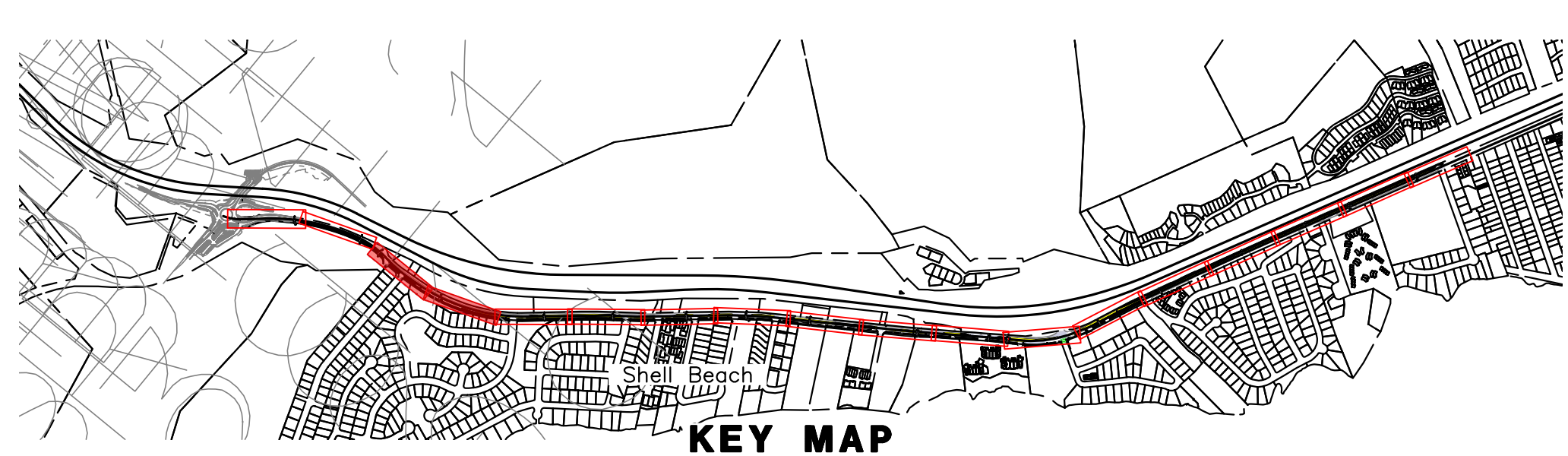
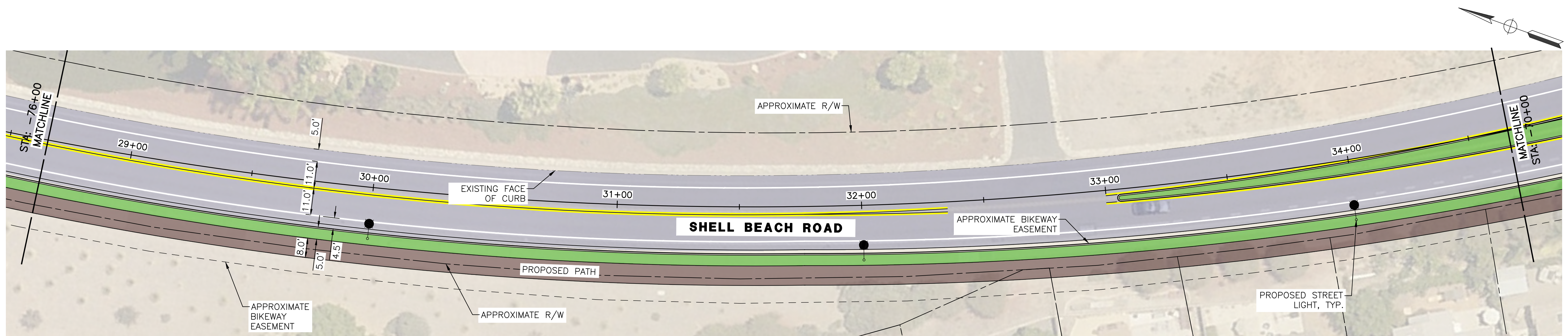
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**SHELL BEACH ROAD SHARED USE
 PATH EXTENSION
 ALTERNATIVE 2**

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REGISTERED PROFESSIONAL ENGINEER
 JORGE A. AGUILAR
 No. 48704
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 STATE OF CALIFORNIA

