

MARIN COUNTY

***ENVIRONMENTAL IMPACT REVIEW GUIDELINES
(EIR GUIDELINES)***

POLICY AND PROCEDURES FOR IMPLEMENTATION OF THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CEQA)

Marin County Community Development Agency
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Marin County Board of Supervisors*

MARIN COUNTY ENVIRONMENTAL REVIEW GUIDELINES

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MARIN COUNTY PROCEDURES
FOR IMPLEMENTATION OF THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

I. Purpose and Objective

The purpose of these regulations is to provide a guide for County Agencies and Departments in carrying out their responsibilities under the California Environmental Quality Act (CEQA). These procedures do not replace the State requirements under CEQA, rather, they are intended to conform with and supplement State procedures by providing local process for the County. County Agencies and Departments must follow these procedures in addition to the State requirements for implementing CEQA.

The overall objective in adopting these procedures is to comply with the policies the legislature and courts have established for preserving and enhancing the environment. CEQA and the State CEQA Guidelines, as amended, are incorporated by reference into these County procedures as if they were set forth in full. In those instances where the County Procedures refer to CEQA or State CEQA Guidelines Sections, the section number may be given to facilitate reference to that section. It should be recognized that CEQA and the State CEQA Guidelines are amended from time to time which may change the number of the section referenced in these County procedures depending on printing date.

In the event any part or provision of these procedures is determined to be invalid, the remaining portions thereof which can be separated from the invalid portions, shall nevertheless continue in full force and effect.

II. Definitions

A. Definitions Adopted. Those definitions set forth in Title 14, Article 4 (beginning with Section 15350) of the California Administrative Code, (hereinafter cited as "State CEQA Guidelines") are hereby adopted and included verbatim.

B. Additional Definitions by Marin County.

1. Board. Board means the Marin County Board of Supervisors.
2. County. County means the County of Marin.
3. Environmental Coordinator. Environmental Coordinator means the County Community Development Agency Director (CDA Director) or the person appointed by the CDA Director for the purpose of determining whether or not a project (either public or private) will have a significant effect on the environment and whether or not environmental review of the project is required pursuant to CEQA. The Environmental Coordinator has the principal responsibility for implementing project environmental review pursuant to CEQA, State CEQA Guidelines and these procedures.

4. Club List. Club List means a mailing list for environmental notices sent by the Lead County Department pursuant to these EIR Guidelines. The club list includes public agencies, private organizations, and individuals who either have jurisdiction, purview, or interest in a project or the area within which it is located and who have submitted a written request and required fees for being placed on the club list.
5. County Agency. County Agency means any County officer, employee, department, commission, or division, or the Board of Supervisors. County Agency does not mean a County-wide organization of which the County is only one member.
6. County Decision Making Body. County Decision Making Body means any County Agency which has the discretionary authority to approve a project.
7. County Permit. County Permit means a decision to issue a County governmental permit, license, grant, certificate, lease, general plan or zoning amendment, local coastal plan amendment, design review approval, building permit, authorization pursuant to a zoning, subdivision, or grading ordinance, regulation or statute, or other entitlement in regard to a project.
8. Director. Director means the Director of any County Department.
9. Draft Negative Declaration. Draft Negative Declaration means a Negative Declaration which has been prepared by the Responsible Department, but has not yet been adopted by the decision making body.
10. Environmental Assessment. Environmental Assessment means a composite development constraints and capabilities analysis prepared for undeveloped, agricultural or redevelopment lands and adjacent water areas located within the Bayfront Conservation Zone pursuant to Marin County Code Chapter 22.50. An Environmental Assessment as defined herein is not an environmental assessment as defined in the National Environmental Policy Act (NEPA).
11. Lead County Department. Lead County Department means the County Department responsible for preparation of the environmental documents in accordance with the Lead Agency concept specified in State CEQA Guidelines and these procedures.
12. Mitigated Negative Declaration. Mitigated Negative Declaration means a Negative Declaration prepared for a project when the initial study has identified potentially significant effects on the environment but revisions made by or agreed to by the applicant before the proposed Negative Declaration is released for public review would avoid the effects or mitigate the effects to an insignificant level, and there is no substantial evidence before the County that the project as revised may have a significant effect on the environment.
13. Planning Commission. Planning Commission means the Marin County Planning Commission.
14. CDA Director. CDA Director means the Director of the Marin County Community Development Agency.

15. Project. Project means and includes both private and public projects.
- a. Private Project. Private project means the whole of an action which has a potential for resulting in a physical impact on the environment, directly or ultimately, that is any of the following:
- (1) An activity undertaken by a non-governmental entity which is supported in whole or in part through public agency contracts, grants, subsidies, loans or other forms of assistance from one or more public agencies.
 - (2) An activity involving the issuance of a County permit, as defined in Item Number 6 above, to a non-governmental entity.
 - (3) An activity wherein a non-governmental entity requests the enactment or amendment of zoning or subdivision regulations or amendment of the general plan or its elements.
- b. Public Project. Public project means the whole of an action directly undertaken by a County Agency which has a potential for physical impact on the environment, directly or ultimately, including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local general plans or elements thereof, pursuant to Government Code Sections 65100-65700 (Local Planning). This also includes applications for grants which might lead to any of the aforementioned activities. Public project also means an activity involving a discretionary action, approval, or issuance of a mutual agreement, permit or other entitlement to any public agency by the County Agency.
16. Responsible Department. Responsible Department means any County Department or Agency whose budget contains or would contain County funds necessary to undertake a proposed public project; or any County Department or Agency which has the authority to grant or deny discretionary entitlements for private projects.
17. State CEQA Guidelines. State CEQA Guidelines means that document entitled "Guidelines for Implementation of the California Environmental Quality Act of 1970", as amended; these regulations being found in California Administrative Code, Title 14, Division 6, Chapter 3.
18. Project EIR. A Project EIR, as described more fully in the State CEQA Guidelines, Article 11, means an EIR on a specific development project covering all phases of the project planning, construction, and operation.
19. Supplement to EIR. A Supplement to an EIR, as described more fully in the State CEQA Guidelines, Article 11, means minor technical changes or additions to a previous EIR to make the EIR apply to project revisions or changes in circumstances surrounding the project. A Supplement to an EIR need only contain information which addresses those topical issues which are relevant to the project revisions or changed circumstances.

20. Subsequent EIR. A Subsequent EIR, as described more fully in the State CEQA Guidelines, Article 11, means an EIR prepared after certification of a previous project EIR to address changes to a project or environment affected by the project.
21. Multiple and Phased Project EIR. A Multiple or Phased Project EIR, as more fully described in the State CEQA Guidelines, Article 11, means a program EIR prepared for individual projects or a phased project which is undertaken and where the total undertaking comprises a project with a significant environmental effect.
22. Program EIR. A Program EIR, as more fully described in the State CEQA Guidelines, Article 11, means an EIR prepared for a series of actions that can be characterized as one large project.
23. Staged EIR. A Staged EIR, as more fully described in the State CEQA Guidelines, Article 11, is an EIR prepared for a large capital project that will require a number of discretionary approvals from government agencies and one of the approvals will occur more than two years before construction will begin.
24. General Plan EIR. A General Plan EIR, as more fully described in the State CEQA Guidelines, Article 11, is an EIR prepared for the Countywide Plan, element, or amendment thereof whereby the Countywide Plan or element thereof may serve the requirements for preparation of an EIR, in which case no separate EIR need be prepared.
25. Joint EIR/EIS. A Joint EIR/EIS, as more fully described in the State CEQA Guidelines, Articles 11 and 14, is a joint document prepared for a project sponsored by or requiring discretionary approval or funding from both the County and a Federal agency which meets the requirements of both CEQA and NEPA.
26. Addenda to EIR. An Addendum to an EIR, as more fully described in the State CEQA Guidelines, Articles 11, is a document which makes minor technical changes or additions to an EIR. An Addendum to an EIR may be attached to the Final EIR and need not be recirculated prior to certification of the Final EIR and approval of the project.
27. Trustee Agency. Trustee Agency means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State. Trustee Agencies include the California Department of Fish and Game, the State Lands Commission, the State Department of Parks and Recreation, and the University of California with respect to sites within the Natural Land and Water Reserves System.

III. Environmental Coordinator Duties

- A. Authority. The Environmental Coordinator shall be the CDA Director or Community Development Agency staff person appointed by the CDA Director for the purpose of determining whether or not 1) an action is a project subject to environmental review pursuant to CEQA, and 2) whether or not a project will have a significant effect on the environment. The Environmental Coordinator shall have the principal responsibility for implementation of CEQA, the State CEQA Guidelines and these procedures. The Environmental Coordinator shall have the authority to determine the type of environmental documents required for a project and the adequacy and objectivity of environmental documents.

- B. Determination of Environmental Effect. The Environmental Coordinator shall determine, in accordance with CEQA, State CEQA Guidelines Sections 15060 and 15061, and these procedures, whether or not public and private projects are exempt from the aforementioned regulations, as so provided therein. Where it is determined that the project is not exempt from CEQA, the Environmental Coordinator shall conduct an Initial Study in accordance with State CEQA Guidelines Sections 15063, 15064 and 15065 to arrive at a determination of whether or not the project may have a significant effect on the environment, and whether a Negative Declaration or an Environmental Impact Report (EIR) is required. If the Environmental Coordinator can determine that an EIR will clearly be required for the project, an Initial Study is not required, but may still be desirable for purposes of focusing the EIR on the effects determined to be significant. The Environmental Coordinator may review and adopt an Initial Study submitted by the Lead County Department. The Environmental Coordinator shall consult with all Responsible Agencies and any Trustee Agencies responsible for natural resources affected by the project prior to determining whether a Negative Declaration or an EIR is required. The Environmental Coordinator shall also solicit comments from other public agencies and individuals with respect to projects when it would be beneficial in the determination of whether or not a project may have a significant environmental impact.
- C. Results of Determination. In the event that the Environmental Coordinator determines that a project will have no significant effect on the environment, the Environmental Coordinator shall notify the Director of the Responsible Department of the finding and require that a Negative Declaration or Mitigated Negative Declaration be prepared. In the event that the project may have a significant effect on the environment, the Environmental Coordinator shall notify the Director of the Responsible Department of the findings and require that an EIR be prepared. The determination to require an EIR may specify a subsequent or supplemental EIR, program, tiered, staged, or other type EIR pursuant to State CEQA Guidelines Sections 15160 et seq.

The Environmental Coordinator shall determine whether a Negative Declaration, Mitigated Negative Declaration, or an EIR is required within 30 days of the date that the project application is accepted as complete. Records of determinations shall be kept and be made available for public review. The Environmental Coordinator shall provide the CDA Director with regular status reports summarizing the progress of EIRs, Negative Declarations, and exemption determinations.

- D. Appeal. A decision of the Environmental Coordinator may be appealed. Appeals must be in accordance with Article X of this procedure. Such appeals shall be considered by the Planning Commission or other appropriate County Decision Making Body if the Planning Commission is not the hearing body for the determination of environmental effect.

IV. Environmental Impact Evaluation Procedure

- A. General. Every County Agency has the obligation to comply with the provisions of the California Environmental Quality Act (CEQA). CEQA applies to the projects, as defined in Article II of this procedure, of County agencies as well as private parties. Generally, CEQA applies to governmental actions as indicated in State CEQA Guidelines Section 15002 (b) and (c), and does not apply to private action unless the action involves governmental participation, financing, or approval.

No public or private project shall be approved or granted until the requirements of CEQA have been satisfied in accordance with the procedures set forth herein.

