

FINAL

MITIGATED NEGATIVE DECLARATION / INITIAL STUDY

for the

CITY OF NEEDLES

GENERAL PLAN UPDATE

SCH NO. 2022070300

PREPARED FOR:

City of Needles
817 Third Street
Needles, CA 92363

PREPARED BY:

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JANUARY 2023

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1.0 INTRODUCTION

1.1 PURPOSE

This Final Mitigated Negative Declaration (MND) and Initial Study (IS) (collectively, MND/IS) has been prepared for the City of Needles (City) Land Use and Transportation Elements (proposed Project) of the current General Plan in accordance with the requirements of the California Environmental Quality Act (CEQA)¹ and the State CEQA Guidelines, Sections 15070 to 15075.² The City is acting as the Lead Agency, as defined by CEQA, for the environmental review of the proposed Project.

1.2 DESCRIPTION OF THE PROPOSED PROJECT

The City of Needles is updating the Land Use and Transportation Elements (proposed Project) of the current General Plan. The City last completed a comprehensive update of its General Plan in 1986. The City's recent completion of the Housing Element presents the City of Needles' goals, quantified objectives, and policies relative to the development, improvement, and maintenance of housing within the incorporated areas of the City, during the period of 2021 to 2029.

The Land Use and Transportation Elements form the backbone of the City's General Plan and guides the long-term growth and improvement of the Needles community. The proposed Project updates the Land Use and Transportation Elements of the General Plan to guide the City's growth and development for the next 20 years through 2040. The City intends to limit growth and development to its incorporated boundaries and does not plan to promote growth or changing land use or circulation in its unincorporated sphere of influence (SOI).³

The City will also create a single-map system that brings its General Plan and Zoning maps into consistency and introduce mixed-use development into the City's downtown and the creation of a Downtown (DT) designation and corresponding changes to the Development Code.

A full description of the Project is provided in the Draft MND/IS, which is provided as **Appendix A** to this Final MND/IS.

1 California Code of Regulations, Sec. 21000 et seq.

2 California Code of Regulations, CEQA Guidelines, Sec. 15070-15075.

3 The majority of unincorporated SOI is north, south, and west of the incorporated boundaries; the exception is an 18-acre area that is owned by the Fort Mojave Indian Tribe and entirely surrounded by incorporated lands. The City assumes County land use designations for all unincorporated SOI areas, most of which are not associated with residential or nonresidential building activities (either Open Space or Resource/Land Management). The unincorporated land owned by the Fort Mojave Indian Tribe is designed for Rural Living by the County.

1.3 PUBLIC REVIEW PROCESS

On December 2, 2022, the City circulated a Notice of Intent (NOI) (see **Appendix B**) of the Draft MND/IS for a 30-day review and comment by the public and by responsible and reviewing agencies. The review period ended on January 3, 2023.

In accordance with the State CEQA Statute Section 15073, the City filed the Draft MND/IS with the State Clearinghouse (SCH) to circulate to appropriate State Agencies (SCH number 2022120053); a copy of the Notice of Completion (NOC) filed with the SCH is provided in **Appendix C**.

In accordance with the State CEQA Guidelines Section 15087, the City mailed copies of the NOI to the owners and occupants of property contiguous to the parcel or parcels on which the Project is located, as well as local and regional public agencies. A copy of the distribution list is provided in **Appendix D**.

In accordance with the State CEQA Statute section 21092 and section 15072 of the State CEQA Guidelines,⁴ the City provided notice to the general public and other organizations via newspaper in the Mohave Valley Daily News on November 30, 2022 (see **Appendix E**).

The Final MND/IS and Draft MND/IS are available at the City, located at Planning Department, 817 Third Street, Needles, CA 92363 and on the City's website at:

<https://cityofneedles.com/>

The Final MND/IS, when combined with the Draft MND/IS, constitutes the complete environmental review document for the Project to be considered by the City Council, as the decision-making body, before it makes its decision on the proposed Project.

State CEQA Guidelines⁵ require that the Lead Agency consider the MND/IS together with any comments received during the public review prior to approving a project. The decision-making body shall adopt the Final MND/IS only if it finds, on the basis of the whole record before it (including the MND/IS and any comments received), that there is no substantial evidence that the Project will have a significant effect on the environment and that the Final MND/IS reflects the Lead Agency's independent judgment and analysis.