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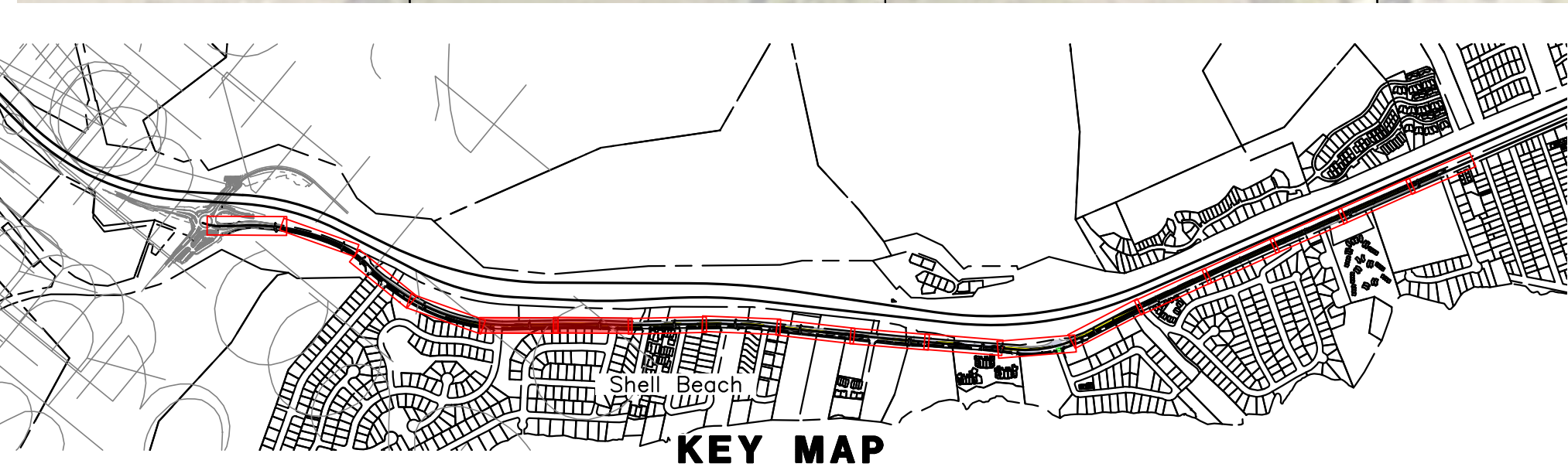
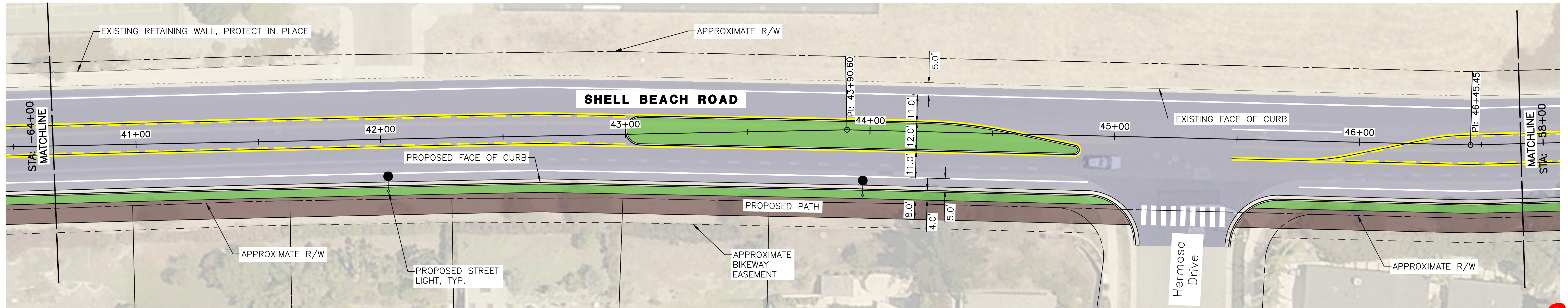
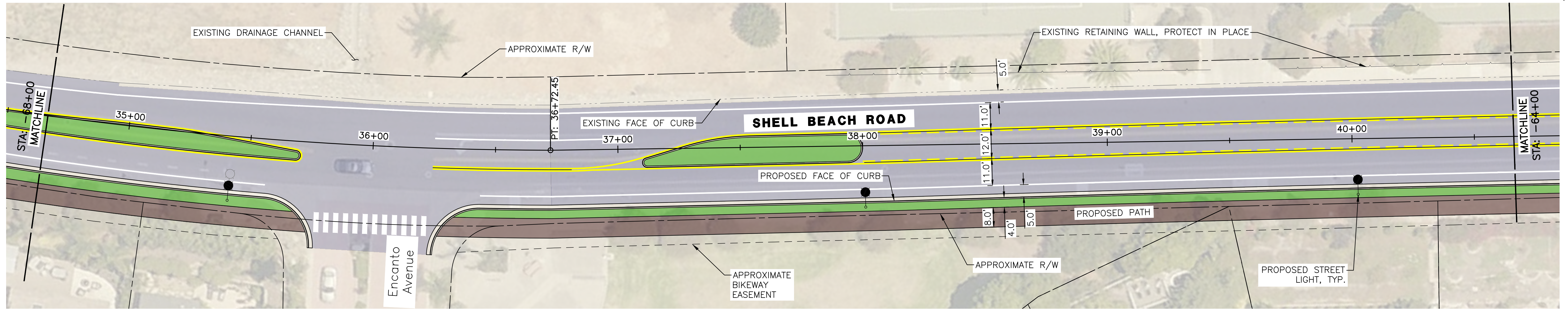
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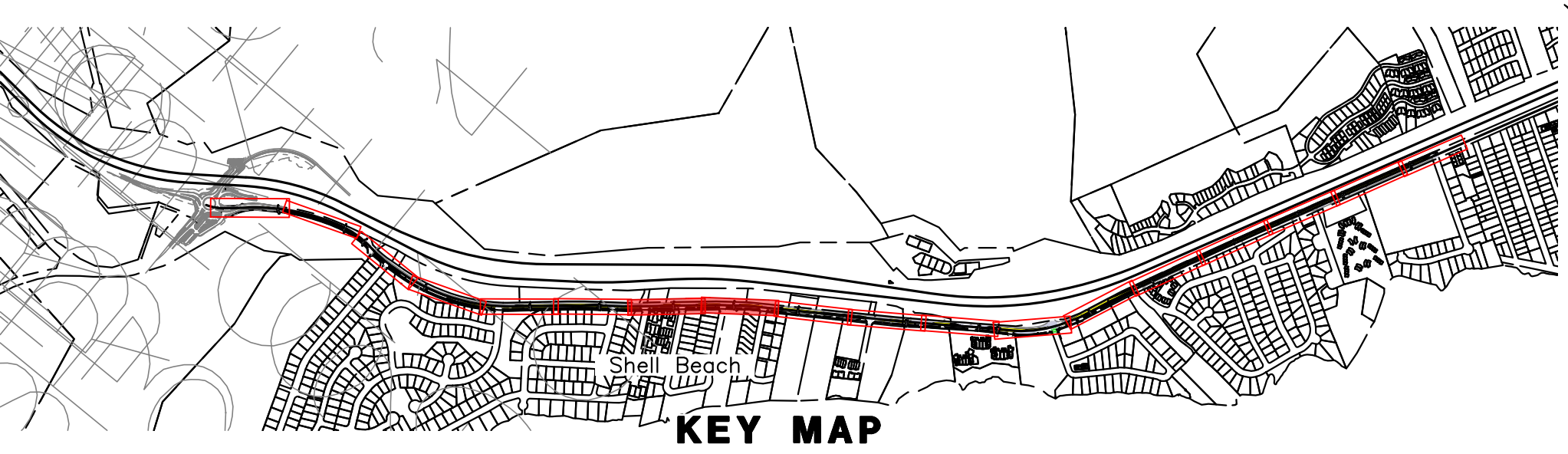