- B. Timing of Environmental Review. County agencies are required to comply with CEQA procedures when they propose to carry out or approve an activity. Environmental review should be carried out as early as feasible in the project planning process. Early review is a useful planning and management tool which enables environmental constraints and opportunities to be considered before project plans and programs are finalized. In the case of public projects, environmental review shall be initiated and, if possible, completed prior to requests for authorization or funding for projects from the Board of Supervisors. All parties responsible for CEQA implementation should carry out the review process as efficiently as possible so that resources may be applied to effective mitigation of environmental impacts.

In the case of private projects where a County Department is required to make a decision on permits within time limits that are so short that review of the project under CEQA would be difficult, in order to comply with the permit statute and CEQA, the application for a project shall not be deemed received for filing under the permit statute until the environmental documentation required by CEQA has been completed. This provision will apply when any of the following conditions occur:

1. The enabling legislation for a program requires a County Department to take action on an application within a specified period of time that is six months or less, and
2. The enabling legislation provides that the project will become approved by operation of law if the County Department fails to take action within the specified time period, and
3. The project involves the issuance of a County permit. (An example of this provision is action by the County on a tentative subdivision map within 50 days pursuant to Article 2, commencing with Section 66452, of Chapter 3, Division 2, Title 2, of the Government Code.) In all cases, environmental review shall be accomplished in compliance with the time requirements of State CEQA Guidelines Sections 15100 et seq., as applicable. For private projects, except as otherwise provided, County Agencies shall complete and certify an EIR in not more than one year, or complete a Negative Declaration in not more than 105 days, measured from the date on which an application requesting approval for the project is received and accepted as complete for CEQA processing by the Department. Completion of a Negative Declaration within the 105 day period need not include approval by the decision making body. Prior to approving a project, the decision making body shall consider and approve the Negative Declaration.

- C. Responsibility for Environmental Review.

1. Responsibility of the Community Development Agency. The Environmental Coordinator shall be responsible for directing the overall implementation of CEQA for the County of Marin. However, each department shall ensure that all requirements of CEQA, the State CEQA Guidelines and this procedure are complied with for each project under its jurisdiction.
2. Responsibility of County Department. All County departments shall establish procedures for ensuring that all public projects for which they are the Responsible Department, as defined in Article II of this procedure, are submitted to the

Environmental Coordinator for environmental review pursuant to CEQA. All County departments shall also ensure adequate environmental review of all discretionary permits on private projects which they administer. Each department shall submit private project permit requests to the Environmental Coordinator for a determination as to whether each such permit is exempt from CEQA or a Negative Declaration or EIR is required.

3. Administrative Assistance and Fees. The responsibility to carry out project evaluations and to prepare all environmental documents, as required by CEQA, the State CEQA Guidelines and this procedure for public and private projects shall rest with the Lead County Department. The Environmental Coordinator shall assist the Lead County Departments by providing administrative assistance in the review, noticing, recording and distribution of all documents prepared, the selection of EIR consultants, and the holding of required meetings and public hearings. The Lead County Department shall prepare, or cause to be prepared, Notices of Exemption, Initial Studies, Negative Declarations and EIRs in accordance with these procedures. However, in those instances where an expanded Initial Study leading to either a Negative Declaration or EIR, or in any case where an EIR prepared by a consultant is required, the Environmental Coordinator shall prepare, or cause to be prepared, the expanded Initial Study, Negative Declaration or EIR on behalf of and in coordination with the Lead County Department. In this case, the Community Development Agency shall represent the Lead County Department and shall receive the administrative overhead and processing fees for preparing and processing the required environmental document, pursuant to Article XIV of these procedures.

D. Determination of Environmental Impact.

1. Description of the Ultimate Project. All public and private applications that seek a County permit or entitlement must contain a complete description of the whole and/or ultimate project proposal, from which it can be determined whether the project may have a significant effect on the environment. All phases of project planning, implementation and operation must be included in the project description. Also, the project description must contain a statement of the purpose, goals, rationale for and the objectives sought by the proposed project, as well as a general description of the project's technical, economic and environmental characteristics, considering the principal engineering proposals if any, and supporting public service facilities. In order to be deemed complete for processing pursuant to Government Code 65943, the application must include sufficient data from which impacts may be assessed. Separately entitled environmental data submission documents may be filed with the application. Substantial projects may require technical or statistical data (e.g., geologic, hydrologic, biologic, archaeological, traffic, visual, demographics, etc.), in addition to the usual environmental questionnaire information required of the applicant.
2. Adequacy of Descriptions. Applications will be reviewed first by the Lead County Department for completeness. Project descriptions which may have some effect on the environment must satisfy requirements for the preparation of an Initial Study. The original filing may be adequate if the Lead County Department can determine therefrom whether or not the project will have any effect on the environment. In order to be determined complete, an application must satisfy the criteria specified in the application forms and ordinances for the specific entitlement and/or permit being sought as well as the criteria for environmental review specified in these procedures.

To be found complete, an application must contain sufficient information to permit a determination of impacts of the project. An application for which an EIR is required shall not be determined to be finally complete until EIR consultant selection is confirmed and a contract prepared for approval, and all fees for preparation and processing of the EIR have been submitted by the project sponsor.

Staff of the Lead County Department shall notify applicant(s) of the finding of a complete or incomplete application in writing within 30 calendar days of the filing of the application (or refileing or resubmittal where the original application was determined not complete). Staff of the Lead County Department shall indicate which part(s) of the application are incomplete, and shall provide a written list to the project sponsor specifying the manner in which the application can be made complete. Applicant(s) may appeal a decision that an application is incomplete by filing a written notice and required appeal fees with the Lead County Department within ten (10) days of notification thereof. Acceptance of an application as complete does not limit the authority of the County to require additional information needed for environmental evaluation of the project.

3. Initiation of Review - Private Project. Persons seeking a County permit or entitlement through a Responsible Department for a proposed private project or seeking a change thereto, shall, at the time of application for same, complete an Environmental Questionnaire on a form prepared by the Environmental Coordinator and may be required to submit additional data and information necessary for an evaluation of the possible environmental impact of the proposed private project. The format for this information is contained in Appendix O, Environmental Review Submission Form. On request of the project sponsor, the Environmental Coordinator in coordination with the Lead County Department, will provide CEQA compliance consultation regarding the potential range of alternatives, impacts, and mitigations for the project, prior to filing of an application.

Applicant(s) for private projects may submit only technical information in support of environmental documents. The County reserves the preparation of environmental documents to its own efforts or through contract with a consultant. Persons having financial interests in a project are not eligible for the County contract. The County requires independent verification through its own efforts, or by contract, of information submitted by an applicant.

4. Initiation of Review - Public Project. Upon determination by any County Department that a public project, as defined in Article II of this procedure, should be considered for implementation, or during preliminary study leading to such determination, whichever occurs first, the Responsible Department shall so advise the Environmental Coordinator. The Responsible Department shall complete an Environmental Questionnaire in a form prepared by the Environmental Coordinator (see Appendix O) and may be required to submit additional data and information necessary for an evaluation of the possible environmental impact of the proposed public project.
5. Environmental Assessment. Prior to filing an application for undeveloped, agricultural or redevelopment lands located within the combining Bayfront Conservation zoning district, an Environmental Assessment (EA) shall be prepared pursuant to Marin County Code Chapter 22.50, unless the requirement for an EA is waived by the CDA Director. The EA is a preliminary evaluation of site resources, conditions and plan policy considerations that affect site development. It is intended to provide the

property owner and public agencies with a clear understanding of existing constraints and opportunities to guide preparation of future site development plans and assist in public agency review of such plans. The EA may also serve as a detailed "environmental setting" section for an EIR/EIS that may be prepared following the filing of development applications. The EA shall include a composite definition of the appropriate Bayfront Conservation subzone(s) described in Marin County Code Section 22.50.040 and map delineation for the parcel(s) proposed for development based upon the conclusion and recommendations of the EA. The EA shall be initiated by written request of the property owner to the Environmental Coordinator and may be prepared either by a qualified consultant(s) under contract with the property owner or by a consultant(s) retained and overseen by the Lead County Department. The procedures for preparation of EAs are more fully described in a typical EA notification letter provided in Appendix P (EA Notification and Procedures) of these EIR Guidelines.

6. Preliminary Review. Immediately after determining the application is complete, the Lead County Department shall transmit the required project description and environmental data to the Environmental Coordinator in the Community Development Agency for preliminary review. If the Lead County Department initially concludes that a project should be exempted from CEQA review, the Lead County Department shall fill out a Notice of Exemption form for preliminary review (see Appendix C). The Environmental Coordinator shall review the project and make the following determination:
 - a. Determine if the activity is a project as defined in these procedures and Section 15378 of the State CEQA Guidelines.
 - b. Determine if the project can be exempted by statute, including, but not limited to, ministerial and emergency projects (see Article 18, commencing with Section 15260 of the State CEQA Guidelines) or by categorical exemption (see Article 19, commencing with Section 15300 of the State CEQA Guidelines). A list of projects which are normally determined to be ministerial is provided in Appendix N of these EIR guidelines.
 - c. Determine if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, it is not subject to CEQA pursuant to State CEQA Guidelines Section 15060 and these procedures.
 - d. Determine those instances where an existing EIR or Negative Declaration is adequate to cover a project, and no additional EIR need be prepared, pursuant to State CEQA Guidelines Sections 15153, 15162, 15163 and 15164 and these procedures. Included in this determination are those projects specified in Article 12 "Special Situations", CEQA Guidelines Sections 15180 - 15185. This includes Redevelopment project EIRs which shall be treated as a program EIR and housing and neighborhood commercial facilities consistent with a comprehensive regulatory document adopted subject to an EIR which address the impacts of the facilities. Also included in this determination are those projects subject to a Master EIR as specified in Chapter 4.5 of CEQA and Article V, D of these procedures.

- e. Determine if the project is subject to State CEQA Guidelines Section 15270 and these procedures which provide that CEQA does not apply to projects which a public agency rejects or disapproves.

If a project does not appear to substantially conform to established County Planning policies and/or ordinances, and it appears that such policies and/or ordinances would require denial of the application, the project should be referred to the relevant decision making body for appropriate action on the project within 60 days of application completeness. In connection with any such referral, the Lead County Department shall specifically identify all County ordinances, regulations, and general plan policies with which the project is inconsistent.

If the decision making body finds, based on substantial evidence in the record, that the project does substantially conform with County Planning policies and/or ordinances, the project shall be returned to the Lead County Department for environmental review and processing in accordance with the provisions of these procedures.

A preliminary review determination may be appealed to the Planning Commission or other County decision making body pursuant to Article IX of these procedures.

7. Notice of Exemption. A Notice of Exemption shall be filed with the County Clerk for all projects in Marin County which are exempted from CEQA review. If the Environmental Coordinator determines that a project is exempt from CEQA, the Environmental Coordinator or the Lead County Department shall file the Notice of Exemption, as provided in Section 15062 of the State CEQA Guidelines, after the project is approved. The project applicant may also file a Notice of Exemption pursuant to the special rules provided in Section 15062 of the State CEQA Guidelines.
8. Initial Study. Where required by the Environmental Coordinator, an Initial Study will be prepared. An Initial Study will include the description of the ultimate project, describe the particular setting and special problems of the area of the project, and analyze the possible environmental impacts of the project. The Lead County Department will prepare the Initial Study within thirty (30) days from the date on which the application for the project was accepted as complete, and the Environmental Coordinator will determine, based on the Initial Study, whether an EIR, Negative Declaration, Mitigated Negative Declaration, or Categorical Exemption is appropriate. This time period shall not apply where conditions exist as specified in State CEQA Guidelines Section 15109, 15110 and 15111. This time limit may be extended with the consent of the applicant for 15 days. Completion of an Initial Study shall be based on the following considerations:
 - a. If after accepting the application as complete, the Lead County Department initially concludes that a project may have a significant effect on the environment and cannot be exempted from CEQA review, the Department may immediately begin preparation of an Initial Study for review by the Environmental Coordinator.
 - b. If the Lead County Department concludes that an EIR will clearly be required for the project, an Initial Study may not be required by the Environmental Coordinator.

