



## City of Needles, California Request for City Council Action

CITY COUNCIL  NPUA

Regular  Special

**Meeting Date:** November 12, 2024

**Title:** Adopt Resolution No. 2024-43 of the City Council of the City of Needles, Approving a Categorical Exemption for the Schools and Seniors' Sidewalk Project

**Background:** The City has identified the need for sidewalk improvements to provide a safer and more inviting bicycling and walking experience for students and seniors' commuting to nearby facilities using active forms of transportation. More specifically, the project scope includes design of curb, gutter, sidewalk, driveway, access ramps, and AC pavement improvements along various streets close to schools, senior center and senior housing.

The City was awarded \$1,565,000 in Active Transportation Plan (ATP) Cycle 6 Metropolitan Planning Organization (MPO) funds for its Schools and Seniors Sidewalk Project, with an estimated total project cost of \$1,658,000. The City retained an engineering consultant to complete preliminary engineering, planning and environmental clearance, right-of-way exhibits, plans & specifications, cost estimates, and project management services for the proposed project.

### Project Description

The purpose of this project is to design curb, gutter, sidewalk, driveways, access ramps and AC pavement improvements along various local streets close to schools, senior center and senior housing all within the City of Needles' boundaries.

### Introduction:

State law requires that every lead agency have defined rules or guidelines to implement the California Environmental Quality Act of 1970 (CEQA). The laws and rules governing the CEQA process are contained in the CEQA statute, Public Resources Code (PRC) §§21000 and following, the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 and following, referred to as "Guidelines" herein), and locally adopted CEQA procedures. This document represents the City of Needles (City) "Rules and Procedures for the Implementation of CEQA" hereinafter referred to as the CEQA Rules & Procedures, and is intended to update and replace, in its entirety, the previous City guidance document dated December 20, 1988 and as amended in 1992. These CEQA Rules & Procedures shall be applicable to all City Department(s) that have responsibilities under CEQA as either a "Lead Agency" or a "Responsible Agency." The Community Development Department is hereby designated as the principal "Lead Agency" Department for the City with respect to CEQA compliance.

### **Categorical Exemptions (Guidelines §§15300 to 15332)**

Categorical exemptions are descriptions of types of projects which the Secretary of the Resources Agency have determined may not have a significant effect on the environment. Unlike statutory exemptions, categorical exemptions are not absolute. There are exceptions to the exemptions depending on the nature or location of the project. If an exception pursuant to the Guidelines §15300.2 applies, the project would not be exempt. Specifically, the following types of projects would not be exempt:

- located in sensitive environments;
- would result in cumulative impacts;
- have a significant effect on the environment;
- affect scenic highways;
- affect historical resources; and
- are hazardous waste sites

Guidelines §15300.4 states that each public agency shall, in the course of establishing its own procedures, list those specific activities that fall within each of the exempt classes. There are 33 classes of Categorical Exemptions (referred to as Class 1, Class 2, etc.) provided in the Guidelines. Of the 33 classes listed in the guidelines (Guidelines Sections 15301 to 15333), the classes cited below, and accompanying examples represent the most commonly used categorical exemptions by the City. Please refer to the Guidelines for the complete list of exemptions and explanations:

- **Class 1 - Existing facilities, including existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails and similar facilities, this includes road grading for the purpose of public safety (see discussion of City projects that would generally be expected to fall under 15301 (c) below),** and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alternations that do not create additional automobile lanes;
- **Class 2** - Replacement or reconstruction of existing structures and facilities, where a new structure would be located on the same site and have approximately the same purpose and capacity as the structure being replaced;
- **Class 3** - New construction or conversion of small structures, where only minor modifications are made to the exterior. This class has limits in terms of the maximum that would be allowed depending on the type of use (e.g., multi-family residential unit totaling no more than four dwelling units);
- **Class 4** - Minor alterations to land, such as minor trenching or backfilling, fuel management, creation of bicycle lanes on existing rights-of-ways, and maintenance dredging;
- **Class 5** - Minor alterations in land use limitations, applies to areas with an average slope of less than 20% not resulting in changes in the land use or density;
- **Class 11** - Accessory structures, including the construction or placement of minor structures accessory to existing facilities such as signage, small parking lots, or seasonal/temporary use items;
- **Class 15** - Minor land divisions, applicable to property divisions in urban areas creating up to four parcels when in conformance with the General Plan and zoning; and
- **Class 32** - In-fill development projects, where the project size is five acres or less and substantially surrounded by urban uses and consistent with the general plan and zoning.

As guidance for City capital projects, **the Class 1 Categorical Exemption under Section 15301 (c) include, but are not limited to:**

- a. **Minor widening of less than a lane width, and/or adding paved shoulders to existing streets;**
- b. Pavement reconstruction, resurfacing, rehabilitation and placement of seal coats;
- c. Minor operational improvements to drainage facilities;
- d. Repair work on bridge structures;
- e. Reconstruction and/or repair of existing stream crossings;
- f. Maintenance of man-made water features;
- g. Installation of new traffic control systems, including signs, signals, interconnect, cameras, channelization of intersections, pavement striping, and other traffic control devices;
- h. Modification of traffic control systems and devices including addition of new elements such as signs, signals, and controllers;
- i. Repair and maintenance of a highway and all its appurtenant facilities including replacement of damaged or inadequate facilities, or **upgrade of facilities to meet current Americans with Disabilities Act requirements;**
- j. Minor operational improvements to drainage facilities;
- k. **Modification of existing features such as curbs,** headwalls, slopes and ditches within the right of way to improve roadway safety;
- l. Removal and/or replacement of distinctive roadway markings such as painted stripes, raised pavement markers, thermoplastic, tape or raised bars;

- m. Addition of auxiliary lanes when required for purposes such as weaving, turning, climbing, speed change, or for lane changing between adjacent interchanges or intersections;
- n. Landscaping within City owned property, rights of way, or within the California Aqueduct easement for the public's benefit;
- o. Addition of non-motorized trails including Class 1 bike path trails within right-of-way, or within easements;
- p. Addition or replacement of devices such as fencing, guardrails, safety barriers, guideposts and markers;
- q. Repair and maintenance of City owned facilities, parking lots, carports, and gates.

**Conclusion:** Pursuant to Article 19 of the State of California's CEQA Guidelines, the proposed City of Needles' ATP Cycle 6 Schools and Senior Sidewalk Improvement Project, ATPL-5220(011) & (PPNo: 1299) has been found to be **Categorically Exempt** from the requirements of CEQA under State Guidelines (Section §15300.4), Class (1) (Existing Facilities) because Class (1) "consists of existing streets, sidewalks and gutters" and, therefore, the City of Needles directs staff to file the notice of exemption.

**Fiscal Impact:** N/A

**Recommended**

**Action:** Adopt Resolution No. 2024-43 of the City Council of the City of Needles, Approving a Categorical Exemption for the Schools and Seniors' Sidewalk Project; authorize staff to proceed with the implementation of the Schools and Seniors' Sidewalk Project; and direct staff to file the Notice of Exemption (NOE) with the State of California, Office of Planning and research, State Clearinghouse, and the San Bernardino County Clerk.

**Submitted By:** Kathy Raasch, Director of Development Services/Capital Projects

**City Manager Approval:** Patrick Martinez Date: 11/7/2024  
**Other Department Approval (when required):** \_\_\_\_\_ Date: \_\_\_\_\_

Approved: <input type="checkbox"/>	Not Approved: <input type="checkbox"/>	Tabled: <input type="checkbox"/>	Other: <input type="checkbox"/>
			Agenda Item: _____