Additionally, the State CEQA Guidelines⁶ require that the Lead Agency adopt a mitigation monitoring program for reporting on or monitoring the physical changes of the project site and mitigating significant environmental effects.

4 California Code of Regulations, Sec. 21000(b)(3)(A), Public Notice of Preparation of Environmental Impact Report or Negative Declaration; Publication, and the CEQA Guidelines section 15072(b)(1). Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration.

5 California Code of Regulations, CEQA Guidelines, Sec. 15074(b).

6 California Code of Regulations, CEQA Guidelines, Sec. 15074(d).

The City received one letter with comments during the public review process of the Draft MND/IS as listed below:

- County of San Bernardino, Department of Public Works, Environmental Management Division, dated January 3, 2023.

The letter and responses to comments contained therein are provided in **Section 2.0** of this Final MND/IS.

1.4 TRIBAL CONSULTATION

In accordance with both Senate Bill (SB) 18⁷ and Assembly Bill (AB) 52,⁸ the City provided notification to local tribes that have expressed interest in City projects.

Notification letters were sent by the City to tribes pursuant to AB 52. The tribes that were notified of the proposed General Plan update include:

- Colorado River Indian Tribes
- Fort Mojave Indian Tribe
- Morongo Band of Mission Indians
- Torres Martinez Desert Cahuilla Indians
- Twenty-Nine Palms Band of Mission Indians

Letters were sent to these tribes on August 22, 2022. Copies of the AB 52 notification letters are provided in **Appendix F.1** of the Draft MND/IS.

Notification letters were sent by the City to tribes identified by the California Native American Heritage Commission (NAHC) pursuant to SB 18 as having an interest in the Planning Area. These tribes include:

- Agua Caliente Band of Cahuilla Indians
- Augustine Band of Cahuilla Indians
- Cabazon Band of Mission Indians
- Cahuilla Band of Mission Indians
- Chemehuevi Indian Tribe
- Colorado River Indian Tribes
- Fort Mojave Indian Tribe
- Gabrieleño Band of Mission Indians – Kizh Nation
- Gabrieleño/Tongva San Gabriel Band of Mission Indians

7 Senate Bill 18 (Burton, Chapter 905, Statutes of 2004); California Government Code Section 65352.3 - Consultations with California Native American Tribes. 2004.

8 Assembly Bill No. 52 (AB 52), Chapter 532. Public Resources Code Section 5097.94, relating to Native Americans. Approved by California State Governor Edmund Gerald “Jerry” Brown on September 25, 2014.

- Gabrielino/Tongva Nation
- Gabrielino Tongva Indians of California Tribal Council
- Gabrielino-Tongva Tribe
- Juaneño Band of Indians Acjachemen Nation – Belardes
- Juaneño Band of Mission Indians Acjachemen Nation 84A
- Kern Valley Indian Community
- Los Coyotes Band of Cahuilla and Cupeño Indians
- Morongo Band of Mission Indians
- Pala Band of Mission Indians
- Pechanga Band of Indians
- Quechan Tribe of the Fort Yuma Reservation
- Ramona Band of Cahuilla
- Rincon Band of Luiseño Indians
- San Fernando Band of Mission Indians
- San Manuel Band of Mission Indians
- Santa Rosa Band of Cahuilla Indians
- Serrano Nation of Mission Indians
- Soboba Band of Luiseño Indians
- Torres Martinez Desert Cahuilla Indians
- Twenty-Nine Palms Band of Mission Indians

Letters were sent to these tribes on October 22, 2022. Copies of the SB 18 notification letters are provided in **Appendix F.2** of the Draft MND/IS. The tribes that have responded stating that they did not need to consult with the City include:

- Agua Caliente Band of Cahuilla Indians
- Chemehuevi Indian Tribe
- Fort Mojave Indian Tribe
- Gabrielino Tongva Indians of California Tribal Council
- Rincon Band of Luiseño Indians
- San Manuel Band of Mission Indians
- Quechan Tribe of the Fort Yuma Reservation

The only tribes that requested the City to consult on this Project were the Morongo Band of Mission Indians and the Fort Mojave Indian Tribe. No other responses were received by any of the remaining tribes that were contacted.