- c. The applicant shall provide a description of the project and an environmental questionnaire. The format for this information is contained in Appendix O. The applicant may also submit any additional information to aid in the determination of environmental impacts. The Environmental Coordinator may request, and the applicant shall provide, any additional information needed to prepare adequate environmental documents. Such information may be necessary and required after the application has been accepted as complete.
- d. Based upon the Environmental Review Submission data and other data which may be available, the staff member in the Lead County Department assigned to the project will complete an Environmental Checklist using the form provided in Appendix K. The project description, together with the Environmental Questionnaire and/or Environmental Review Submission and the Environmental Checklist, comprise the Initial Study.
- e. As soon as it is determined that an Initial Study will be required and/or prior to commencing an Initial Study, the Lead County Department shall consult with all Responsible Agencies and Trustee Agencies responsible for areas affected by the project to obtain their recommendations on the scope of significant environmental impact issues and mitigations, and whether an EIR, Negative Declaration, or Mitigated Negative Declaration should be prepared. This consultation shall be confirmed in writing to the relevant agency(s). Prior to this required consultation, any such agency(s) may be informally contacted.
- f. The Lead County Department may consult with the project sponsor/applicant to determine if the applicant is willing to modify the project to reduce or avoid the significant effects identified in the Initial Study. The Lead County Department may also consult with interested parties, neighborhood or environmental groups, or others who may have knowledge or special expertise with respect to the project or possible significant effects.
- g. Preparation of an Initial Study shall be the responsibility of the Lead County Department. However, an Initial Study or expanded Initial Study and/or technical reports may also be prepared by a consultant retained by the County. The Environmental Coordinator will assist staff of the Lead County Department in selecting a consultant. The consultant shall be chosen from a list of qualified consultants approved in accordance with Article V, B-4, and Appendix A of these procedures. Project sponsor/applicant shall pay the cost of such an Initial Study.
- h. The requirement for an Initial Study or any determination made based on a project Initial Study may be appealed to the Planning Commission or other decision making body pursuant to Article X of these procedures.

V. Preparation of Environmental Impact Reports

- A. EIR Required. Whenever it has been determined by the Environmental Coordinator that a proposed project may have a significant environmental impact based on substantial evidence in light of the whole record, an EIR shall be prepared. Substantial evidence requires enough relevant information and reasonable inferences from the information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence must include facts, fact related reasonable assumptions, and expert

opinion. It does not include rumor, argument, speculation, unsubstantiated opinion or narrative, clearly inaccurate or erroneous evidence, or social or economic impacts or public controversy not linked to physical environmental effects.

The EIR shall be prepared in accordance with the State CEQA Guidelines and these procedures. An EIR for a private project shall be completed and certified within one year of the date of acceptance of the project application as complete, unless the conditions specified in State CEQA Guidelines Sections 15109 or 15110 exist.

B. EIR Preparation.

1. Public and Private Projects. The preparation of Draft EIRs and Final EIRs for all public and private projects shall be the ultimate responsibility of the Lead County Department for the project. Preparation and processing of the EIR shall be coordinated under direction of the Environmental Coordinator. If the EIR is prepared by a consultant, the Environmental Coordinator shall secure a County contract with an approved consultant for the preparation of the EIR and shall oversee preparation and processing of the EIR on behalf of and in coordination with the Lead Department. The Department responsible for preparation of the EIR shall be designated as the Lead Department.
2. Private Projects. Draft EIRs and Final EIRs for private projects shall reflect the independent analysis and judgment of the County. Requirements for independent County evaluation and analysis set forth in the State CEQA Guidelines and these procedures shall be met.
3. Consultant Selection for EIRs. The Lead County Department may choose to use staff to prepare the EIR under direction of the Environmental Coordinator. If the Lead County Department decides to use a consultant for the preparation of the EIR, the Lead County Department shall request the Environmental Coordinator to undertake consultant selection, contract preparation and approval and preparation and processing of the EIR as specified in Article IV, C-3, and Appendix A of these procedures. All costs of EIR preparation shall be paid for by the project applicant who shall deposit necessary fees into the Community Development Agency environmental revenue account prior to execution of a contract between the County and the EIR consultant. EIR administration, overhead, and processing fees shall be paid prior to execution of a contract in an amount as prescribed in the County Code. All consultants invited to bid on an EIR contract shall be selected from a list of approved consultants maintained by the Community Development Agency.

EIR consultants will be selected based solely on their written proposal submitted in response to the County's request for proposals. The Environmental Coordinator will circulate proposals to staff of appropriate departments or agencies for internal review and rating, utilizing the rating criteria specified in Appendix A. Staff recommendations will be forwarded to the Environmental Coordinator for consideration of final selection and contract negotiation in coordination with the Lead County Department. To ensure objectivity and prevent conflicts of interest, consultant proposals and ratings shall not be made available for public review until after contract approval. The project sponsor shall be notified of consultant selection and provided a copy of the selected consultant's proposal, with a request for funding of the EIR preparation. The project sponsor shall fund preparation of the EIR or may reject County's selection and/or appeal the decision to the Decision Making Body. The

Environmental Coordinator will prepare a contract with the EIR consultant which incorporates the proposal. The contract shall be considered for approval by the Board of Supervisors, or if under \$5,000, by the County Administrator. A contract shall be executed within 45 days from the date of project application completeness. A project application for which an EIR is required shall not be determined to be finally complete until EIR consultant selection is confirmed and a contract prepared for approval and all fees for preparation and processing of the EIR have been submitted by the project sponsor.

4. List of Approved Consultants. The Community Development Agency shall maintain a list of consulting firms which have been approved by the Environmental Coordinator for the preparation of EIRs for projects which have been proposed in the County. The Environmental Coordinator shall periodically update the list through solicitation and review of qualified firm's "Statements of Qualifications" (SOQ).
 5. Conflict of Interest. Persons or firms having a conflict of interest or financial interest in approval of the project shall not be selected for preparation of the EIR. Persons or firms previously employed by the project sponsor/applicant for other work may also not be selected, depending upon the circumstances of such work. Consultant's proposals shall contain a statement signed by a principal of the firm disclosing any prior work by the consultant or subconsultants for the project sponsor/applicant.
- C. Contents of Environmental Impact Reports. Environmental Impact Reports shall contain the information outlined in State CEQA Guidelines Article 9 and in Appendix A of these procedures, Guidelines for Selecting Consultants. Whenever feasible, a standard format and typeface shall be used in the preparation of EIRs. The format shall adhere to the criteria outlined in the State Guidelines and these procedures. EIRs shall focus on those issues identified in preliminary project review, Initial Study, Notice of Preparation responses, public scoping, or other consultation which are relevant, as determined by the Environmental Coordinator. EIRs shall include an analysis of all relevant environmental policies and standards and conclude in definitive terms the degree of impact associated with each policy and standard. Conclusions lacking precise definition, such as "partially consistent" or "partially inconsistent" shall not be used. The draft EIR shall also contain a draft mitigation monitoring program prepared pursuant to AB 3180. The mitigation monitoring program shall be summarized in the body of the EIR document and included in its entirety in the Appendix to the EIR. Cumulative analysis for an individual project does not have to consider projects for which information is first available after completion of the Draft EIR. Previously approved land use documents, including general and specific plans and local coastal plans may be used in cumulative analysis.
- D. Master EIR and Focused EIRs. In addition to the use of tiered EIRs, earlier EIRs, staged EIRs, and Program EIRs (as provided in CEQA and the State CEQA Guidelines) the use of Master EIRs and Focused EIRs as specified in Chapter 4.5 of CEQA, is specifically encouraged whenever feasible. A Master EIR should be prepared if an EIR is required for a project that is: 1) subject to County Zoning Ordinance criteria for a Master Plan, 2) a project consisting of smaller individual projects carried out in phases, 3) a project subject to a development agreement, 4) a General Plan, Element, General Plan Amendment, or Specific Plan, 5) a rule or regulation which will be implemented by subsequent projects, 6) a mass transit project subject to multiple stages of review or approval. Preparation and certification of a Master EIR allows for limited review of subsequent projects that were described in the Master EIR.

An Initial Study shall be prepared for subsequent projects subject to Master EIRs certified within 5 years prior to that subsequent project. If the Environmental Coordinator determines on the basis of an Initial Study that no additional significant effects not identified in the Master EIR and no new mitigations or alternatives are required, a written finding shall be made that the subsequent project is within the scope of the project covered by the Master EIR. No new environmental document or findings required by CEQA for projects with EIRs shall be required. If said finding cannot be made, a mitigated Negative Declaration or a subsequent, supplemental, or focused EIR shall be prepared for the subsequent project.

A focused EIR may be utilized only if it is determined that the analysis in the Master EIR of cumulative impacts, growth inducing impacts, and irreversible significant effects is adequate for the subsequent project. The focused EIR shall incorporate by reference the Master EIR and focus only on the subsequent project's additional significant effects and any new mitigation or alternatives not analyzed in the Master EIR.

A focused EIR shall be prepared, even if the project is not identified in a Master EIR, for projects consisting of multiple family residential development of not more than 100 units or a residential and commercial or retail mixed use development of not more than 100,000 square feet. The focused EIR shall be prepared only if the project is consistent with a General Plan, Specific Plan, Community Plan, or Zoning Ordinance for which an EIR was prepared within five years of the certification of the focused EIR; the project parcel is surrounded by contiguous urban development; the parcel has previously been developed with urban uses, and is within 1/2 mile of an existing rail station. No discussion of alternatives, cumulative impacts, or growth inducing impacts shall be required.

- E. The requirement for an EIR or any determination as to the scope, content, or processing of an EIR may be appealed to the Planning Commission pursuant to Article X of these procedures.

