

TOWN OF SAN ANSELMO

RESOLUTION NO. 1699

~~(Superseding Resolution No. 1699 passed February 8, 1977)~~

As amended by Resolution No. 1735 passed Oct. 25, 1977.

GENERAL

The Town Council of San Anselmo hereby adopts the procedures set forth below for the environmental evaluation of public and private projects by Town 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, latest revision (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 Town Council of San Anselmo, as listed herein or as added and deleted by resolution. Pursuant to Section 15073 of the Regulations, the Town Council determines the following actions to be ministerial under Town 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) Swimming pool permits.
- (g) Certificates of occupancy.
- (h) All licenses issued by the Town of San Anselmo not involving discretionary action.
- (i) Approval of final parcel maps.
- (j) Approval of records of survey.
- (k) Residential property reports.
- (l) Execution of subdivision improvement agreements.
- (m) Execution of land division improvement agreements.
- (n) Execution of street improvement agreements.
- (o) Acceptance of offers of dedication.
- (p) Acceptance of deeds.

The Town Council of San Anselmo determines that the following projects do not have a significant effect on the environment and 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, and building additions.
- (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) 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;

- (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 and variances, and any variance not resulting in the creation of any new parcel nor any significant 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;
- (e) Preliminary Planned development if no change in presumptive use is proposed.

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 the 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

is required of the applicant. This information is checked against a list of Categorical Exemptions by the receiving official in Public Works, or other Town 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 Town 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 initial study 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 (on Form EIR-2) which the applicant shall then fill out and return to the Planning Division. EIR 2 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-2a, 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-2a attached. The determination will be forwarded to the other involved local or areawide agencies for their comments, allowing 15 days for reply. Each Town department or agency which reviews the project must sign EIR-2a 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.
5. Where a project is revised in response to an initial study so that potential adverse effects are mitigated to a point where no significant environmental effects would occur, a Negative Declaration shall be prepared instead of an EIR. If the project would still result in one or more significant effects on the environment after mitigation measures are added to the project, an EIR shall be prepared.

B. NEGATIVE DECLARATION

1. Notice of a Negative Declaration (on Form EIR-2b) shall be forwarded to the applicant and prominently posted on a public bulletin board located in front of Town Hall, posted on project site, and owners of property contiguous to the project notified by mail (300' from project for rezonings and 150' for all other projects). Notice shall also be given to all organizations and individuals who have previously requested such notice.
2. In cases of "Negative Declaration", any mandatory time limits for action on project applications shall be extended for the period of time necessary to render the "Notice of Determination". (Form EIR-2b Suppl.)
3. A public hearing on the Negative Declaration shall be held no sooner than 10 days after notices are mailed. (Notices shall include date of hearing.) Any public protest to the Negative Declaration finding shall be made in writing, with specific objections to the finding, and received in the Public Works Office within 10 days after the above notices are mailed.
4. The Planning Commission shall render a decision on the Negative Declaration/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 Town Council. Appeals shall be written and must be filed with the Town 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 any other application involved with the project.

- 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 final EIR shall consist of:
 - (a) The draft EIR or a revision of the draft.
 - (b) Comments and recommendations received on the draft EIR either verbatim or in summary.
 - (c) A list of persons, organizations, and public agencies commenting on the draft EIR.
 - (d) The responses of the Town to significant environmental points raised in the review and consultation process.

The response of the Town to comments received may take the form of a revision of the draft EIR or may be an attachment to the draft EIR. The response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major issues raised when the Town's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted, and factors of overriding importance warranting an override of the suggestions, or significant effects.

- 12. Certification of Final EIR. The final EIR shall be presented to the decision-making body of the Town. The Town shall certify that the final EIR has been completed in compliance with CEQA and the state guidelines and that the decision-making body or administrative official having final approval authority over the project has reviewed and considered the information contained in the EIR prior to the approval of the project.
- 13. Thereafter, a Notice of Determination (EIR-4b) shall be filed with the County Clerk in accordance with law. The filing of the Notice of Determination with the County Clerk starts a 30 day statute of limitation on court challenges to the approval under CEQA.
- 14. Any person may appeal any determination made hereunder by the Town staff or the Planning Commission directly to the Town Council. Appeals must be in writing and shall be filed with the Clerk of the Town Council within ten (10) days following such determination.
- 15. 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.

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I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of the Town of San Anselmo, Marin County, State of California, at a regular meeting thereof, held on February 8 1977, by the following vote:

AYES: Councilmen Reed, Colteaux, Signorelli, Toal, Capurro
 NOES: None
 ABSENT: None

Caroline Foster
 CAROLINE FOSTER, TOWN CLERK