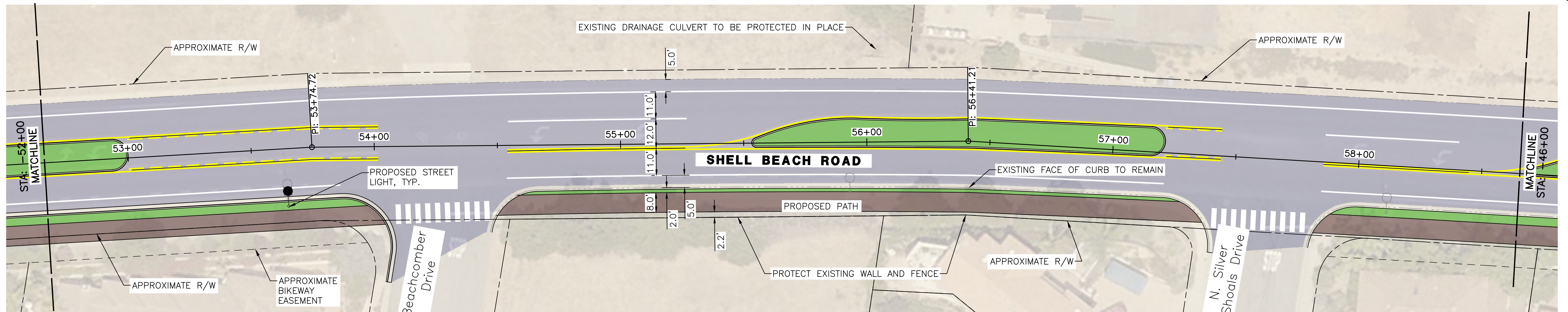
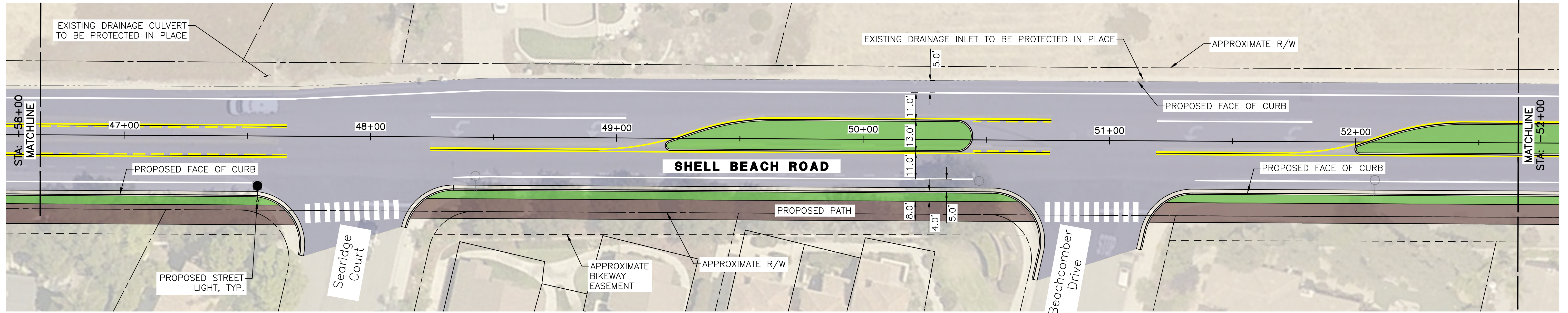
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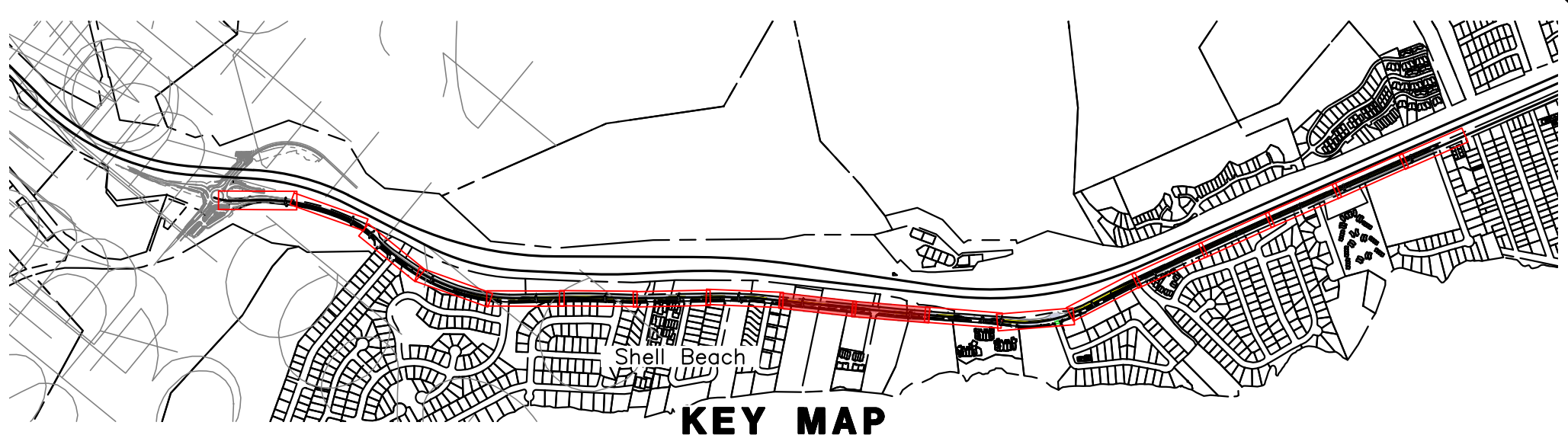
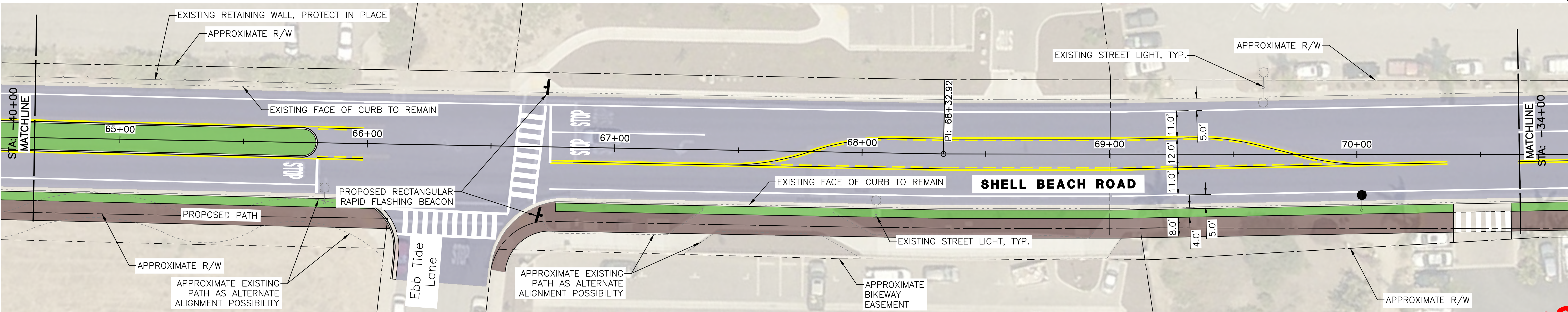
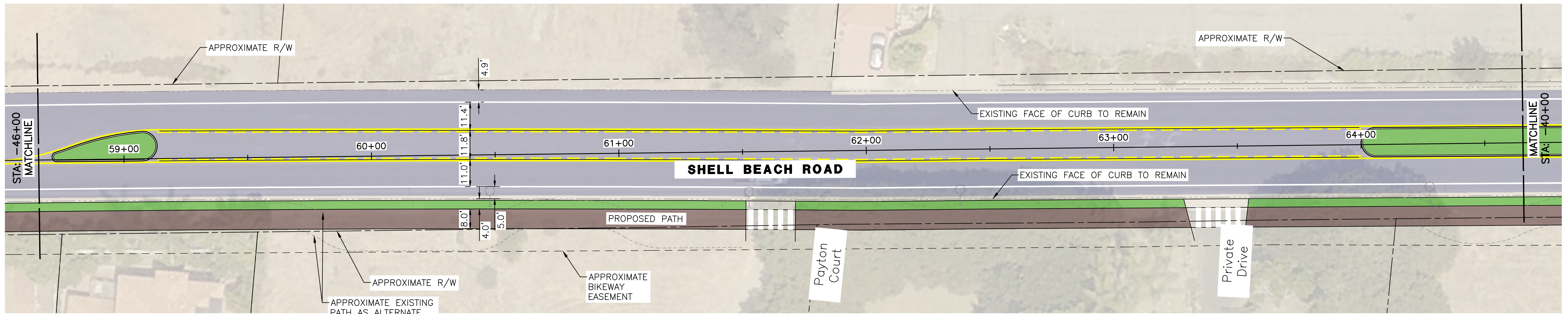