VI. Processing of Draft Environmental Impact Reports

- A. General. No County Department shall issue a County permit or entitlement for any private project to be conducted within Marin County which may have a significant environmental impact unless an EIR has been prepared and certified in accordance with this procedure. No public works, construction, improvement, or other public project which may have a significant environmental impact shall be undertaken by this County or any Department thereof unless an EIR has been prepared and the Board of Supervisors or other County decision making body has considered and certified it. The Planning Commission, as the Body with the greatest expertise for CEQA environmental review, shall review and make a recommendation to the County decision making body as to certification on all EIRs, excepting those projects reviewed exclusively by the Board of Supervisors. The Planning Commission, Board of Supervisors, or other responsible County decision making body may review and/or certify EIRs prepared for both public and private projects. The responsible County decision making body for public projects shall refer the EIR to the Planning Commission for recommendation for certification, prior to the responsible decision making body proceeding to its own review and certification of the EIR.
- B. Early Consultation.
1. Notice of Preparation. Upon deciding that an EIR is required for a project, the Lead County Department shall send a Notice of Preparation to each Responsible Department, by certified mail or other method which provides a record of receipt, and to each responsible agency, stating that an EIR will be prepared. The Notice shall also be sent to every federal agency involved in approving or funding the project and any trustee agency responsible for natural resources affected by the project. The Notice should also be sent to property owners within 300 feet of the project site property, interested parties listed on the "Club List" maintained by the Community Development Agency, and any others who have requested such notice. If the project involves a State responsible or trustee agency, the Notice shall be sent to the State Clearinghouse in the format as described in Appendix F. A copy of the Notice shall be published in a newspaper of general circulation and shall also be posted on a bulletin board adjacent to the Community Development Agency office. The Notice shall be prepared as described in State CEQA Guidelines Section 15082 and Appendix F of these procedures. The Notice shall provide a minimum of 30 days for response. Work may begin on the Draft EIR immediately, but shall not be completed or circulated prior to the expiration of the 30-day response period on the Notice.
 2. Other Consultation. Prior to completing the Draft EIR, the Lead County Department may also consult directly with any person or organization it believes will be concerned with the environmental effects of the project. For projects where federal involvement might require preparation of a joint EIR/EIS, the appropriate federal agencies shall be consulted as provided in State CEQA Guidelines Section 15082 and 15083. Preparation of joint documents shall be coordinated in accordance with State CEQA Guidelines Article 14, Section 15220 et seq.
 3. Public Scoping Session. Upon determination that an EIR is required for a large scale, complex or controversial project, the Environmental Coordinator may determine that a Public Scoping Session is necessary to solicit consultation from the public concerning the scope of issues to be addressed in the preparation of the EIR. Notice of the Public Scoping Session shall be published in a newspaper of general circulation and should be sent to everyone who received the Notice of Preparation and any other parties who

may be affected by the project. Reasonable effort shall be made to conduct the Public Scoping Session in the evening after normal work hours and in the area of the community where the project would be located. The Environmental Coordinator shall determine whether and how issues identified in the Scoping Session will be addressed in the EIR, prior to completion of the Draft EIR. Scoping will be necessary when preparing an EIR/EIS jointly with a federal agency.

4. Planning Commission Consultation. Upon deciding that an EIR is required for a project, the Lead County Department shall seek informal consultation with the Planning Commission regarding the range of project alternatives being considered and recommendations for refinements, revisions, or amendments to such alternatives. This consultation shall occur by transmittal of a notice from the Lead Agency to the Planning Commission during the EIR scoping process.
- C. Review of Administrative Draft EIR. Upon completion of an Administrative Draft EIR (ADEIR) by the preparer, the Environmental Coordinator shall distribute the ADEIR to appropriate County departments for internal review. The review period should be approximately two weeks. At the discretion of the Environmental Coordinator, copies of the ADEIR may be distributed for internal review by staff of other responsible or trustee agencies. The ADEIR is a working draft subject to revision and is not a public document. The ADEIR is not retained on file in the course of project processing and is not made available for public review. Disclosure of the contents of the ADEIR could confuse and mislead the public as to the environmental analysis and conclusions for the project. Disclosure of the contents of the ADEIR to the project sponsor or public could give the appearance of potential bias or influence in the preparation of the EIR, contrary to the express requirements of CEQA and these procedures for independent analysis and objectivity in the preparation of EIRs.

Review of the ADEIR by the project sponsor, if deemed appropriate by the Environmental Coordinator, shall be limited to review for factual accuracy of the project description, environmental settings or technical studies provided by the sponsor for peer review. Comments from the project sponsor related to the disposition of impacts, mitigation measures or alternatives shall not be accepted. Any materials which are made available to the project sponsor will also be available for public review.

The Environmental Coordinator shall be responsible for providing the preparer with a Master Copy of proposed revisions to the ADEIR. If the Environmental Coordinator determines that the document is not adequate, he/she shall specify the specific nature of the deficiencies in the document and return it to the preparer for the needed revisions.

- D. Notice of Completion. Upon completion of a Draft EIR by any County Agency, the Environmental Coordinator, in consultation with the Lead County Department, shall determine the adequacy of the Draft for public review. If it is found to be adequate, the Environmental Coordinator shall file a Notice of Completion with the County Clerk and Office of Planning and Research in accordance with State CEQA Guidelines Section 15085 and these procedures, in the format as described in Appendix H. A copy of the Notice of Completion shall also be posted on a bulletin board adjacent to the Community Development Agency. EIRs processed through the State review process handled by the State Clearinghouse, shall be accompanied by the required number of copies of the EIR and the cover form required by the Clearinghouse which will serve as the Notice of Completion. In this case, no Notice of Completion need be sent to the Office of Planning and Research. Public Notice to adjacent Cities and Counties and State responsible agencies and trustee

agencies shall be by certified mail or other method which provides a record of receipt. Notice of Completion of the Draft EIR shall be published in a newspaper of general circulation at the same time that it is sent to the State Clearinghouse. The Notice should also be sent to property owners within 300 feet of the project site property, interested parties listed on the "Club List" and any others who have requested such notice. The Notice shall specify the period during which comments will be received on the Draft EIR, shall include the date, time and place of hearing on the Draft EIR, a brief description of the project, the significant effects on the environment if any, which may result, and the address where copies of the DEIR and all documents referenced in the DEIR are available for review. The Notice shall specify comments will not be received by facsimile transmission (FAX).

E. Review of EIR.

1. Agency Review. After the Draft EIR is completed and approved for distribution, the Lead County Department, in consultation with the Environmental Coordinator, shall distribute copies of the document for review in order to obtain comments from all Responsible Departments and Agencies, any trustee agency responsible for natural resources affected by the project, public agencies having jurisdiction by law with respect to the project, and adjacent cities and counties which may be affected by the project. Copies may also be distributed to any other persons having special expertise with respect to any environmental impact involved.
2. State Agencies Review. When appropriate, pursuant to the State CEQA Guidelines Sections 15085 and 15086 and these procedures, an appropriate number of copies of the Draft EIR shall be sent to the State Clearinghouse for review and comment by State agencies. This will be accomplished according to State Clearinghouse procedures. In addition, those State agencies that are known to be responsible or trustee agencies may be contacted directly to expedite a timely response.
3. Regional Agency Review. A Draft EIR prepared for any project of statewide, regional or area-wide significance shall be forwarded to the appropriate regional planning agency for review. The criteria in Section 15206 of the State CEQA Guidelines shall be followed in making such a determination of significance.
4. Other Public Agency Review. The Community Development Agency maintains a "Club List" of other governmental agencies and organizations which should be consulted depending upon the nature and scope of the Draft EIR.
5. Review by General Public. Public participation in the preparation of EIRs is encouraged in order to receive and evaluate public comments on project environmental issues. Upon completion of a Draft EIR, the Lead County Department shall have copies available and provide a reasonable opportunity for members of the general public to obtain and comment upon the EIR and the environmental impact of the proposed public or private project, in accordance with the State CEQA Guidelines Sections 15087 and 15201. The Department shall take into consideration the magnitude of the project, the level of public interest involved, the complexity of the environmental issues, the number of persons wishing to comment, and other relevant factors. Copies of the Draft EIR shall be made available for review at appropriate public libraries and shall also be available for review at the Community Development Agency. Copies of the DEIR will also be made available to purchase at the cost of production.

6. Review Period. The Notice of Completion shall commence a public review period for the Draft EIR. The review period for local review shall be 30 days. Review periods for EIRs which have a State Responsible Agency shall be 45 days unless a shorter period is approved by the State Clearinghouse. Local review shall be at least as long as State review. Review periods may be extended as deemed appropriate by the County decision making body, but shall not, in any case, be longer than 90 days. Requests for extension of the review period shall be determined by the County decision making body at the time the Draft EIR is considered in public hearing, unless decided sooner at the option of the decision making body.

- F. Transmittal of EIR to Planning Commission or Other County Decision Making Body. After the review period has elapsed, the Environmental Coordinator shall transmit the completed EIR and comments thereon to the Planning Commission or other County decision making body for its consideration and appropriate action.

- G. Public Hearing. Prior to, or at the close of, the public review period, at least one public hearing on the adequacy of the Draft EIR shall be conducted by the Planning Commission or other County decision making body, in a separate hearing or in conjunction with other proceedings of said body concerning the project. Such environmental hearing shall be held no sooner than 15 days following the posting of the Notice of Completion. At the hearing, anyone may express their views on the adequacy of the Draft EIR, either orally or in writing. Comments received at public hearing are encouraged to be submitted in written form so as to ensure their accurate transmittal to the person preparing the Final EIR. At the conclusion of the public hearing on the Draft EIR, the Planning Commission or other decision making body shall direct staff and/or the EIR consultant to prepare the Final EIR and response to comments in accord with State CEQA Guidelines Sections 15088, 15089, 15132 and these procedures.

- H. Response to Comments. All comments received on the Draft EIR shall be expeditiously forwarded to the person preparing the Final EIR for an appropriate response pursuant to the State CEQA Guidelines Section 15088. Responses to comments shall describe the disposition of significant environmental issues raised by the comments.

- I. Certification Procedure.
 1. General. All Final EIRs shall contain all of the elements and meet the requirements of the State CEQA Guidelines Sections 15088, 15089 and 15132. A mitigation monitoring program, revised as necessary by the Final EIR response to comments, shall be included in the Final EIR Appendix.

 2. Certification Review. Notice of the availability of and review period for the Final EIR and the scheduled action by the recommending or certifying body to certify the Final EIR shall be provided to Responsible and Trustee agencies and to all those who commented on the Draft EIR and/or who request a copy of the Final EIR. Notice shall also be given in a newspaper of general circulation and may be combined with any notice of action on the merits of the project for approval. The Environmental Coordinator shall also distribute the completed Final EIR to all those who have commented on the Draft EIR and/or who request a copy of the Final EIR.

A minimum 10-day period shall be provided for review of the Final EIR prior to any action to certify it. The review of a Final EIR shall exclusively focus on the adequacy of the response to comments on the Draft EIR. A separate public hearing to receive

testimony on the recommendation to certify or certification of a Final EIR shall not be required. Written comments received on the Final EIR response to comments within the review period deadline shall be considered together with any written or oral response from staff or the EIR preparer, at the time action is taken by the certifying or recommending body to certify the Final EIR.

3. Certifying Body. In those cases where the Planning Commission is the decision making body for the project, said Commission shall be the certifying body for EIRs. In those cases where the Board of Supervisors is the decision making body for the project, said Board shall be the certifying body for EIRs. If another County decision making body is responsible for the project, said County decision making body shall be the certifying body for the EIR.
4. Planning Commission Decision. When the Planning Commission acts as the certifying body and is satisfied, at time of hearing, that the Draft EIR plus the comments received and the responses thereto adequately fulfill the intent and requirements of CEQA, the State CEQA Guidelines and these procedures, the Commission shall certify the document and any attachments thereto as the Final EIR, pursuant to State CEQA Guidelines Section 15090. If the Board of Supervisors or other decision making body is the certifying body, the Commission shall forward a recommendation for certification of the EIR to the appropriate body. If the Planning Commission is not satisfied that the Final EIR is adequate, the Commission may return it to the Lead Department for revision and resubmittal to the Commission, or forward it to the appropriate decision making body without recommendation for certification. In forwarding the document, the Commission should state the reasons for its finding of inadequacy.
5. Board of Supervisors Action. When the Board of Supervisors or other decision making body is satisfied that an EIR recommended for certification is adequate, it shall certify the document and any attachments thereto as the Final EIR, pursuant to State CEQA Guidelines Section 15090. If the decision making body is not satisfied that the Final EIR is adequate as recommended, the decision making body may return it to the Lead Department for revision and resubmittal to the decision making body. In forwarding the document, the Board should state the reasons for its finding of inadequacy.