The Morongo Band of Mission Indians (Tribe) notified the City on December 28, 2022 that they wished to consult with the City on the proposed Project under the provisions of Assembly Bill (AB) 52 (California Public Resources Code Section 21080.3.1) as it is located within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the Morongo Band of Mission Indians. The Tribe noted that potential tribal cultural resources may exist within the area of the proposed Project that are non-renewable resources and therefore of high importance to the Morongo Tribe; therefore, tribal participation (a.k.a. tribal monitors) is recommended during all ground disturbing activities.

The City responded to the Tribe on January 3, 2023 that there is no planned development or projects under consideration as part the General Plan Update; rather, the update will align the City's General Plan and Zoning to avoid inconsistencies. However, should a development project be proposed at some time in the future, then the City would notify the Tribe under AB 52 for any comments and consultation at that time on a specific project.

The Fort Mojave Indian Tribe Cultural Department noted that they were in receipt of the consultation letter and would respond accordingly; no additional comments were provided.

1.5 ORGANIZATION OF THE FINAL MND/IS

As required by the State CEQA Guidelines, the Final MND/IS consists of the following components:

- **Section 1.0:** Provides an introduction and purpose of the Final MND/IS, a brief description of the proposed Project, an overview of the public participation process, and tribal consultation effort.
- **Section 2.0:** Comments received from reviewing agencies on the Draft MND/IS during the public review process and responses to those comments.
- **Section 3.0:** Mitigation Monitoring and Reporting Program (MMRP), which provides a summary of impacts, mitigation measures, and implementation procedures.
- Appendices:
 - **Appendix A:** Draft MND/IS
 - **Appendix B:** Notice of Intent (NOI)
 - **Appendix C:** Notice of Completion (NOC)
 - **Appendix D:** Distribution List
 - **Appendix E:** Proof of Newspaper Publication

2.0 COMMENTS RECEIVED AND RESPONSES

The State CEQA Guidelines⁹ require that the decision-making body of the Lead Agency consider the proposed IS together with any comments received during the public review process prior to approving a project.

The City received one letter with comments during the public review process of the Draft MND/IS as listed below:

- County of San Bernardino, Department of Public Works, Environmental Management Division, dated January 3, 2023.

9 California Code of Regulations, CEQA Guidelines Sec. 15074(b),.



Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Special Districts
- Surveyor
- Transportation

Brendon Biggs, M.S., P.E.
Director

Noel Castillo, P.E.
Assistant Director

David Doublet, M.S., P.E.
Assistant Director

January 3, 2023

Transmitted Via Email
File: 10(ENV)-4.01

City of Needles
Planning Department
817 Third Street Needles, CA 92363
pmartinez@cityofneedles.com

RE: CEQA – CITY OF NEEDLES, NOTICE OF INTENT TO ADOPT AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION TO UPDATE THE CITY’S GENERAL PLAN

Dear Mr. Martinez:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on December 9, 2022**, and pursuant to our review, we have the following comments for your consideration and inclusion into public record:

Flood Control Planning & Water Resources Division (Michael Fam, Chief, 909-387-8120):

1. We are aware there may be storm drains in and around the site that may be affected by the proposed Project. When planning for or altering existing or future storm drains, be advised that the Project is subject to the Needles Master Plan of Drainage (MPD), dated April 2006. It is to be used as a guideline for drainage in the area and is available at the San Bernardino County Department of Public Works offices. Any revision to the drainage should be reviewed and approved by the jurisdictional agency in which the revision occurs. Should construction of new, or alterations to existing storm drains be necessary as part of the Proposed Project, their impacts and any required mitigation should be discussed within the IS/MND before the document is adopted by the Lead Agency.

1-1

The District possesses easement and fee-owned Rights-of-Way within the Project area and also within the Needles MPD (Master Plan of Drainage) of April 2006.