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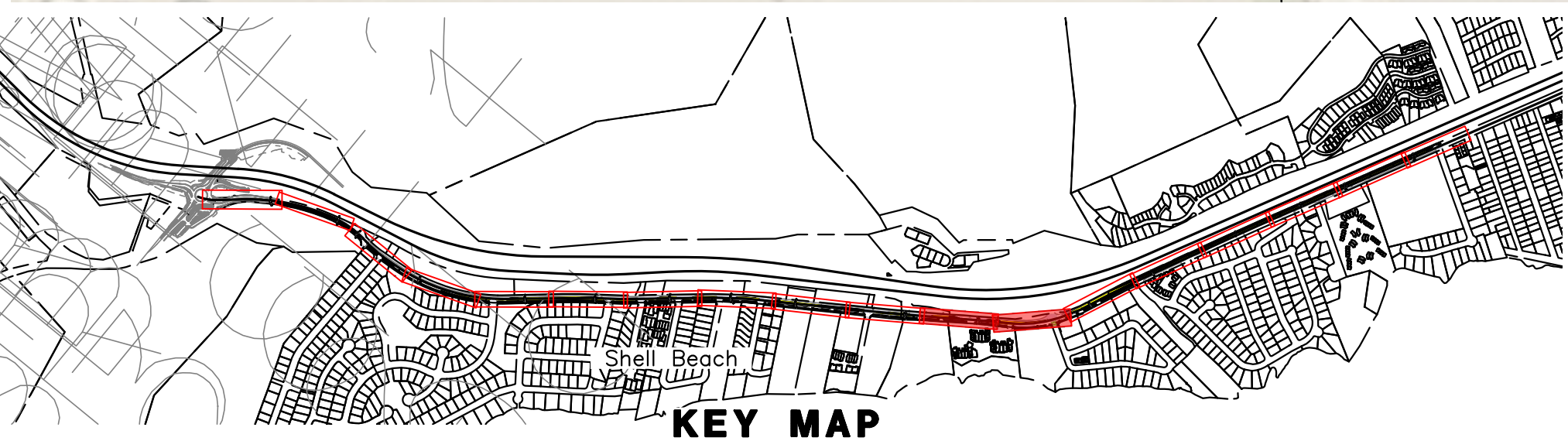
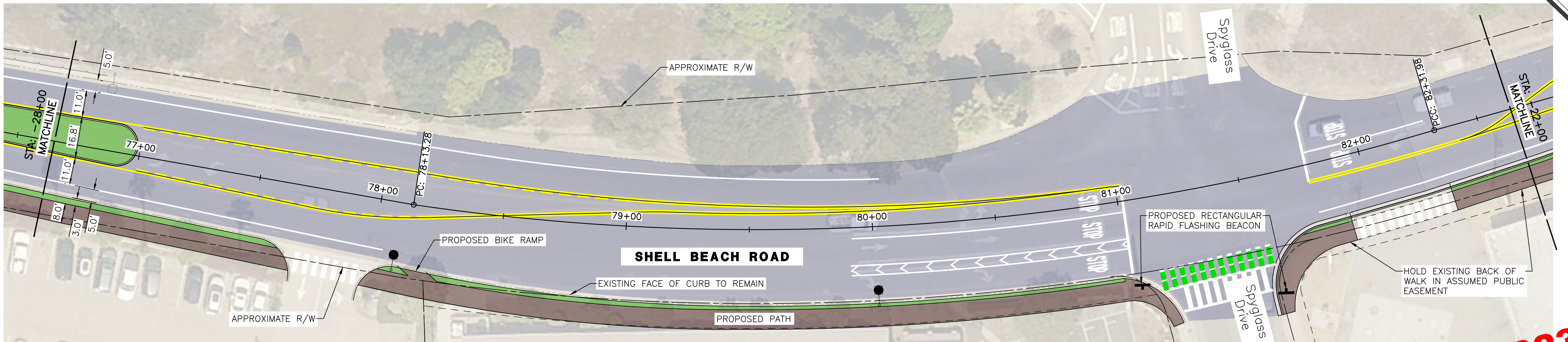
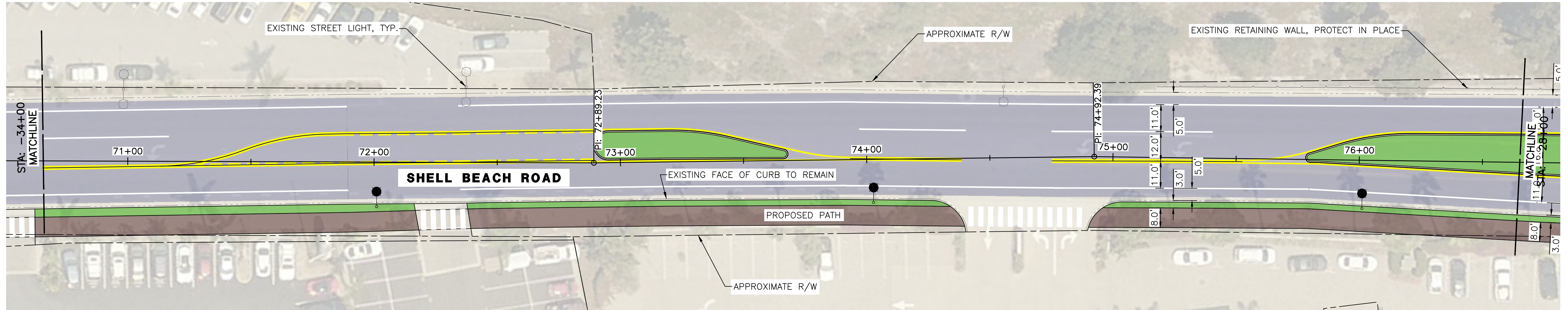
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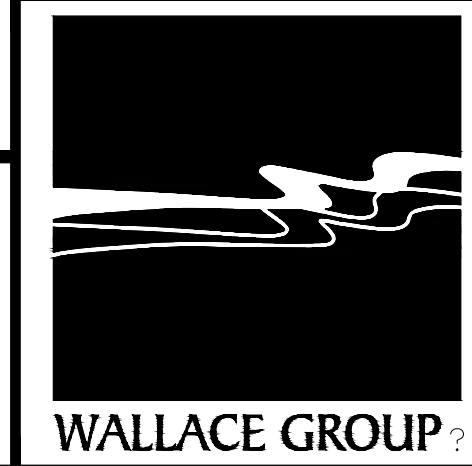