J. Project Approval.

1. General. No action to approve or recommend approval of a project shall be taken until information contained in the certified EIR and any attachments thereto has been reviewed and considered by the appropriate body. If the decision making body decides to approve a project for which significant adverse environmental effects have been identified in an EIR, said body may do so, provided that it complies with the provisions of State CEQA Guidelines Section 15092. No County Department or Body shall approve or carry out a project as proposed unless the significant environmental effects have been reduced to an acceptable level. The term "acceptable level" means that:
 - a. All significant effects that can feasibly be avoided have been eliminated or substantially lessened as determined through findings as described in State CEQA Guidelines Sections 15091 and 15092, and

- b. Any remaining, unavoidable significant effects have been found acceptable under State CEQA Guidelines Sections 15091, 15092 and 15093. Where the decision making body allows the occurrence of significant effects which are identified in the Final EIR but are not at least substantially mitigated, the decision making body shall state in writing the specific reasons to support the action based on the Final EIR and/or other information in the record. This statement of overriding considerations shall be included in the record of project approval and mentioned in the Notice of Determination.
2. Procedure. When an EIR shows that approval of a project would cause substantial adverse changes in the environment, the decision making body must respond to the information in one or more of the following ways, pursuant to State CEQA Guidelines Section 15002 (h) and 15091:
 - a. Changing a proposed activity;
 - b. Imposing conditions on the approval of the activity;
 - c. Adopting plans or ordinances to control a broader class of activities to avoid the problems;
 - d. Choosing an alternative way of meeting the same need;
 - e. Disapproving the project;
 - f. Finding that changes in, or alteration to, the project are not feasible; or that specific economic, legal, social, technological, or other considerations, including employment for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR;
 - g. Finding that changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency;
 - h. Finding that the unavoidable, significant environmental effects are acceptable as provided in State CEQA Guidelines Section 15093.

Findings required must be supported by substantial evidence in the record.

- K. Retention and Availability of EIRs. A copy of the final certified EIR shall be made a part of the permanent record of the project and shall be available for public inspection.
- L. Environmental Data Base. Certified EIRs shall be retained for a minimum of five years from the date of certification and kept in an EIR Data Base file maintained in the Community Development Agency. Said EIRs shall be alphabetically listed by project name and shall be mapped by geographic location of the project area, for future reference in environmental review.

VII. Issuance of Negative Declaration

- A. General. A Negative Declaration shall be prepared for a project which could potentially have a significant effect on the environment, but which the Environmental Coordinator finds will not, in the particular case, based on substantial evidence in light of the whole record, have a significant effect on the environment. Negative Declarations shall be prepared and processed in accordance with the State CEQA Guidelines Sections 15070 and 15071 and these procedures. A Negative Declaration for a private project shall be completed and ready for approval within 105 days of the date of acceptance of the project application as complete, unless the conditions specified in State CEQA Guidelines Sections 15109 or 15110 exist. Completion of a Negative Declaration within a 105-day period shall include the conduct of an Initial Study, public review, and the preparation of a document ready for approval by the decision making body.
- B. Procedure.
1. Negative Declaration and Mitigated Negative Declaration. A draft Negative Declaration shall be prepared for a project when the Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment; or

A draft Mitigated Negative Declaration shall be prepared for a project when the Initial Study identified potentially significant effects, but:
 - (a) Revisions to the project plans or proposals made by or agreed to by the applicant before the proposed Negative Declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
 - (b) There is no substantial evidence before the agency that the project as revised may have a significant effect on the environment.
 2. Content. A draft Negative Declaration or mitigated Negative Declaration shall consist of a copy of the Initial Study documenting the findings of no significant impact and a description of mitigation measures, if any, and the proposed mitigation monitoring program included in the project.
 3. Preparation. Upon receiving notification of the Environmental Coordinator's determination that the preparation of a Negative Declaration or mitigated Negative Declaration is appropriate for a proposed project, the Lead County Department shall prepare same in a format as described in Appendix J, K, L, and O. Responsible Departments shall consult with the Lead County Department during preparation of the draft Negative Declaration to ensure compliance with State CEQA Guidelines Section 15070.
 4. Processing. Upon completion of the draft Negative Declaration, the Lead County Department shall provide Public Notice that the County decision making body will consider adoption of the Negative Declaration and that it is available for public review and comment for a specified period as specified in State CEQA Guidelines Sections 15072 and 15073 and Public Resources Code Section 21092(a-e) as amended, and shall post a copy of the document on a bulletin board adjacent to the Community Development Agency office, and post a copy with the County Clerk. The Notice shall be sent to each Responsible Department and to each Responsible Agency and Trustee Agency by certified mail or other method which provides a record of receipt to each

Responsible Agency and/or Trustee Agency. The Notice should also be sent to property owners within 300 feet of the project site property, interested parties listed on the "Club List" maintained by the Community Development Agency and any others who have requested such notice. If the project involves a State Responsible Agency or Trustee Agency, or is determined to be a project of statewide, regional or area-wide significance pursuant to State CEQA Guidelines Section 15206, the Notice shall be sent to the State Clearinghouse and ABAG Clearinghouse. The Notice of Negative Declaration may be combined with notice of hearing for action on the project. The Notice shall specify the period during which comments will be received on the draft Negative Declaration, shall include the date, time and place of any public meetings or hearings on the project, a brief description of the project, the significant effects on the environment, if any, which may result and the address where copies of the Negative Declaration and all documents referenced in the Negative Declaration are available for review. The format for the Notice of Negative Declaration is described in Appendix J. The Notice shall specify comments will not be accepted by facsimile transmission (FAX).

Projects for which a Negative Declaration is required, shall have a minimum 20-day public review period. Project Negative Declarations requiring review through the State Clearinghouse shall normally have a 30-day review period unless a shorter period is established by the Clearinghouse. Upon termination of the public review period, comments on the draft document shall be forwarded to the decision making body along with the proposed Negative Declaration for consideration. These comments shall be included with the document together with any responses or changes to the document which may be deemed necessary.

5. Adoption. Negative Declarations for both public and private projects shall be considered together with any comments received during the public review process, approved and adopted by the decision making body, prior to any action to approve the project or entitlement for which the document was prepared. A separate public hearing for approval and adoption of a Negative Declaration is not required and may be combined with the public hearing for action on the merits of the project. In those cases when the Planning Commission or another County agency is required to make a recommendation on a project to the Board of Supervisors or another decision making body, the Commission or other agency shall also make a recommendation as to adoption of the Negative Declaration. Negative Declarations containing important environmental studies and/or information shall be retained in the Environmental Data Base as specified in Article VI, L of these procedures.

6. Withdrawal. If prior to the consideration of the Negative Declaration by the Decision Making Body, there is new information that the proposed project may result in a significant impact, the Environmental Coordinator shall so notify the project sponsor and withdraw the Negative Declaration from further review.
7. Appeal. The requirement for a Negative Declaration, or any determination as to the scope, content, or processing of a Negative Declaration may be appealed to the Planning Commission or other County Decision Making Body pursuant to Article X of these procedures.

VIII. Mitigation Monitoring

- A. General. No County Department or Body shall approve or carry out a project for which an EIR or Negative Declaration was prepared, unless a Mitigation Monitoring Program is adopted pursuant to Public Resources Code 21081.6.
- B. Content. The Monitoring Program shall address the changes to the project which are adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The Monitoring Program shall be designed to ensure compliance during project implementation. In the case of mitigation measures requested by an Agency with jurisdiction by law over natural resources affected by the project, that Agency shall be responsible for that portion of the Monitoring Program.

The Monitoring Program shall contain the mitigation measures adopted as conditions of project approval. The Monitoring Program shall set forth a list of the mitigation and the monitoring required to verify implementation at each stage of project approval and development. The Program shall also include a checklist to document verification of mitigation measure implementation and a general condition which requires the project sponsor to submit any required mitigation compliance plans or reports and checklist at specific stages of the project up to two years after completion of development of all project elements, in accordance with Appendix L of these procedures.

- C. Procedure. A draft Mitigation Monitoring Program and checklist shall accompany the draft Negative Declaration or EIR during public review and shall be revised as necessary to accompany the Final EIR response to comments or Negative Declaration submitted for certification and/or adoption by the Decision Making Body. The Monitoring Program shall be approved and adopted in final form upon action to approve the project.
- D. Retention and Availability of Monitoring Programs. The approved Monitoring Program and completed Monitoring checklists shall be retained on file in the official Department project file and a copy forwarded to the Environmental Coordinator for retention in the Environmental Data Base files in the Community Development Agency. The documents constituting the record of proceedings for the decision to approve the project and the Monitoring Program and verification checklists shall be, upon request, made available by the Lead County Department and/or the Environmental Coordinator for public review at the Lead County Department and/or Community Development Agency during normal business hours.

IX. Notice of Determination

- A. General. A Notice of Determination shall be issued upon approval of a project for which a Negative Declaration or an EIR has been prepared and considered.
- B. Procedure. After a County permit or entitlement has been granted for a private project, or a public project has been approved by the decision making body, the Lead County Department shall prepare a Notice of Determination. Such Notice shall be prepared and processed in accordance with State CEQA Guidelines Sections 15075 and 15094 and these procedures. The Notice shall certify that the Final EIR, together with response to comments, is available to the general public and state the location and address where the document is available. After preparation, the Lead County Department shall forward the Notice to the Environmental Coordinator for approval and filing. The Notice shall be filed with the County Clerk. If a State agency is a Responsible Agency, the Notice shall also be filed with the Office of Planning and Research. The Notice shall be filed within 5 days of the date of project approval. The format for the Notice of Determination is described in Appendix D. The Notice should be on file with the record of the project approval and made available to anyone who requests a copy. A copy of the Notice shall also be posted on a bulletin board adjacent to the Community Development Agency office.

X. Appeal Procedures

- A. General. Any person aggrieved or affected by any determination made pursuant to this procedure may appeal such determination according to the following procedure.
- B. Procedure.
 - 1. Appeal of Environmental Coordinator Action. Such appeals shall be considered by the Planning Commission or other appropriate County Decision Making Body if the Planning Commission is not the hearing body for the determination of environmental effect. The aggrieved or affected party shall file a written letter of appeal and a fee as established by the Board of Supervisors with the Community Development Agency within five (5) working days after the issuance of the decision to be appealed. Appeals will not be accepted unless the entire appeal fee has been submitted within the aforementioned five (5) day period to the Community Development Agency. The letter shall state the reason for the appeal and should include supporting information. The appeal shall be considered in a public hearing and acted upon by the Decision Making Body within sixty (60) days or, in the case of appeal to the Planning Commission, no later than its fourth regular meeting following the date on which the appeal was filed. Upon hearing the appeal, the Decision Making Body shall find that the former decision shall be affirmed, reversed or modified. Appeals regarding a determination of completeness for development projects pursuant to the Permit Streamlining Act shall be determined with a final written determination on the appeal not later than sixty (60) calendar days following the date on which the appeal was filed, in accord with Government Code Section 65943(c).
 - 2. Appeal of Planning Commission or Other Decision Body Action. Such appeals shall be considered by the Board of Supervisors or other relevant Lead County Department "final" decision making body. The aggrieved party shall file a written letter of appeal and a fee as established by the Board of Supervisors with the Lead County Department or Clerk to the Board of Supervisors within five (5) working days after the issuance of the decision to be appealed. Appeals will not be accepted unless the entire appeal fee

has been submitted within the aforementioned five (5) day period to the Lead County Department or Clerk to the Board of Supervisors. The letter shall state the reason for the appeal and should include supporting information. The appeal shall be considered and acted upon by the relevant decision making body within forty-five (45) days or, in the case of appeal to the Board of Supervisors, no later than its sixth regular meeting following the date on which the appeal was filed. The decision of the relevant body shall be final, and shall not be further appealable to the Board of Supervisors if they are not the relevant "final" decision making body. However, if the final decision is not made by an elected body, certification of the EIR can be appealed to the Board of Supervisors.

