

CITY OF SAN ANSELMO

RESOLUTION NO. 1582

(superseding Resolution No. 1509 passed March 12, 1974)

GENERAL

The City Council of San Anselmo hereby adopts the procedures set forth below for the environmental evaluation of public and private projects by City agencies. These procedures augment the California Environmental Quality Act of 1970 (CEQA) (Public Resources Agency Code Section 21000, et seq.) and the Regulations of the California Resources Agency Establishing Guidelines for Implementation of the California Environmental Quality Act of 1970, (Chapter 3, Div. 6, Title 14, California Administrative Code), which are hereby adopted by reference.

SCOPE

Both the State Regulations and the following procedures apply to all public and private projects subject to the provisions of CEQA, except projects which have been categorically exempted by Section 15100 et seq. of said Regulations or categorically exempt by action of the City Council of San Anselmo, as listed herein or as added and deleted by resolution. Pursuant to Section 15073 of the Regulations, the City Council determines the following actions to be ministerial under City of San Anselmo ordinances and applicable laws:

- (a) Issuance of building permits
- (b) Issuance of business licenses
- (c) Approval of final subdivision maps
- (d) Approval of individual utility service connections and disconnections
- (e) Sign permits
- (f) Septic tank permits
- (g) Swimming pool permits
- (h) Certificates of occupancy
- (i) All licenses issued by the City of San Anselmo not involving discretionary action
- (j) Approval of final parcel maps
- (k) Approval of records of survey
- (l) Residential property reports
- (m) Execution of subdivision improvement agreements
- (n) Execution of land division improvement agreements
- (o) Execution of street improvement agreements
- (p) Acceptance of offers of dedication
- (q) Acceptance of deeds

The City Council of San Anselmo determines that the following projects are categorically exempt:

Class 1: Existing Facilities. Class 1 consists of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including, but not limited to:

- (a) Continuance of a previous, or similar, use;
- (b) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;

- (c) Existing facilities of both investor and public-owned utilities used to convey or distribute electric power, natural gas, sewage, etc.;
- (d) Existing highways and streets (within already established rights-of-way) sidewalks, gutters, bicycle and pedestrian trails and similar facilities;
- (e) Restoration or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide or flood;
- (f) Additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition or alteration, or 2500 square feet, whichever is less;
- (g) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities or mechanical equipment, or topographical features (including navigational devices) where these devices do not have or result in an adverse environmental impact;
- (h) New copy on existing on and off-premise signs;
- (i) Maintenance of existing landscaping, native growth and water supply reservoirs (excluding the use of economic poisons, as defined in Division 7, Chapter 2, California Agricultural Code);
- (j) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes and stream channels (clearing of debris) to protect fish and wildlife resources;
- (k) Fish stocking by the California Department of Fish and Game;
- (l) Division of existing multiple family rental units into condominiums;
- (m) Demolition and removal of buildings and related structures except where they are of historical, archaeological or architectural consequence as officially designated by Federal, State or local governmental action.

Class 2: Replacement or Reconstruction. Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose, building coverage and capacity as the structure replaced, including, but not limited to:

- (a) Replacement or reconstruction of existing schools and hospitals to provide earthquake-resistant structures which do not increase capacity more than 50%;
- (b) Replacement of a commercial structure with a new structure of substantially the same size and purpose;
- (c) Replacement of single family dwellings, duplexes and apartments which conform to applicable zoning regulations;
- (d) Replacement of public buildings and facilities of substantially the same size and purpose;
- (e) Replacement of trees or landscaping;

Class 3: New Construction of Small Structures. Class 3 consists of construction and location of single, new facilities or structures and installation of new equipment and facilities, including, but not limited to:

- \* (a) Single family residences not in conjunction with the building of two or more of such units.
- (b) Motels, apartments, and duplexes designed for not more than four dwelling units which are surrounded by developed property;
- (c) Stores, offices, and restaurants, if designed for an occupant load of 20 persons or less and which are surrounded by developed property;

Resolution No. \_\_\_\_\_

- (c) Stores, offices and restaurants if designed for an occupant load of 20 persons or less, if not in conjunction with the building of two or more such structures;
- (d) Water main, sewage, electrical, gas and other utility extensions of reasonable length to serve such construction;
- (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences;

Class 4: Minor Alterations to Land. Class 4 consists of minor public or private alterations in the condition of land, water and/or vegetation.

- (a) Minor grading on land with a slope of less than 10 percent, except where it is to be located in a waterway, in any wetland, in an officially designed (by Federal, State or local governmental action) scenic area or in officially mapped areas of severe geologic hazard;
- (b) Minor new gardening or landscaping;
- (c) Minor filling of earth into previously excavated land with material compatible with the natural features of the site;
- (d) Minor alterations in land, water and vegetation on existing officially designated wildlife management areas of fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;
- (e) Minor temporary uses of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.;
- (f) Minor trenching and backfilling where the surface is restored;

Class 5: Alterations in Land Use Limitations. Class 5 consists of minor alterations in land use limitation, except zoning, including but not limited to:

- (a) Minor lot line adjustments, side yard and setback variances not resulting in the creation of any new parcel, nor in any change in land use or density;
- (b) Issuance of minor encroachment permits;
- (c) Sign review variances as defined in the applicable sign ordinance;
- (d) The keeping of animals in accordance with Municipal Code;

Class 6: Information Collection. Class 6 consists of basic data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be for strictly information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted or funded.