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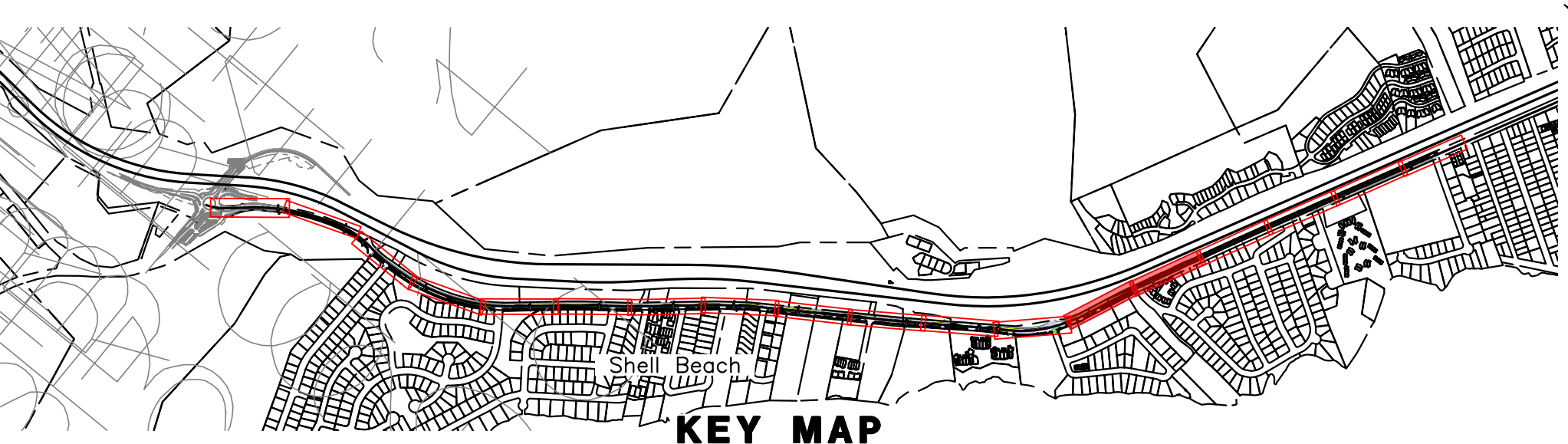
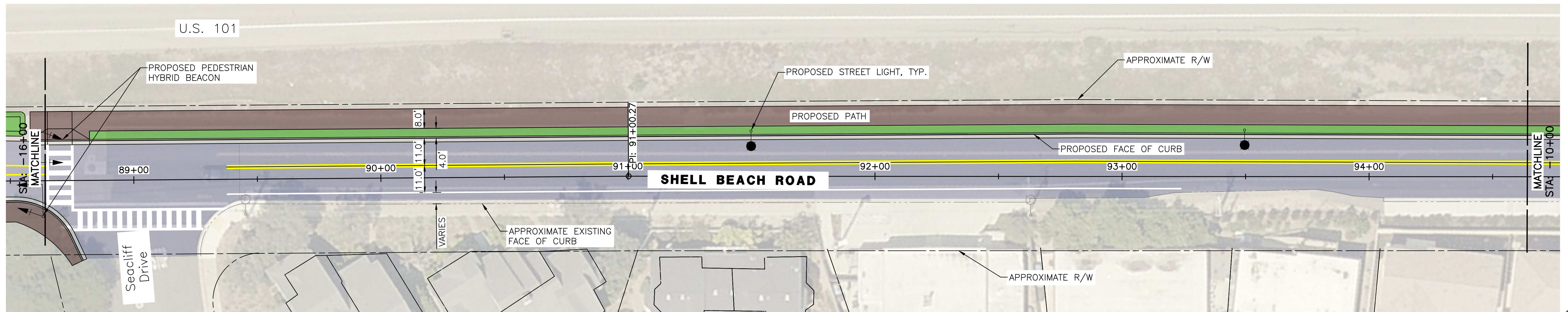
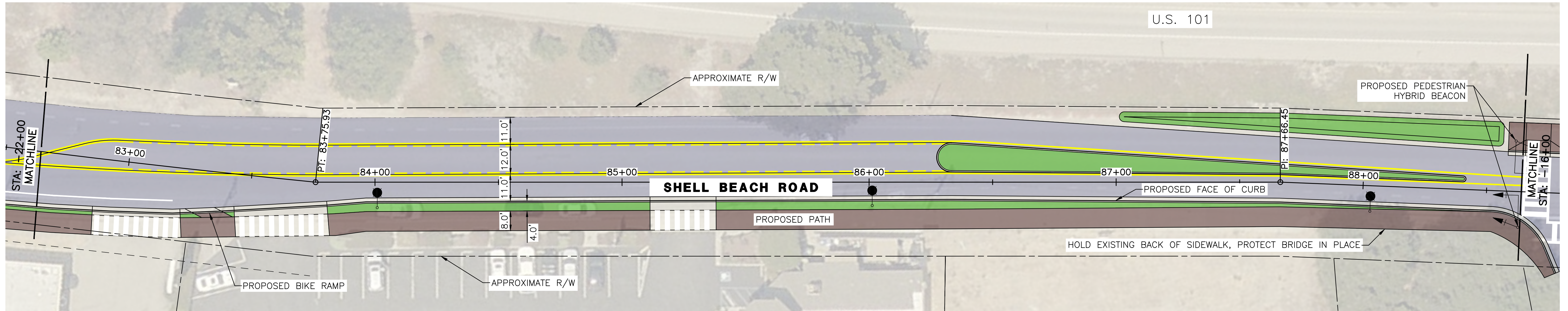
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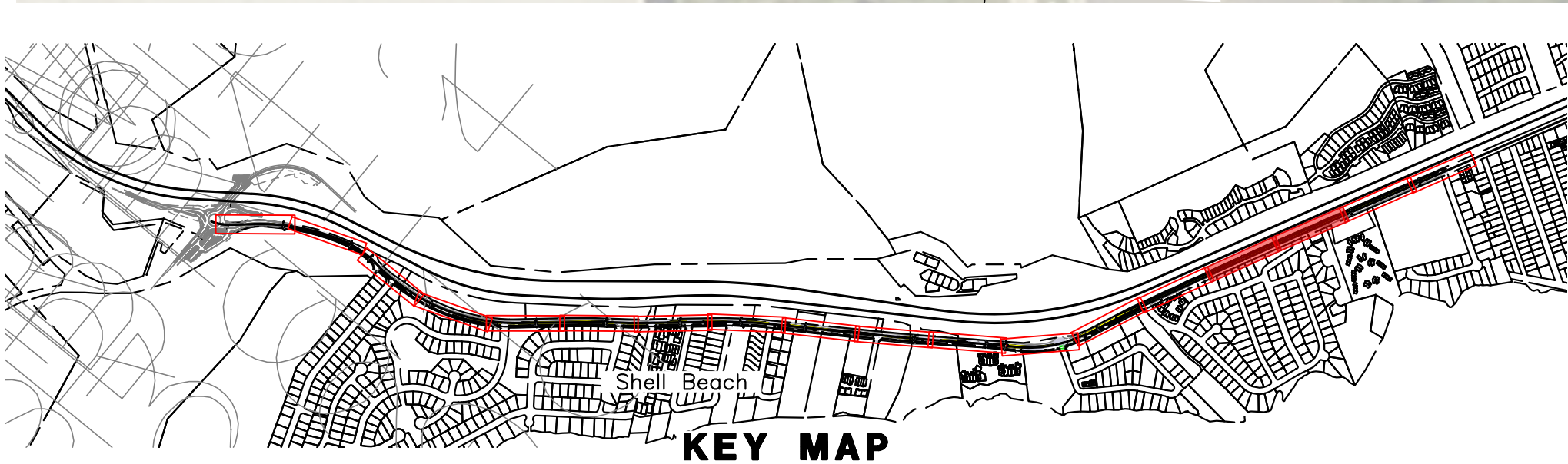