- C. County Decision Making Body or Board of Supervisors Motion. The relevant County decision making body or Board of Supervisors may, on its own motion, review and affirm, modify or reverse a determination of the Environmental Coordinator, the Director, or a Lead County Department. Any action to initiate review of such determinations shall be taken within ten (10) working days of such determination. If no review action is initiated, such determination shall be final.

XI. Review of Environmental Documents Prepared by Agencies Other Than Those of Marin County

Each County Department shall make a good faith attempt to review and comment upon, if necessary, all environmental documents received by it, pursuant to State CEQA Guidelines Section 15200 et seq. and these procedures. A copy of any comments made shall be provided to the Environmental Coordinator. If the County is required to act as a Responsible Agency pursuant to CEQA, the appropriate County agencies shall respond to consultation as set forth in State CEQA Guidelines Section 15204. Such responses shall be coordinated with the Environmental Coordinator and, at a minimum, shall identify the significant environmental issues and possible alternatives and mitigation which County Responsible Agencies will need to have explored in the draft document.

XII. Time for Completion of Environmental Documents

- A. Environmental Impact Reports. EIRs shall be completed and certified within one (1) year of the acceptance of the project application as complete unless the conditions specified in State CEQA Guidelines Section 15109 or 15110 or 15111 exist.
- B. Negative Declarations. Negative declarations shall be completed within one hundred and five (105) days of acceptance of the project application as complete unless the conditions specified in State CEQA Guidelines Section 15109 or 15110 or 15111 exist.
- C. Time Extensions. The above mentioned time period may be extended for a reasonable period of time in the event that compelling circumstances justify additional time and the applicant consents thereto. Such request for extension shall be approved by the Lead County Department. The one-year time limit to complete and certify a Final EIR may be extended once for a period of not more than 90 days, as specified in State CEQA Guidelines 15108.

XIII. Time Requirements for Development Projects Pursuant to the Permit Streamlining Act (PSA) as specified in Government Code 65950 et seq.

- A. County as Lead Agency. Where the County is the lead agency for a development project as specified in the PSA, for which an EIR is prepared, the project shall be approved or disapproved within six (6) months of certification of the EIR. Where the County is the lead agency for a development project for which a Negative Declaration is prepared, or is exempted from CEQA, the project shall be approved or disapproved within three (3) months of adoption of the Negative Declaration.
- B. County as Responsible Agency. Where the County is a responsible agency for a development project that has been approved by another lead agency, the project shall be approved or disapproved within one hundred and eighty (180) days of either of the following events, as specified in Government Code Section 65952, whichever is longer:
1. Approval or disapproval by the agency; or
 2. Acceptance of the project application as complete.
- C. More Than One Approval Required. In the event that a development project requires the approval of more than one application, the time for acting on all applications, in the aggregate, shall not exceed the time limits specified in Article XIII, A and B of these procedures.
- A Lead County Department or Responsible County Department shall not require proof of CEQA compliance or the informational equivalent of an EIR in order to find an application complete. At the request of the project sponsor, a Responsible Department shall start processing a permit application prior to the Lead Department or Agency action on the project, to the extent necessary information is available.
- D. Extensions. The time limits established in Article XIII, A and B of these procedures may be extended upon mutual agreement of the County and the project sponsor for a period not to exceed ninety (90) days.
- E. Action Following an Extension. If an extension has been granted pursuant to Article XII, C of these procedures, a development project for which an EIR has been prepared shall be approved or disapproved within the time specified in Article XIII A, B, and C as applicable.
- F. Exceptions. The provisions of Article XIII of these procedures regarding PSA time periods do not apply to projects involving legislative actions such as amendments to the General Plan, Community Plan, or County Zoning or other Ordinances.
- G. Amendments to Applications.
1. Applications cannot be amended without permission of the approving authority.
 2. If the applicant requests amendments to an application, the Lead County Department may, upon determination that the submitted application has been substantially amended, require that the applicant withdraw the original application and reapply.
- H. Request for Shortened Review. Requests for shortened review periods for EIR and Negative Declaration shall be made in writing to the State Clearinghouse by the Environmental

Coordinator. The Environmental Coordinator shall notify the Decision Making Body of any such request. Approved shortened review periods shall be indicated in the Notice of public review for the document. The shortened review shall not be less than 30 days for a Draft EIR and 20 days for a Negative Declaration.

XIV. Fees

- A. Preparation of Environmental Documents. In cases where the preparation of an environmental document is required, including EIRs, Negative Declarations, Mitigated Negative Declarations, and Environmental Assessments, fees shall be charged and collected from persons proposing private projects in an amount sufficient as determined by the County to recover cost to Marin County in preparing such documents. A fee schedule shall be as established by the Board of Supervisors pursuant to adopted Ordinance. Fees shall be due prior to contracting the preparation of environmental documents. Any remaining environmental consultant fees collected for preparation of an EIR which are not expended upon completion and certification of the EIR shall be refunded to the project sponsor within a reasonable period of time.
- B. Notices of Exemption and Initial Studies. A fee shall be charged by County agencies for the determination and preparation of Notices of Exemption or an Initial Environmental Study on a private project referred to the Environmental Coordinator.
- C. Negative Declarations. A fee shall be charged by County agencies for the preparation and processing of a Negative Declaration.
- D. Processing of Environmental Impact Reports. Applicants shall be charged fees to be collected by the Environmental Coordinator in amounts sufficient as determined by the County to recover the cost to the County of processing and reviewing EIRs. An initial non-refundable deposit of \$1,500 shall be submitted at the time a determination to require an EIR is made by the Environmental Coordinator. The applicant is required to deposit the remainder of all EIR preparation and processing fees into a Community Development Agency environmental revenue account, prior to execution of contracts for completing the EIR on the project. Details for payment and completion of the EIR shall be included in the contracts for document preparation. County EIR processing administration and overhead fees paid by the project sponsor are not refundable.
- E. Reproduction of Documents. Members of the general public may be charged for the cost of reproducing EIRs and other environmental documents and public records for their personal use.
- F. Sales of EIRs. A reasonable document reproduction cost may be established and charged for the sale of EIRs to the general public.

APPENDICES

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APPENDIX A

ADMINISTRATIVE PROCEDURES FOR SELECTING AND UTILIZING
CONSULTANTS TO PREPARE EIRS FOR THE COUNTY

Marin County Environmental Coordination and Review

APPENDIX A

ADMINISTRATIVE PROCEDURES FOR SELECTING AND UTILIZING CONSULTANTS TO PREPARE EIRS FOR THE COUNTY

I. INTRODUCTION

This Appendix has been prepared to provide consultants and project sponsors with a guide to procedures used by the Community Development Agency in selecting consultants, entering contracts with both consultants and project sponsors, and preparing Environmental Impact Reports. The California Environmental Quality Act (CEQA) provides alternative means of preparing Environmental Impact Reports. As provided in Article V, B of these guidelines, the reports may be prepared by staff or consultants at County or applicant's expense. CEQA and State CEQA Guidelines requirements shall be followed and govern these procedures.

II. CONSULTANT SELECTION

A. Qualified Consultants

The Community Development Agency shall maintain a list of qualified consultants who prepare EIRs. Applicants will be required to identify consultants on said list with whom they have had previous experience and the nature of that experience. Periodically, the Department's list shall be updated by the Environmental Coordinator through solicitation and review of interested firm's Statement of Qualifications (SOQ). Consultants are required to confirm that they have obtained, understand, and will comply with Marin County's EIR Guidelines as a prerequisite to qualifying for the list of qualified consultants.

B. Requests for Proposals

1. Distribution of Requests for Proposals (RFP). Staff shall send a copy of the Initial Study together with RFP instructions and staff's evaluation criteria to at least three (3) consultants, if available, on said list who are both interested in writing an EIR for the project and qualified to analyze the project. Staff may develop an initial screening process for selecting those to whom the proposal is sent. Occasionally, where circumstances warrant, the Environmental Coordinator may determine that it is appropriate to issue a "sole source" RFP to a single qualified consultant.
2. Content of Request for Proposal. The request for proposal shall include a summary of the issues to be addressed in the EIR and a list of the relevant documents which may be obtained from staff, and shall identify the EIRs on file with the County which pertain to the area of the project, and the deadline for submitting the proposal.
3. Pre-proposal Conference. The Request for Proposal may also indicate a day and time in which all consultants may meet with staff and applicant for a pre-proposal conference.
 - (a) The purpose of the conference is to ensure that all those making proposals have the same understanding of the scope of the project and staff expectation in regard to the scope of the EIR and required discussion of alternatives to the entire project.
 - (b) The RFP will identify a list of "generic" alternatives to the entire project. It is hoped that those in attendance may reach a tentative consensus identifying specific alternatives to the entire project which shall be discussed in the EIR. Staff will make the final decision on alternatives after the project EIR consultant is selected.

C. Content of Proposal

A proposal should include the following information. The EIR consultant is encouraged to include any additional items deemed desirable or necessary.

1. Approach and Work Program. The consultant should describe an overall approach to the study, specific techniques to be used, and specific administrative and operational management expertise which would be employed. This will include a work plan containing discussions of data needs and sources, analytical methodologies to be used in conducting the research, and expected research products.

The approach section should indicate the consultant's tentative conclusions in regard to priority of issues. The approach should also specifically provide for production in the EIR of same scale environmental resource and policy constraint maps and/or a composite development impact/constraints overlay map. Use of "acetate" or other overlay format for maps should be considered.

The Work Program should indicate that the following list of alternatives will be included in the EIR:

- (a) No project and/or continued existing permitted use (status quo alternative).
 - (b) Alternative type or mix of uses developed on the site.
 - (c) Mitigated project design alternative (based on constraints and impacts found in the EIR).
 - (d) Reduced project scale alternative.
 - (e) Alternative site location analysis (based on CEQA requirements and current case law).
2. Schedule. A section should be included detailing the scheduling of the various work items described in the work program. The schedule should identify the time period in number of weeks from the completion of one task to the next, as well as the total time from start-up to completion of all work. The proposal should also indicate the proposed time periods for County review of any drafts of individual sections, as well as the entire administrative draft of the report. This should include estimates for meetings with the department for the discussion of suggested changes to the drafted sections. If the time periods contained in the RFP cannot be met, proposed changes should be explained.
 3. Costs. The proposal shall define both the total and detailed costs of performing the total study, as well as its major projects and/or end products, including a budget indicating expenditures for manpower and materials for each work item. This section shall have all subject tasks and sub-tasks listed, along with the minimum time estimates applied to each (including subcontractors), as well as billing rates and total costs per task and sub-task delineated by person, by hours, by task for all personnel, including subcontractors. An estimate of the number of hours required for amending the Draft EIR and/or to respond to comments and prepare the Final EIR should be included. Costs shall be segregated into a not to exceed fee for the Draft EIR and manpower and materials not to exceed estimate of the maximum amount for the Final EIR. County Policy prohibits contracts with EIR consultants for work on a time and materials basis. See allowable cost section below, Section E, for additional cost information.

