

Notice of Exemption

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
Office of the County Clerk
County of San Bernardino
385 N. Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415-0130

From: City of Barstow
220 E Mountain View St. Ste A
Barstow, CA 92311

DATE FILED & POSTED

Posted On: 07-23-24

Removed On: 08-28-24

Receipt No: 36-07232024-528

Project Title: Midway Mobilehome Park Closure

Project Applicant: BNSF Railway Company

Project Location (Address and APN) 24644 West Main Street (APN #0421-171-50-0000 and 0421-171-51-0000)

Project Location – City: Barstow

Project Location – County: San Bernardino

Description of Nature, Purpose, and Beneficiaries of the Project: The applicant is ceasing the use of the property as a mobilehome park. No alternative use of the property is proposed at this time. The mobilehome park has been vacant of all tenants since November 2023. There are no proposed changes to the land or structures.

Name of Public Agency Approving Project: City of Barstow

Name of Person or Agency Carrying Out Project: BNSF Railway Company

Exempt Status: **(check one)**

Ministerial (Sec. 21080(b)(1); Guidelines 15266)

Declared Emergency (Sec. 21080(b)(3); Guidelines 15269(a))

Emergency Project (Sec. 21080(b)(4); Guidelines 15269(b)(c))

Categorical Exemptions. State type and section number: Class 1, Section 15301 Existing Facilities; Class 4, Section 15304 Minor Alterations to Land

Statutory Exemptions. State type and section number: CEQA Guideline, Cal Code of Regs, tit. 24, section 15061(b)(3).

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Reason why project is exempt: The project will have no significant effect on the environment. Applicant is officially ceasing the use of a vacant pre-existing mobilehome park as mobilehome park. Applicant is not proposing to utilize the site for any other use at this time. The project will result in the removal of mobilehome base pads and associated grading and forfeiting the ability to use the site as a mobilehome park without obtaining a use permit. The project will remain consistent with the applicable general plan designations and all general plan policies and zoning designation and regulations. There will be no expansion of the use. City received a Mobilehome Park Closure Impact Report and approved such report through Resolution No. 5170-2024 receiving such closure impact report for the Midway Mobile Home Park and finding no material contribution of shortage of housing opportunities and approval of closure, consistent with Government Code section §65863.7. This project is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines §§ 15301, 15304, and 15061(b)(3). This project will not result in a direct or reasonably foreseeable indirect physical change in the environment; and it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility this project may have a significant effect on the environment.

Lead Agency Contact Person:


Area Code/Telephone/Extension:

Genesis Crank

760-255-5152

If filled 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: 	Date: July 18, 2024	Title: Planning & Community Development Administrator
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Signed by Lead Agency Signed by Applicant

Documents Attached: Resolution No. 5170-2024

Date Received for filing by County Clerk: _____

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RESOLUTION NO. 5170-2024

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BARSTOW RECEIVING THE CLOSURE IMPACT REPORT FOR THE MIDWAY MOBILEHOME PARK LOCATED AT 24644 MAIN STREET, FINDING NO MATERIAL CONTRIBUTION OF SHORTAGE OF HOUSING OPPORTUNITIES AND APPROVAL OF CLOSURE (GOVERNMENT CODE SECTION 65863.7); AND FINDING OF EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CAL. CODE REGULATIONS 15301, 15304 AND 15061(B)(3).

WHEREAS, on May 30, 2024, BNSF Railway Company (BNSF) formally filed an application to close and terminate the use of the Midway Mobilehome Park located at 24644 Main Street, Barstow (MHP or Property);

WHEREAS, on May 30, 2024, the City of Barstow sent BNSF the information required pursuant to Government Code section 65863.8(a);

WHEREAS, because no residents have lived in the MHP and no homeowners have existed within the MHP since at least November 2023, the statutory requirements under Government Code sections 65863.7 and 65863.8, and Civil Code 798.56 concerning notice to residents and homeowners are inapplicable; and

WHEREAS, because no residents have lived in the MHP and no homeowners have existed within the MHP since at least November 2023, the need to provide appraisals for displaced homeowners, compensation for displacement, and delivery of the closure impact report to residents and homeowner is not required; and

WHEREAS, pursuant to Government Code section 65863.7(e)(1), prior to approval of a change in use of a mobilehome park, the City Council is required to review the closure impact report and make a finding whether the park closure will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households within the city; and

WHEREAS, under the California Environmental Quality Act (CEQA), where no expansion of an existing of former use is contemplated, the project is exempt pursuant to section 15301 "Existing Facilities". (Cal. Code Regs., tit. 14, sec. 15301.) No expansion of the MHP is proposed through this action. The action is also exempt as a minor alteration to land by a private party. (Cal. Code Regs., tit. 14, sec. 15304.) The action will result in minor demolition of mobilehome base pads and accompanying grading. Finally, given that the park is closed and is vacant the "common sense" exemption that CEQA only applies to project with the potential for "causing a significant effect on the environment" is applicable as it can be seen with certainty that there will be no significant effect on the environment. (Cal. Code Regs., tit. 14, sec. 15061(b)(3).); and

WHEREAS, on June 7, 2024, BNSF submitted to the City of Barstow a closure impact report.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BARSTOW DOES HEREBY RESOLVE AS FOLLOWS:

- Section 1. RECITALS. The recitals set forth above are true and correct and incorporated herein by this reference.
Section 2. FINDING. The City Council has reviewed the closure impact report, all additional relevant documentation in the record as a whole, and the overall housing availability within the jurisdiction. The City Council finds that approval of the MHP closure and termination of use will not result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households within the City, and approves of the closure and termination of use.

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Section 3. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Resolution and shall give notice of it if and as required by law.

Section 4. EFFECTIVE DATE. This Resolution 5170-2024 shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Barstow at a regular meeting of said Council held on July 1, 2024, by the following vote:

AYES: MAYOR COURTNEY, MAYOR PRO TEM NOBLE, COUNCIL MEMBERS ROSE, HERNANDEZ, AND KRUSE

NOES:

ABSENT:

Paul Anthony Courtney, Dr. B.A., Mayor

ATTEST:

APPROVED AS TO FORM:

Andrea Flores, City Clerk

Matthew T. Summers, City Attorney

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