2. Section 5.10: HYDROLOGY AND WATER QUALITY, Page 160: The Project actually lies within FEMA Zones D (undetermined), A, AE, AO, X (outside the 500-yr. floodplain), and X-shaded (within the 500-yr. floodplain; 0.2% chance of annual flooding), the Regulatory Floodway, according to the most recent FEMA Flood Insurance Rate Map (FIRM), Panels 06071C4400H, 5010H, 5020H, 5050H, 5660H, 5680H, dated August 28, 2008;

1-2

BOARD OF SUPERVISORS

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Vice Chair, Third District

CURT HAGMAN
Chairman, Fourth District

JOE BACA, JR.
Fifth District

Leonard X. Hernandez
Chief Executive Officer

06071C5030J, dated September 2, 2016. Potential impacts and any proposed mitigation for the project's occurrence in the above-mentioned floodplain and FEMA Zones, should be discussed within the IS/MND prior to adoption.

↑
1-2

3. One of the benefits of the MPD is to identify the potential alignments of future drainage and flood control facilities. It is recommended that the City of Needles to continue to use this document to protect the alignment of future facilities.

1-3

4. We recommend that the City enforce, at a minimum, the most current FEMA regulations for development within the Special Flood Hazard Area (SFHA).

1-4

Traffic Division (Shawn Johnson, Engineering Technician IV, 909-387-8186):

1. The City of Needles Circulation Plan and road classifications does not match San Bernardino County's *Roadway Network Policy Map TM-1D* within the Countywide Plan. Potential impacts associated with changes to the Circulation Plan and road classifications, and proposed mitigations for the impacts, should be discussed within the environmental document prior to adoption or certification.

1-5

We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings. In closing, I would like to thank you again for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. Should you have any questions or need additional clarification, please contact the individuals who provided the specific comment, as listed above.

Sincerely,

Nancy Sansonetti

Nancy Sansonetti, AICP
Supervising Planner,
Environmental Management Division

COMMENT LETTER 1: COUNTY OF SAN BERNARDINO, DEPARTMENT OF PUBLIC WORKS, ENVIRONMENTAL MANAGEMENT DIVISION, NANCY SANSONETTI, AICP, SUPERVISING PLANNER, DATED JANUARY 3, 2023.

Comment 1-1

The comment states that the County “is aware there may be storm drains in and around the site that may be affected by the proposed Project. When planning for or altering existing or future storm drains, be advised that the Project is subject to the Needles Master Plan of Drainage (MPD), dated April 2006. It is to be used as a guideline for drainage in the area and is available at the San Bernardino County Department of Public Works offices. Any revision to the drainage should be reviewed and approved by the jurisdictional agency in which the revision occurs. Should construction of new, or alterations to existing storm drains be necessary as part of the Proposed Project, their impacts and any required mitigation should be discussed within the IS/MND before the document is adopted by the Lead Agency.”

Response

The Draft MND/IS (see *Section 5.19: Utilities and Service Systems, a. Stormwater*) notes that the flood control functions of the County are handled through the San Bernardino County Flood Control District.

The Draft MND/IS notes that the proposed Land Use Element includes policies that will assist the City in managing stormwater. These include:

- | | |
|----------------------|--|
| Policy LU-1.1 | <i>Growth management.</i> Encourage new development to take place in areas that are already served by existing utilities, expanding, and improving systems and capacity as appropriate and fiscally sustainable. Discourage development and extension of services outside of the City’s incorporated boundaries. |
| Policy LU-1.8 | <i>Public facilities.</i> Plan and coordinate to locate land and size facilities dedicated to open space, parks, education, and other public uses as appropriate to serve existing and future residents. |

The Draft MND/IS further notes that the City has a development fee structure to fund public facilities and infrastructure as reasonably related to impacts on the City from residential development and other development. For future development proposals, the County does not require the payment of impact fees to pay for the construction and maintenance of regional infrastructure, although each project is required to include drainage improvements. Further, the current systems would be able to provide adequate services to meet the needs of future development projects that may accompany the proposed General Plan Update.

The proposed General Plan Update is a policy-level planning document and does not authorize the construction of any new development. Therefore it would not cause significant environmental effects. Future developments would be subject to review to identify any environmental impacts and their subsequent mitigation. Impacts would be less than significant. No mitigation is required.

The comment is acknowledged and will be provided to the City Council for their information.