4. Staffing. The lead personnel and any other personnel to be actually employed in the study are to be named for each task. A project manager for the proposal must be designated. The proposal shall describe the specific effort to be contributed by each of the key personnel, including an accurate estimate of the number of hours each will contribute to the report (including subcontractors). The proposal shall also identify the person(s) who will attend public hearings on the Draft and the Final EIR.

A list of subcontractors who will be hired, their specific responsibilities, qualifications, tasks, schedule and costs, etc., must be included in the proposal.

5. Qualifications. Proposals shall include consultant's qualifications and a list of pertinent other environmental documents written by the consultant. A brief resume of each person working on the project, listing special qualifications applicable to the subject project, should be included. Also, a minimum of three (3) references (applicable to the project) with phone numbers shall be listed.
6. Assumptions. The proposal shall list all consultant's assumptions as a separate page, titled, "Assumptions Upon Which This Proposal is Based." Such assumptions may be related to available data, schedule, budget, or other aspects of the proposed work effort.

D. General Information

1. Compliance with CEQA. Proposals shall cover all matters required under CEQA and the Request for Proposal.
2. Relationship with Applicant. The County considers it inappropriate to award an EIR contract to a firm already holding a contract with the Project Sponsors (or applicant for the proposed project). Response to any RFP must contain a statement as to what contractual or other arrangements, if any, exist between the responding firm and the applicant, or if the firm has any financial interest in the subject property, or property in the area, or has any financial interest in any firm employed by the Project Sponsors. A separate statement disclosing all prior work (if any) for the Project Sponsors/Applicant by the consultant, subconsultant, or any proposed personnel shall be included in the proposal. This statement shall be signed by an authorized spokesperson or principal of the firm. No contact between the proposer and the applicant shall occur without the consent of the Community Development Agency. Unauthorized contact may be cause for County rejection of a proposal and/or cancellation of contract if awarded.
3. Litigation. The proposal shall include a brief discussion of litigation with which the proposer's firm is presently involved, if any, and how it may affect work on this project. If not involved in litigation, this should also be stated.
4. Final EIR. The Final EIR shall be done in the form of a free-standing document which includes the Draft EIR text and contains the comments and responses thereto unless the proposal states otherwise.
5. Contract Statements. The proposal should contain a statement to the effect that the proposal is a firm offer for a 60-day (or more) period. The proposal should contain a statement that all work will be performed at a "not to exceed" contract price which will be the fixed "not to exceed" price for the Draft EIR upon completion of contract negotiations.

6. Contract Negotiator. The proposal shall provide the name, title, address and telephone number of individual(s) with the authority to negotiate, and contractually bind the company; and, also, who may be contacted by the County during the period of proposal evaluation.
7. Proposal. Elaborate proposal format, costly bindings, color plates, or glossy facilities brochures are not necessary. The proposer must represent himself solely by the written proposal.
8. Submittal of Proposal. The usual RFP response period is limited to approximately 30 to 45 days. A specified number of copies of the completed proposal must be received by the County Community Development Agency by 5 p.m. on the deadline date specified in the RFP in order to be considered. Proposals will be accepted in person or by mail at the Community Development Agency office. Late proposals, regardless of postmarks, will not be considered.

Proposals must be responsive to the RFP as issued. Any correction and resubmission of proposals will be done by the proposer and will not extend the deadline for delivering proposals.

Distribution of the RFP is usually limited to approximately three or four prospective consultants. A consultants' briefing session on a date specified in the RFP is conducted in the Marin County Community Development Agency office prior to the RFP submittal deadline. The Environmental Coordinator should be notified by telephone in a timely manner prior to the briefing session if a prospective consultant will not be attending the consultants' briefing session, or will not be submitting a proposal on the project.

E. Contract Price and Allowable Cost

1. The "not to exceed" contract price shall be a proposal for all services rendered in preparation of the EIR. The cost of the services required for preparation of the Final EIR shall be based on the estimated manpower and materials typical for a project of this kind and included in the "not to exceed" fee. It is the County's policy not to enter into time and materials contracts for EIR preparation which do not fix a "not to exceed" fee for the upper limit of potential costs. The proposal shall specify the hourly rates of staff and subconsultant staff, and shall include a breakdown of costs by person, by hour, by task. A reasonable adjustment to the cost of services for preparation of the Final EIR may be allowed by contract amendment only in unusual circumstances.
2. A final "not to exceed" contract price is subject to approval and/or ratification by the Marin County Board of Supervisors.
3. In regard to printing cost, consultant's proposal should reflect the cost of providing the number of copies specified in the RFP for the Draft EIR and the Final EIR. The cost of the Final EIR shall reflect the rate of re-printing of the Draft document. One loose leaf reproducible copy of each document shall also be provided as well as a diskette containing the entire document upon request.
4. All applicable costs can be charged to the contract within the negotiated "not to exceed" price limit. Appropriate charges may include wages and salaries, overhead, travel, materials, and subcontract costs. Charges not specified in the proposal are subject to prior written approval and contract amendment approval by the Board of Supervisors. It is the County's policy not to reimburse the consultant or pay for any costs associated with preparation or modification of the proposal or costs incurred in obtaining the work.

5. Unless indicated otherwise in a specific RFP, the consultant's proposal should reflect the cost of a public scoping meeting, possible interagency staff meetings with the State and local agencies, and service districts; three (3) public hearings by the Planning Commission; and two (2) public hearings by the Board of Supervisors.
6. Staff may request that consultants alter their proposals when deemed necessary and appropriate. In the event that a consultant agrees to modify the proposal, a change in the cost of the proposal may be made. Otherwise, the cost stated in the original proposal shall remain effective.
7. Contract change orders allowing more time and/or money for completion of the EIR will be made only where substantial new impacts or levels of impact analysis not originally contemplated are encountered during the writing, or review period, of the EIR. Any additional work required beyond the scope of the contract shall be, with prior written notification and contract amendment, mutually agreed to by the County and Consultant and shall be billed as a "not to exceed" estimate, based on payment of required fees by the Project Sponsor/Applicant. Contract amendments will be made only in unusual circumstances, where clearly justified by the consultant, and as determined necessary by the County. The County may request an audit of consultant records related to the work prior to negotiation related to a budget amendment request.

F. Limitations

1. All reports and pertinent data or materials, including computer diskettes prepared in conjunction with the EIR, whether the work is complete or not, shall become the property of Marin County.
2. The proposer should expect to have access only to the public records and files of local government agencies in preparing the proposal or reports. No compilation, tabulation, or analysis of data, definition or opinion, etc., should be anticipated by the contractor from the agencies, unless volunteered by a responsible official of these agencies.
3. A request for proposal does not commit the County to award a contract, to pay any costs incurred in the preparation of the proposal, or to procure or contract for services or supplies. The County reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with any qualified source, or to cancel in part or in its entirety this request for proposal, if it is in the best interest of the County to do so. The County may require the proposer selected to participate in negotiations, and to submit such price, technical or other revisions of their proposal as may result from negotiations.
4. The County considers it appropriate to diversify the hiring of consultants and to promote wide opportunity for selection. Best efforts will be made in the selection of consultants to ensure that repetitious hiring from a narrow range of applicants is avoided.
5. The County requires that EIRs prepared by consultants be printed on 100% recycled paper. The front of the EIR or the title page must contain statement that recycled paper was used for the EIR.

G. Criteria for Consultants Selection

Primary regard will be given to the technical competence and creative ability of the contractor as demonstrated in the proposal. The firm's willingness and ability to work closely with County staff and the general aptness of the proposal will also be considered.

The contract will be awarded only to responsible prospective contractors. In order to qualify as responsible, a prospective contractor must, in the opinion of the County staff, meet the following standards as they relate to the RFP:

1. Have adequate equipment, technical, professional and financial resources for performance, or have the ability to obtain such resources which are required during performance.
2. Have satisfactory record of performance.
3. Be an Equal Opportunity Employer.
4. Have no current contracts with the applicant on this project or other related work.
5. Refrain from contacts with the project sponsor, property owner or agents after receipt of this request for proposal for any purpose having to do with the project unless prior authorization is given by the County.
6. Confirmed that consultant and subcontractors have obtained, understand and will comply with Marin County's EIR Guidelines.

H. Evaluation of Proposals

1. The Environmental Coordinator shall circulate the proposals to appropriate County staff and/or relevant agencies for review. Staff shall review the proposals, rank the proposals, and select a consultant. The Environmental Coordinator shall inform the applicant of the consultant selection and make available to the applicant the selected proposal.
2. If the project applicant agrees to the selected consultant, the required fees shall be submitted and a contract with that consultant shall be prepared for approval of the Board of Supervisors.
3. If the applicant does not agree on the selected consultant, a second consultant shall be considered, and a contract with that consultant shall be prepared for the Board of Supervisors.
4. If staff and applicant do not agree on a consultant, the applicant may appeal the selection of the consultant pursuant to the appeal procedure contained in Article X of these guidelines.
5. All proposals may be rejected, and the process started again in accordance with provisions of these regulations.

III. CONTRACT CONSIDERATION AND CONTRACT PAYMENT

A. Contract with Consultant

1. Contract Content. The consultant selected will be asked to agree to, and enter into, a contract with the County containing at least the following provisions:
 - a. Appending the consultant's proposal to the contract as an "Exhibit." Prospective consultants should indicate in the proposal whether or not they will be able to agree to the following contract requirements if they are selected.
 - b. Segregated "not to exceed" fees for Draft and Final EIRs.
 - c. A statement that consultant has no relationship with the Project Sponsor/Applicant which could be considered a conflict of interest under the Political Reform Act of 1974.
 - d. That the EIRs will be prepared in accordance with CEQA and the Guidelines thereto.
 - e. A statement indemnifying the County against negligent acts of the consultant and a statement that the consultant is an independent contractor.
 - f. The consultant shall have general and auto liability insurance in the amount of \$1,000,000. The County, its officers and employees should be named as additional insured. The consultant must have Worker's Compensation for all employees as required by California law.
 - g. The time for completion of the Draft and Final EIR.
 - h. A provision for the County to assess liquidated damages if consultant fails to perform the work within the specified time period.
2. Proposal Costs. No proposal costs or costs for modifications to the proposal will be reimbursed under the contract.
3. Contract Payment. Marin County will release payment to the consultant in increments based on itemized invoices submitted no sooner than monthly as the work progresses. Contract payment will be made on the basis of satisfactory performance by the contractor as determined by the County. Final payment to the contractor will only be made when the County has received the specified number of copies of the final report in a form deemed satisfactory by the County.
4. Contract Termination. The County has the authority to terminate its contract with the consultant at any time during the period of the study if it is found by the County that the contractor's performance is not satisfactory. If the consultant fails to satisfactorily complete the EIR within the time specified in the agreed upon performance schedule through the fault of the contractor, the County reserves the right to terminate the contract, or to permit continuation of the agreement with assessment of liquidated damages. The consultant shall not be liable for damages of any delay in the performance of the work due to unforeseeable causes beyond the control and without the fault or negligence of the consultant; including, but not restricted to, acts of God or of the public enemy, acts of the government, fires, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, or delays of subconsultants or supplies due to such causes.
5. Cancellation. The contract will be written so that it may be canceled by either party upon ten (10) days written notice.