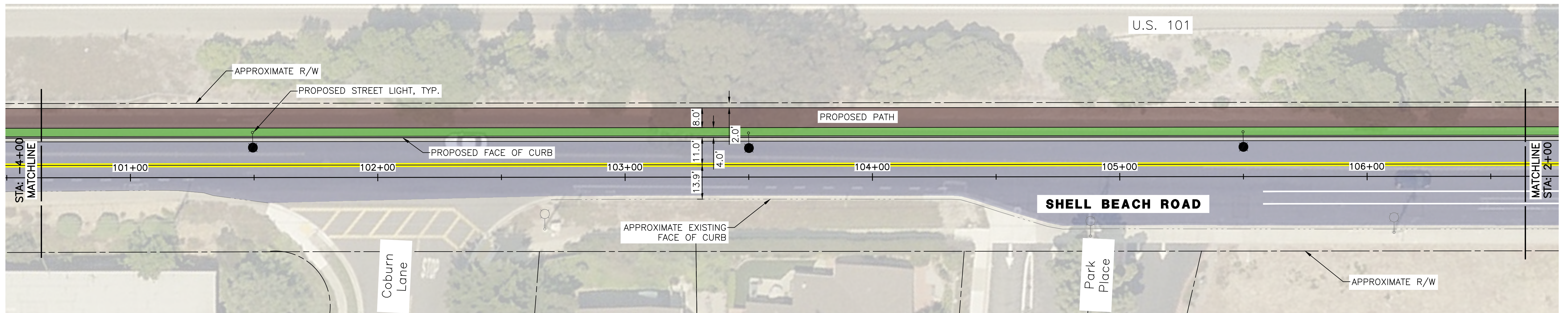
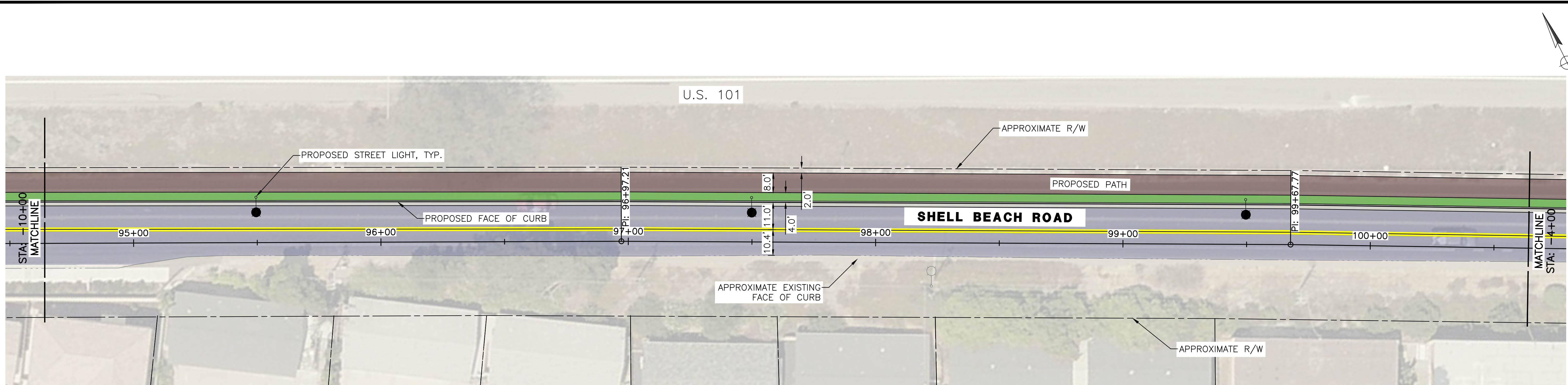
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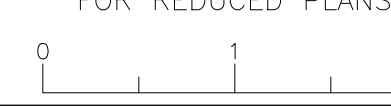
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REVISIONS					
NO.	BY	DATE	DESCRIPTION	APPROVED BY	DATE