Comment 1-2

The comment states that the proposed Project “lies within FEMA Zones D (undetermined), A, AE, AO, X (outside the 500-yr. floodplain), and X-shaded (within the 500-yr. floodplain; 0.2% chance of annual flooding), the Regulatory Floodway, according to the most recent FEMA Flood Insurance Rate Map (FIRM),” and “potential impacts and any proposed mitigation for the project’s occurrence in the above-mentioned floodplain and FEMA Zones, should be discussed.”

Response

The Draft MND/IS (see Section 5.10, *Hydrology and Water Quality, a, Stormwater, d, ii*) notes that within the City of Needles, there are flood zones designated as X, X-0.2-percent A, AE, AH, and AO, as shown on Figure 5.10-1: *Flood Hazard Areas* in the Draft MND/IS.

The Draft MND/IS notes that the City’s existing General Plan Land Use Element contains policies and implementation measures addressing the City’s hydrological conditions such as discouraging residential development in officially recognized areas subject to flooding unless appropriate mitigation actions are implemented and ensuring that land uses are protected against potential erosion. Policy 10 of the existing Land Use Element states: “Ensure that land uses are protected against potential erosion,” through “grading and landscaping standards designed to prevent erosion and protect uses against potential erosion.”

The proposed updates to the Land Use Element as part of the General Plan Update would remain consistent with the safety provisions present in the existing Land Use Element.

The Land Use Element of the proposed General Plan Update also includes policies intended to minimize the risks posed by flooding or erosion states:

Policy LU-1.7 *Environmentally Sensitive Development.* Require new development to maximize its compatibility with the natural environment and avoid expansions or encroachments into environmentally sensitive areas.

The Draft MND/IS also identifies the City’s existing Safety Element, which will continue to be maintained. The following safety standards and policies have been established by the City to address the safety and needs of the community:

1. Discouraging development in areas known to possess a significant safety hazard unless appropriate mitigation measures are applied.
2. Existing safety hazards should be mitigated whenever possible.
3. In safety matters, the concept of an acceptable level of risk should be employed. The level of risk is based upon the number of people and critical facilities threatened.

The Safety Element also incorporates goal, policy, and implementation related to flood hazards (listed below).

2.0 Comments Received and Responses

- Goal 1:** To protect to the maximum extent possible, persons and property from natural and people-made hazards and dangers.
- Policy 1:** Pursue the protection of the existing population and future development from the hazards of flooding, seismic, and fire.
- Implementation 1a:** Upgrade and maintain the flood protection facilities such as flood control channels and levees within the City.
- Implementation 1b:** Bring structures within the City up to the highest possible level of safety as determined in State and local codes.
- Policy 2:** Ensure that safety services are adequate to handle future development within the community.
- Implementation 2:** Provide additional manpower, equipment and facilities as dictated by community development activities.

The proposed General Plan Update does not propose or entitle any new development in the City at this time and would not directly result in any changes to the physical environment. There are no proposed updates to the Land Use and Transportation Element that would be inconsistent with the existing Safety Element. All future development in the City would require project-specific evaluation in order to determine consistency with State, regional, and local requirements, including the City's General Plan and the Water Quality Control Plan for the Colorado River Basin. In addition, future development would be subject to the oversight and regulations of the County Flood Control District. Impacts would be less than significant. No mitigation is required.

The comment is acknowledged and will be provided to the City Council for their information.

Comment 1-3

The comment states that "one of the benefits of the [Needles Master Plan of Drainage] MPD is to identify the potential alignments of future drainage and flood control facilities. It is recommended that the City of Needles to (sic) continue to use this document to protect the alignment of future facilities."

Response

The Draft MND/IS (see *Section 5.10: Hydrology and Water Quality, a. Stormwater, d, ii*) notes that all future development in the City would require project-specific environmental evaluation to determine consistency with State, regional, and local requirements, including the City's General Plan and the Water Quality Control Plan for the Colorado River Basin. The City's Safety Element also places emphasis on protecting the existing population and future development from hazards including flooding by means of the goals, policies, and implementation measures listed above. The Flood Control District of the San

Bernardino Department of Public Works would also coordinate departmental review and issue permits for any future development activity, land use permits, and general encroachment within the District's right-of-way.

The comment is acknowledged and will be provided to the City Council for their information.