Class 7: Regulatory Actions for Protection of Natural Resources. Class 7 consists of actions taken by regulatory agencies, as authorized by state law or local ordinance, to assure the maintenance, restoration, or enhancement of a natural resource, including, but not limited to, wildlife preservation. Construction activities are not included in this exemption.

Class 8: Regulatory Actions for the Protection of the Environment. Class 8 consists of actions taken by regulatory agencies, as authorized by state law or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment. Construction activities are not included in this exemption.

Class 9: Inspections. Class 9 consists of activities limited entirely to inspection, to check for performance of an operation, or quality, health or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation or adulteration of products.

Class 10: Loans. Class 10 consists of loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions. Class 10 includes, but is not limited to, the following examples:

(a) Loans made by Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943;

(b) Purchase of mortgages from banks and mortgage companies by the Public Employees' Retirement System and by the State Teachers' Retirement System;

Class 11: Accessory Structures. Class 11 consists of construction, or placement of minor structures, accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including, but not limited to:

(a) On-premise signs

(b) Small parking lots

Class 12: Surplus Government Property Sales. Class 12 consists of sales of surplus government property except for parcels of land.

\* Class 13: Acquisition of Lands for Fish and Wildlife Conservation.

\* Class 14: Minor Additions to Schools: Class 14 consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or five classrooms, whichever is less. The addition of portable classrooms is included in this exemption.

### PROCEDURES FOR PROCESSING ENVIRONMENTAL IMPACT REVIEWS

#### A. INITIAL

Any project, as defined in Public Resource Code 21065; Title 14 of the California Administrative Code, Section 15037 which requires governmental action, must be assessed by the City of San Anselmo for its environmental impact. The Planning Division has developed a procedure for assessing environmental impact which must be followed by all city departments.

1. Ministerial Acts are exempt. The individual issuing the permit or license shall be responsible for making this determination. (See list.)

2. If the act is not Ministerial, information as to the nature of the project is required of the applicant. This information is checked against a list of Categorical Exemptions by the receiving official in Public Works, or other city department. If the project qualifies for an exemption, a form (EIR-1) is attached to the applicant's documents and is signed by the receiving official. The project then is processed through the normal channels, with the EIR-1 document attached as evidence that the project is Categorically Exempt. Other city officials may disagree with the findings on EIR-1 and call for the next step.

3. If the receiving official observes that the project does not qualify for a Categorical Exemption, an environmental impact review must be made. The preparation of this assessment shall be coordinated by the Planning Division; therefore, the applicant should be directed to contact Planning after Step 2 above fails to produce a Categorical Exemption. The receiving official gives the applicant an Environmental Worksheet (attached form EIR-2a) which the applicant shall then fill out and return to the Planning Division. EIR-2a applications for private projects must be accompanied by a \$50.00 fee.

4. The Planning Division shall then check the documents provided by the applicant and assess, on form EIR-2 attached, whether or not the project would have significant effect on the environment. Ordinarily a field check will be necessary. If the effect is not deemed to be significant, the Planning Division official signs the declaration on EIR-2 and attaches it to the applicant's documents. The project then is processed through the normal channels, with EIR-2 attached. The determination will be forwarded to the other involved local or areawide agencies for their comments, allowing 15 days for reply. Each city department or agency which reviews the project must sign EIR-2 to indicate that it also has considered the environmental impact. They may disagree with the Planning Division's assessment and submit a supplemental letter on the points of disagreement.

#### B. NEGATIVE DECLARATION

1. Notice of a Negative Declaration (attached form EIR-2b) shall be forwarded to the applicant and prominently posted on a public bulletin board located in front of City Hall.

2. In cases of "Negative Declaration", any mandatory time limits for action on the application shall be extended for the period of time necessary to render the "Notice of Determination". (Form EIR-2b Suppl.)

3. Hearings shall be held if a protest of the "Negative Declaration" is received in writing within 10 days of posting. Protests on the finding shall be addressed to the Planning Division, P. O. Box 247, San Anselmo, California 94960. The hearing shall be held at the time and place designated in the "Negative Declaration", but not less than ten (10) days after the Notice of "Negative Declaration" is posted.

If the application is otherwise required to be heard by the Planning Commission, a Public Hearing on the protest to a "Negative Declaration" shall be held by the Planning Commission at the same time as the hearing on the project; otherwise, a Public Hearing shall be conducted on the "Negative Declaration" as a separate agenda item.

4. The Planning Commission shall render a decision on the protest at the conclusion of the hearing or may continue the matter for not more than twenty-one (21) days. The decision may be appealed by any person to the City Council. Appeals shall be written and must be filed with the City Clerk within ten (10) days after the decision is rendered.