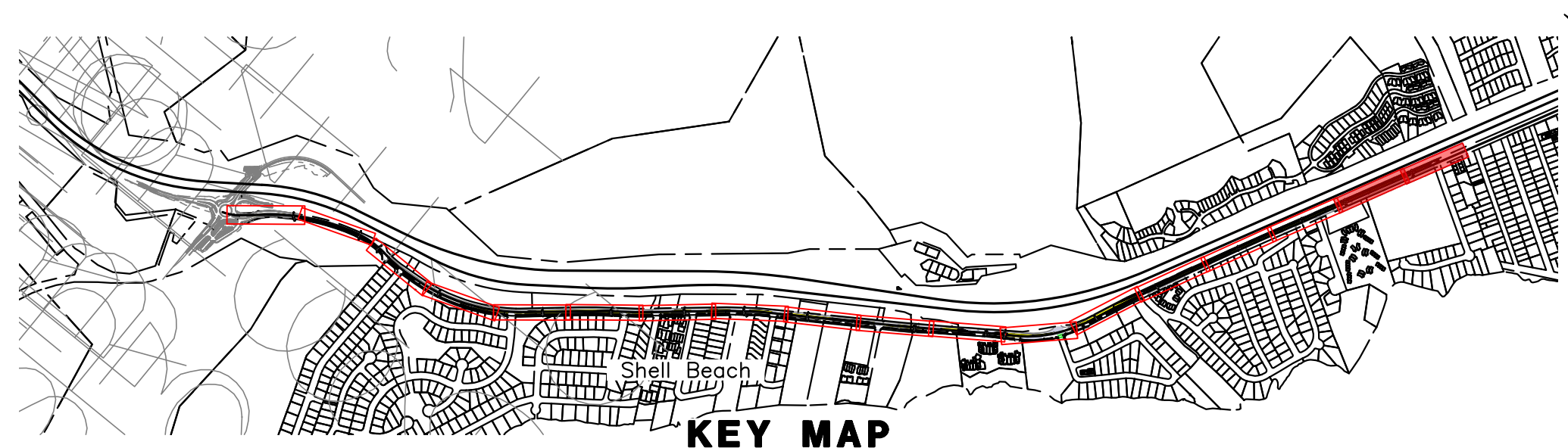
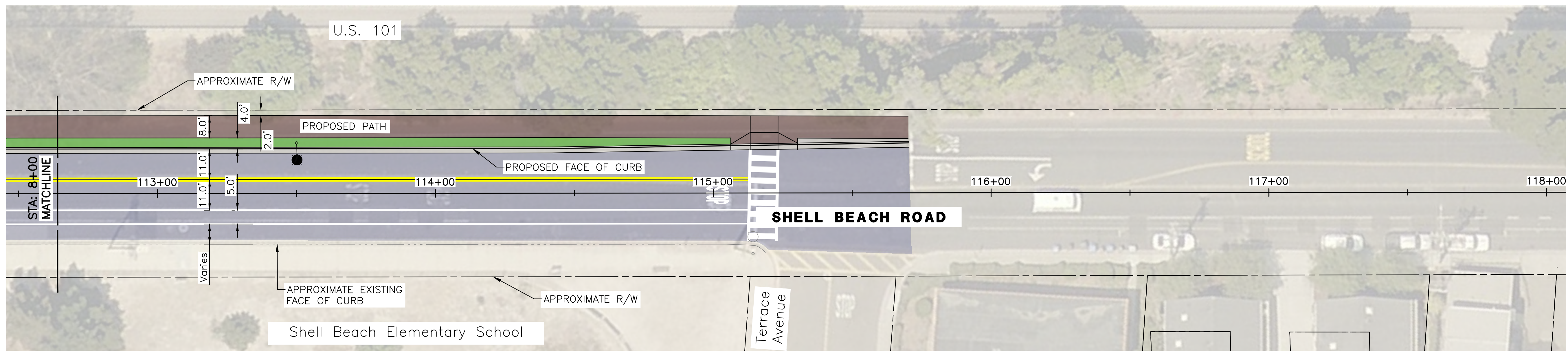
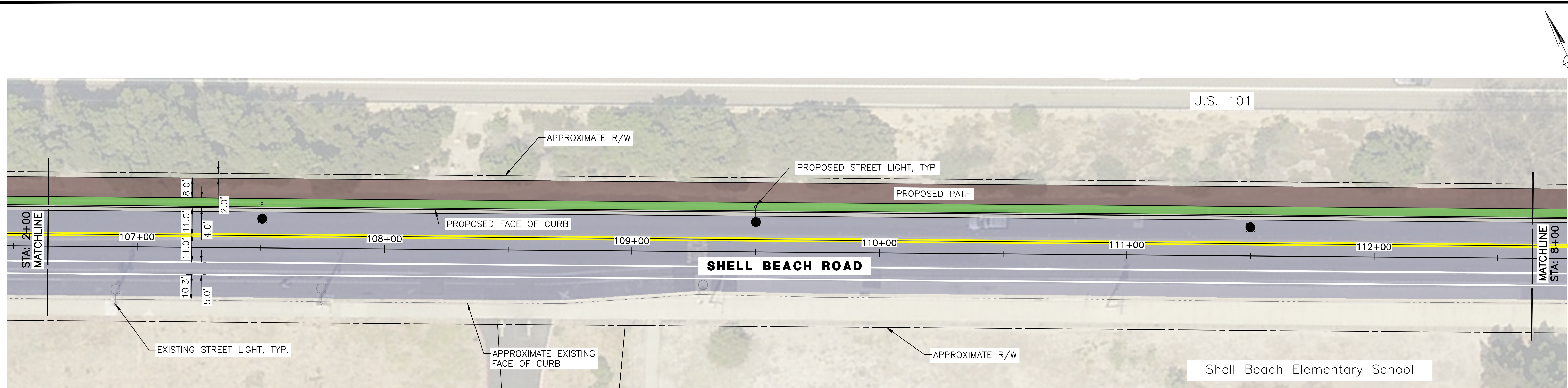
ACCEPTED BY THE CITY CAPITAL PROJECTS ENGINEER