Comment 1-4

The comment states that the County "recommend[s] that the City enforce, at a minimum, the most current FEMA regulations for development within the Special Flood Hazard Area (SFHA)."

Response

The Draft MND/IS (see *Section 5.10: Hydrology and Water Quality, a: Stormwater, d, ii*) notes that all future development in the City would require project-specific environmental evaluation to determine consistency with State, regional, and local requirements, including the City's General Plan and the Water Quality Control Plan for the Colorado River Basin. The City's Safety Element also places emphasis on protecting the existing population and future development from hazards including flooding by means of the goals, polices, and implementation measures listed above. The Flood Control District of the San Bernardino Department of Public Works would also coordinate departmental review and issue permits for any future development activity, land use permits, and general encroachment within the District's right-of-way.

The comment is acknowledged and will be provided to the City Council for their information.

Comment 1-5

The comment states that the "City of Needles Circulation Plan and road classifications does not match San Bernardino County's *Roadway Network Policy Map TM-1D* within the Countywide Plan. Potential impacts associated with changes to the Circulation Plan and road classifications, and proposed mitigations for the impacts, should be discussed within the environmental document prior to adoption or certification."

Response

The Draft MND/IS (see *Section 5.17, Transportation and Traffic*) notes that City roadways have connectivity within Needles and between the City and its adjacent jurisdictions. However, the City is a separate jurisdiction from the County and is not required to maintain roadway classifications, as noted in the San Bernardino County's *Roadway Network Policy Map TM-1D*, within the Countywide Plan.

The Draft MND/IS further notes that the traffic analysis (See *Appendix D* of the Draft MND/IS) utilized the San Bernardino Transportation Analysis Model (SBTAM) as basis for the analysis of roadway improvements for the proposed Transportation Element.

2.0 Comments Received and Responses

The City is a separate jurisdiction from the County and is not required to maintain roadway classifications, as noted in the San Bernardino County's *Roadway Network Policy Map TM-1D*, within the Countywide Plan.

As noted in the Draft MND/IS (see *Section 2.3: Description of the Proposed Project*), the City's Circulation Plan will be revised to update roadway designations and accompanying street cross sections. The City's circulation system (streets and roads, bikeways, and pedestrian routes) will be updated to enhance mobility in and around Needles for more efficient and safer motorized and nonmotorized circulation, with a focus on aligning future growth projections and necessary roadway improvements. The proposed Circulation Plan is shown in *Figure 2.0-6: Proposed Circulation Plan* in the Draft MND/IS.

The proposed roadway classifications are shown in the *Draft City of Needles Land Use & Transportation Element* (December 2022) on Exhibit 9: Street Sections. As shown, sections are typical right-of-way designs; design may be adjusted by the City based on constraints that are unique to specific locations. The Draft MND/IS (see *Section 5.17: Transportation and Traffic*) notes that City roadways have connectivity within Needles and between the City and its adjacent jurisdictions.

The City intends to limit growth and development to its incorporated boundaries and does not plan to promote growth or changing land use or circulation in its unincorporated sphere of influence (SOI).

The City evaluated its current roadway system and the classifications as shown on the County's Roadway Network Policy Map within the Countywide Plan. Within the City of Needles, the roadways were previously (Transportation Element updated in 1986) designated and sized to accommodate a tremendous amount of potential growth, and anticipated a substantial change from existing conditions. While level of service is no longer the evaluation criteria used under CEQA analysis, the City still evaluated roadway performance in its traffic analysis (using SBTAM). Since 1986, little growth has occurred and the City anticipates a more modest growth trajectory (as reflected in the proposed buildout conditions for 2040) that, based on a thorough traffic analysis, would not require an expansion of roadways beyond existing conditions (existing number of lanes as of 2022) while being able to maintain acceptable performance (roadway capacity/LOS).

Other roadways were designated based on either the desire to maintain capacity for expansion as a highway facility (Needles Highway/U.S. 95) or as a connector to Interstate 40, designed to accommodate non-motorized modes of travel safely while maintaining existing lanes for motorized vehicles, or designed to be suitable for the City's downtown area. The proposed changes to City roadway classifications to accommodate non-motorized modes of travel should, compared to either the City's or County's current roadway classifications, actually reduce vehicle miles traveled (VMT), which is an evaluation criterion under CEQA).