5. The Planning Commission shall render a decision on a protest to the "Negative Declaration" prior to its decision on the application.

6. If, as a consequence of the hearing or an appeal, a finding of negative impact is not sustained, an Environmental Impact Report shall be required.

7. Upon completion of the hearings or an appeal on the "Negative Declaration" a "Notice of Determination" (EIR-2b-Suppl.) shall be filed with the County Clerk, with a copy of the Negative Declaration, unless an Environmental Impact Report is to be required.

8. No permit, license, lease, certificate, or other entitlement for use shall be issued until the appeal period has expired, or, in the event of appeal, until appellate determination is reached.

#### C. ENVIRONMENTAL IMPACT REPORT (EIR) REQUIRED

1. If it is determined that an EIR is required, the applicant shall be informed by mail forthwith that an EIR must be completed before the application can be considered.

2. If an EIR is required, any mandatory time limits for action on the application shall be extended for the period of time necessary to prepare and act on a satisfactory EIR.

3. The Planning Division shall determine the manner in which the draft EIR will be prepared. A draft EIR may be prepared by City staff, independent consultants, selected and approved by the City or a combination of the foregoing. The applicant shall be informed of the estimated cost and procedures involved. The applicant may be required to submit data and information necessary for the preparation of the EIR.

4. The applicant must, upon request, deposit with the City, the total amount of any estimated costs which the City may incur to procure and process the report. Separate cost accounts for each application shall be kept by the department processing the application. The applicant shall be charged \$150.00 (or 10 percent of the cost of the report, whichever is greater) processing, review, and hearing fee plus the actual cost of preparing the report.

5. The EIR shall consist of an objective and accurate analysis of the environmental effects of the project and contain, where applicable, the information set forth in Article 9, Chapter 3, Division 6, Title 14 of the California Administrative Code, including Economic and Social Effects.

6. Upon completion, the draft EIR shall be filed with the Planning Division who shall file a Notice of Completion (EIR-3b) or Notice of Intent (EIR-3c) with the Secretary of the Resources Agency and circulate the EIR in accordance with Section 15085 of Title 14 of the California Administrative Code. Any comments elicited through this process shall be appended to the Draft EIR.

7. Copies of the Draft EIR shall be available for review by members of the public and other agencies for a reasonable period of time, but not less than 30 days, nor longer than 90 days, except in unusual situations. Any person may purchase a copy of the Draft EIR from the Planning Division at reproduction costs. A total minimum period of 30 days shall be permitted for review and comments between the filing of the "Notice of Completion" and the public hearing on the project. A staff recommendation shall be made to the Planning Commission on Form EIR-4.

8. Thereafter, a public hearing shall be conducted on the Draft EIR by the Planning Commission (concurrently with the project hearing if one is required).

9. Notice shall be given of all public hearings on Draft Environmental Impact Reports as follows:

(a) If public notice of the hearing on the project is not otherwise required by law, a notice of the hearing on the Draft EIR shall be prominently posted on the public bulletin board located in front of the City Hall, for a minimum period of 30 days prior to the date of hearing.

(b) If public notice of a hearing on the project is required by law, notice of the hearing on the Draft EIR shall be included in all notices of the project hearing in addition to posting as in (a) above.

10. At the hearing, members of the public shall be afforded an ample opportunity to express their opinion concerning the contents or adequacy of the Draft EIR, orally or in writing.

11. The essence of statements regarding the Draft EIR shall be recorded in the minutes of the hearing and incorporated as part of the addendum to the Draft EIR. At the conclusion of the hearing, or any continuance thereof, a final EIR shall be adopted.

12. The Final EIR shall consist of:

(a) The Draft EIR, as supplemented by the statements received at the hearing and the comments received from public agencies.

(b) Where appropriate, evaluation of or responses to agency and other public commentary.

(c) Any modification or additional data the hearing agency deems necessary to provide an adequate environmental review of the project.

13. The final EIR shall be considered by the agency or department which has the responsibility of approving, approving with conditions, or denying the project.

14. Thereafter, a Notice of Determination (EIR-4b) shall be filed with the County Clerk in accordance with law.

15. Any person may appeal any determination made hereunder by the City staff or the Planning Commission directly to the City Council. Appeals must be in writing and shall be filed with the Clerk of the City Council within ten (10) days following such determination.

16. No permit, license, lease, certificate, or any other entitlement for use shall be issued until the appeal period has expired, or in the event of appeal, until appellate determination is reached.

17. Any lawsuit seeking to set aside or annul any decision made pursuant to these regulations must, unless otherwise provided by law, be instituted within thirty (30) days after said decision is made.

\* \* \* \* \*

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of San Anselmo, Marin County, State of California, at a regular meeting thereof, held on March 25, 1975, by the following vote:

- AYES: Councilmen Anderson, Capurro, Blinder, Toal, Colteaux
- NOES: None
- ABSENT: None

Caroline Foster  
Caroline Foster, City Clerk