NAME OF CITY REP: RCE: CXXXXXX

**SHELL BEACH ROAD SHARED USE
 PATH EXTENSION
 ALTERNATIVE 2**

DESIGNED BY: DRAWN BY: CHECKED BY: JOB NUMBER: DATE: SHEET OF:
 CALCBY: RMS CHECKBY: 1244-0003 VALUE: 8 9

FILE NAME: 1244-0003-ALT 2 - LAY1.DWG
 PLOT DATE: 10/10/2023 11:19 AM BY: ETHAN PENCE




DRAFT 10/10/2023

PRELIMINARY, PLANNING LEVEL ONLY. NO FIELD SURVEY PERFORMED.



SLOCOG
 SAN LUIS OBISPO COUNCIL OF GOVERNMENT
 1114 MARSH STREET
 SAN LUIS OBISPO, CA 93401


SCALE: HORIZ: 1" = 20'
 VERT: ORIGINAL SCALE IN INCHES FOR REDUCED PLANS




WALLACE GROUP
 CIVIL AND TRANSPORTATION ENGINEERING
 CONSTRUCTION MANAGEMENT
 LANDSCAPE ARCHITECTURE
 MECHANICAL ENGINEERING
 PLANNING
 PUBLIC WORKS ADMINISTRATION
 SURVEYING / GIS SOLUTIONS
 WATER RESOURCES

612 CLARION COURT
 SAN LUIS OBISPO, CA 93401
 T 805 544-4011 F 805 544-4294
 www.wallacegroup.us

PROJECT ENGINEER _____
 PLANS APPROVAL DATE _____



REVISIONS					
NO.	BY	DATE	DESCRIPTION	APPROVED BY	DATE

ACCEPTED BY THE CITY CAPITAL PROJECTS ENGINEER _____ DATE _____

NAME OF CITY REP _____ RCE: CXXXXXX

SHELL BEACH ROAD SHARED USE PATH EXTENSION ALTERNATIVE 2

DESIGNED BY: _____ DRAWN BY: _____ CHECKED BY: _____ JOB NUMBER: 1244-0003 DATE: _____ SHEET: 9 OF 9

FILE NAME: 1244-0003-ALT 2 - LAY1.DWG
 PLOT DATE: 10/10/2023 11:19 AM BY: ETHAN PENCE



Attachment C: Visual Simulations

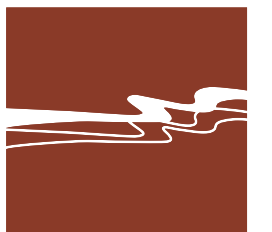


DRAFT 10/10/2023

SHELL BEACH ROAD SHARED USE PATH

LOCATION 1: PICKLEBALL COURTS

EXISTING



WALLACE GROUP®



SHELL BEACH ROAD SHARED USE PATH

LOCATION 1: PICKLEBALL COURTS

ALTERNATIVE 2



WALLACE GROUP®

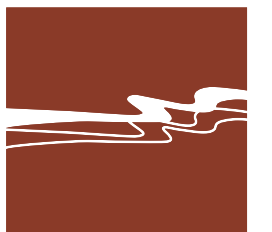


DRAFT 10/10/2023

SHELL BEACH ROAD SHARED USE PATH

LOCATION 2: CAVE LANDING RD

EXISTING



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DRAFT 10/24/2023

SHELL BEACH ROAD SHARED USE PATH

LOCATION 2: CAVE LANDING RD

ALTERNATIVE 2



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DRAFT 10/10/2023

SHELL BEACH ROAD SHARED USE PATH

LOCATION 3: THE CLIFFS

EXISTING





DRAFT 10/24/2023

SHELL BEACH ROAD SHARED USE PATH

LOCATION 3: THE CLIFFS

ALTERNATIVE 2



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