The Draft MND/IS notes that the traffic analysis (see *Appendix D* of the Draft MND/IS) utilized the San Bernardino Transportation Analysis Model (SBTAM) as basis for the analysis of roadway improvements for the proposed Transportation Element.

2.0 Comments Received and Responses

The proposed Transportation Element contains two primary goals, under which the Element’s policies are organized. The goals proposed include:

- GOAL TR-1** A Safe, Efficient and Fiscally Sustainable Network of Streets that are Adequate for Residents, Business, Visitors and Emergency Services.
- GOAL TR-2** A Multimodal Network that Provides for the Safe and Convenient Movement of People of All Ages and Abilities.

As a result of the proposed General Plan Update Transportation Element’s emphasis on safely accommodating both drivers and users of active modes of transportation, the adoption of the proposed General Plan Update would effectively improve the General Plan’s provision of policies that protect the safety of circulation system users. Further, upon adoption of the General Plan Update, the proposed Transportation Element would supersede the existing Transportation Element and would thus become the central governing document regulating the planning, maintenance, and use of the City’s circulation system, which all other plans, policies, and regulations must then comply with from that point forward.

Finally, while the City acknowledges the roadway classifications as noted in the San Bernardino County’s Roadway Network Policy Map TM-1D within the Countywide Plan and recognizes that the County maintains jurisdictional authority over roadways in unincorporated areas, the City is updating its General Plan to plan for roadways within its jurisdictional authority within its incorporated boundaries and to express its preference for roadways within its unincorporated sphere of influence.

The comment is acknowledged and will be provided to the City Council for their information.

3.0 MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared, pursuant to the requirements of the State CEQA Guidelines Section 15074(b)(6),¹⁰ identifying the monitoring of mitigation measures that would reduce potential significant impacts, as stated in the Draft MND/IS, for the proposed Project.

State CEQA Guidelines Section 15097¹¹ requires public agencies adopting an MND to also adopt a program for monitoring or reporting to ensure that the mitigation measures it has imposed to mitigate or avoid significant environmental effects are implemented.

This MMRP will be required to be adopted by the City Council should it (the Council) approve the proposed Project. The MMRP will be available at the City, located at 817 Third Street, Needles, CA 92363.

The MMRP may be modified by the City in response to changing conditions or circumstances. A summary table (**Table 3.0-1: Summary of Project Impacts, Mitigation Measures, and Implementation Responsibility**) should guide the City in its evaluation and documentation of the implementation of mitigation measures. The MMRP is organized as follows:

- **Mitigation Measure:** Provides the text of the mitigation measures identified in the Draft MND/IS.
- **Timing/Schedule:** Identifies the timeframe in which the mitigation will take place.
- **Implementation Responsibility:** Identifies the entity responsible for complying with mitigation measure requirements.
- **Implementation and Verification Action:** Describes the type of action taken to verify implementation.

The City is responsible for taking all actions necessary to implement the mitigation measures according to the provided specifications and for demonstrating that each action has been successfully completed. The Assistant City Manager/Development Services, at his/her discretion, may delegate implementation responsibility or portions thereof to a licensed contractor.

¹⁰ California Code of Regulations, CEQA Guidelines, Sec. 15074(d).

¹¹ California Code of Regulations, CEQA Guidelines, Sec. 15097.

3.0 Mitigation Monitoring and Reporting Program

TABLE 3.0-1
SUMMARY OF PROJECT IMPACTS, MITIGATION MEASURES, AND IMPLEMENTATION RESPONSIBILITY

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Implementation and Verification Action
<i>Land Use</i>			
MM LU-1: The City shall revise the Zoning Code, specifically section General Commercial C2, to reflect the addition of the Downtown Core and changes that would result to permissible uses.	Within 30 days of adoption of the Land Use Element	Assistant City Manager/Development Services	File updated code with the City Clerk.
MM LU-2: The City shall revise the Zoning Code Section 12A-6, Regulations Applicable to Retail Cannabis Businesses, to include restrictions related to cannabis operation within the Downtown Core.	Within 30 days of adoption of the Land Use Element	Assistant City Manager/Development Services	File updated code with the City Clerk.