B. Project Sponsor Responsibility

1. Contract for EIR Preparation. Prior to processing for approval of a contract between the County and the EIR consultant and proceeding with preparation of the EIR, the Project Sponsor/Applicant shall be responsible for payment of fees as follows:
 - a. The entire amount of the not to exceed costs of the EIR consultant as identified in consultant's proposal for preparing the project EIR.
 - b. The entire amount of the County's EIR administration and overhead fees as specified in the Community Development Agency's fee schedule adopted by the Board of Supervisors (equals 30% of the EIR consultant's not to exceed costs for the project EIR, based on 1993 adopted schedule).
 - c. No exceptions to fee payment provisions shall be allowed without prior approval by the Board of Supervisors.
2. Project Cancellation. Should Project Sponsor/Applicant abandon the project prior to completion of the EIR, County shall, upon written notice to consultant, terminate the contract agreement and, within a reasonable period, return the unpaid balance of EIR consultant fees to Sponsor with the understanding that the consultant shall be paid for all services performed prior to such cancellation, if such services are acceptable to County. The County's EIR administration and overhead fee shall not be refunded if the EIR consultant's work was in progress prior to the project abandonment by Sponsor. Non-payment of any fee or amount due for preparation of the EIR shall be deemed an abandonment of said project.
3. Additional Costs. Any additional necessary meetings, work, changes in work performed, compensation, or limitations on total cost of work required as set forth in the contract, shall be determined by the County. No work shall be authorized or performed without prior approval of the County.
4. Performance. County shall be the sole judge as to the satisfactory performance under the contract, and may terminate the agreement immediately upon written notice should it at any time become dissatisfied with the consultant's performance. The Sponsor should acknowledge that the EIR is a public document and that all information submitted thereon will be available to the public upon release of the EIR and that the Sponsor will have no private rights of ownership therein.

IV. CONSULTANT - PROJECT SPONSOR COMMUNICATION

- A. Discussion between Project Sponsor and consultant is permitted if the following procedure is observed:
 1. County staff is present during any discussions which go beyond verification of material already received or inquiries concerning details.
 2. Consultants will not meet with Sponsor or contact them to discuss issues which go beyond verification of materials or details, or which are not minor or incidental in nature, without prior approval of County. Consultant will maintain a record of Sponsor contacts to inform County staff of the subject of any discussions.
 3. Sponsor will not contact consultant without County approval.

V. ADMINISTRATIVE DRAFT EIR PREPARATION AND REVIEW

A. Project Description

The consultant shall prepare a project description for the EIR based on the submittal by the applicant. This shall be reviewed by the applicant to determine accuracy and adequacy.

B. Administrative Draft

1. Preparation of Administrative Draft. The consultant shall prepare an Administrative Draft of the Draft EIR (ADEIR). This will be a document that is professional, thorough, complete and adequate in content and format, although it will be considered a preliminary draft; any readable reproduction process and understandable form may be accepted with prior agreement of Environmental Coordinator. The ADEIR shall be accompanied by a computer diskette of the ADEIR.
2. Administrative Draft Review. Staff shall review the Administrative Draft for adequacy and advise the consultant of needed changes. A minimum of ten copies of the ADEIR will normally be required. The Draft EIR will not be accepted until concurrence of the Lead County Agency or the Community Development Agency is obtained. It is the policy of the County to exercise its own judgment as to the proper content of the Draft EIR.

VI. EIR FORMAT

A. Summary of Impacts

The Draft EIR shall include a summary of impacts section in the front which will be a concise, to-the-point, brief condensation of the report.

B. Format

The Draft EIR shall be presented in a readily identifiable structure by: 1) organizing constraints, impacts, and mitigation measures under distinct headings in a manner which allows locating such information by topic or issue; 2) using a typeface which is easily readable and acceptable to the County; and 3) numbering pages consecutively throughout the document.

C. Documentation

All technical, statistical, and factual information taken from outside references will be noted and reference cited in the EIR. Also, each EIR will contain a statement as to who prepared each section of the EIR and that person's qualifications.

D. Computer Disk

The administrative and published copies of the Draft EIR and Final EIR shall be provided on a computer disk which is compatible with the computer system of the Lead County Department at the time such documents are submitted to the Lead County Department.

E. Printing

It is mandatory that all Draft EIRs be printed on both sides of the page, on **recycled** paper. Bulky, cumbersome reports are to be avoided.

F. Circulation of Draft

Upon completion of the Draft EIR, it shall be circulated with a request for comments. During the comment period, the Marin County Planning Commission will hold at least one public hearing on the Draft EIR.

G. Final EIR Preparation

Upon completion of the comment period, the EIR consultant shall prepare the Final EIR. The consultant shall describe the disposition of significant environmental issues raised in, or as a result of, the comments received. In particular, when recommendation and objections raised in comments are at variance with conclusions of the Draft EIR, the consultant shall address in detail those comments and shall give reasons why specific comments and suggestions were not accepted, and set forth the factors which warrant overriding the comments and suggestions. The Final EIR will be circulated to commentors on the Draft EIR at least 2 weeks prior to consideration for certification of the Final EIR by the Planning Commission.

H. CEQA Conformance

The County retains the right to reject any EIR prepared by a consultant which fails to meet the requirements as set forth in these guidelines, including all applicable appendices, the State CEQA Guidelines, the contract between County and Consultant, and professional practice standard to the planning profession.

i:eirguide:a-append

CONSULTANT SELECTION RATING SHEET

Project Title: _____ A.P.# _____

Project Location: _____, _____
Address City

The worksheet includes six criteria (#A - F) for evaluating each consultant's proposal. The total possible score is 45. General Guidelines for evaluating the criteria are also included. They should not receive an independent score.

Any comments should be written on the back of this form and lettered to correspond with the relevant criteria. All rating sheets must be returned to the Marin County Environmental Coordinator by _____.

CRITERIA

RATING

FIRMS: _____

A. Experience and Qualifications _____
 (maximum 5 points)

- Technical competence
- Familiarity with process/Plans & Policies
- Creative ability
- Willingness and ability to work closely with staff
- Have resources to meet performance standards
- Experience relative to project
- Organization
- Record of performance for this type project
- Equal opportunity employer
- Current contracts/financial obligations with applicant

B. Approach/Methodology _____
 (maximum 10 points)

- Overall approach to E.I.R.
- General focus of work/awareness of factors relevant to project
- Proposed course of action
- Techniques to pursue work
- Scheduling of work items
- Environmental inventory/constraints data
- Impact discussion approach/modifications data
- Mitigation
- Alternatives
- Mitigation monitoring

CONSULTANT SELECTION RATING SHEET (continuation)

CRITERIA

RATING

FIRMS: _____

C. Budget

(maximum 5 points)

Total cost to perform study not to exceed fee
Detailed costs - sub-tasks, manpower, materials

D. Organizational Suitability

(maximum 10 points)

Personnel employed - kind
Resumes - Personnel qualifications and experience
Balanced team - hard sciences, attorneys, engineers, planners, etc.
Specific effort contributed by key personnel/project manager
Subcontractors - qualifications
Subcontractor tasks/schedule/costs
Data collection and management

E. Schedule

(maximum 5 points)

Performance schedule
Recognition of target dates
Time periods for review of products
Consistency with scope of work

F. General Aptness of Proposal

(maximum 10 points)

Meets CEQA requirements and intent
Public involvement
Staff/public meetings provided
Ability to affect project design
Format
Coordination/inter-agency review
Responsiveness to R.F.P. - address items requested
No appearance of conflict of interest
References

TOTAL SCORE: _____

Recommended Consultant other than highest score (explain): _____

APPENDIX B

MODEL CONSULTANT CONTRACT

Marin County Environmental Coordination and Review

CONSULTANT AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____ 19____, by and between the **COUNTY OF MARIN**, a political subdivision of the State of California, hereinafter referred to as "County" and _____, hereinafter referred to as "Consultant".

WITNESSETH:

In consideration of the mutual promises as hereinafter contained, the parties hereto agree as follows:

1. Consultant Services, Time of Performance, and Compensation. County agrees to engage Consultant and Consultant hereby agrees to perform those services, generally described as **preparation of an EIR for _____**, in compliance with State CEQA Guidelines and County EIR procedure, during the time of performance as specified in Exhibit "A" attached hereto and by this reference incorporated herein.
2. Other Contract Provisions. Other contract provisions, including work by subcontractors, individuals assigned to the project, and schedule of due dates are set forth in Consultant's proposal as amended _____, **19____** attached hereto as Exhibit "A".
3. Consultant is qualified and desirous of performing the tasks herein set forth and shall perform the services in a manner compatible with the standard of Consultant's profession.
4. In consideration of Consultant's agreement to perform well and sufficiently and in a skillful and professional manner the services contemplated herein, County agrees to pay and Consultant agrees to accept as full payment for the actual time spent in accomplishing the approved work, a total sum not to exceed _____ **dollars (\$_____)** for completion by Consultant and approval by County of all work tasks identified in Exhibit "A" payable as follows:
 - \$_____ payable upon award of contract.
 - \$_____ payable upon submission and acceptance of Administrative Draft EIR.
 - \$_____ payable upon submission and acceptance of Draft EIR.
 - \$_____ payable upon submission and acceptance of Final EIR.
 - \$_____ payable upon acceptance of the Final EIR by the County for recommendation for certification by the Board of Supervisors.
5. Consultant as Independent Contractor. It is specifically understood and agreed that Consultant (his agent or employee) is not an agent or employee of the County of Marin but is an independent contractor not subject to the direction and control of the County except as to final result. Consultant shall be solely liable and responsible to pay all required taxes and other obligations, including, but not limited to, withholding and Social Security. Consultant agrees to indemnify and hold the County harmless from any such liability which it may incur as a consequence of this contract.
6. Discrimination. In the performance of the terms of this agreement, Consultant shall not engage in nor permit others he may employ to engage in discrimination in the employment of such persons based on race, color, religion, nationality, sex, sexual preference, age, or handicapped conditions.

7. Reproduction, Copying Costs. Consultant shall be responsible for all reproductions, reporting, copying, mailing costs necessary for submittals to the County as specified in Exhibit "A". Consultant shall not be responsible for costs of reproduction, mailing, clerical services or other costs associated with any public hearings or County dissemination of Consultant's work product.
8. Litigation. If litigation or administrative hearings ensue which pertain to the subject matter of Consultant's services hereunder, Consultant, upon request, agrees to testify therein at the hourly rate specified in Exhibit "A".
9. Changes. This contract may be modified from time to time as to the scope of services or the time of performance and shall be mutually agreed upon by and between the Consultant and the County.
10. Audit of Books and Records. Should the County wish to, it may undertake an independent audit and/or evaluation of the Consultant's records and accounts of expenditures and program activities at its own expense. Consultant agrees to furnish all items necessary in the County's discretion to complete said audit and/or evaluation subject to restrictions on confidentiality limited to the expenditure or receipt of program funds, and program quality.
11. Liquidated Damages. The County and Consultant agree that time is of the essence in processing environmental documents and that delays in performing this contract within the time limits identified in Exhibit "A" can lead to project delays, conflicts with statutory time limits for processing project applications, escalated costs, changed regulations and other consequences. The costs and detriments of such delays are impracticable and difficult to ascertain and assess and, therefore, it is agreed by and between the parties that County shall have the right to assess agreed upon liquidated damages (which are not to be construed to be a penalty assessment) in the sum of \$_____ per day for each working day, excluding weekends, if Consultant fails to perform well and sufficiently and in a skillful and professional manner the services specified in Exhibit "A" within the time limits set forth therein. Such liquidated damages may be deducted by County from those sums due to Consultant under this contract or shall be paid by Consultant to County, at County's election.

If Consultant anticipates or is faced with any delay in meeting the agreed upon time schedule for reasons beyond his control, he may request an extension of such time(s) from County in writing, prior to the expiration of any such time limit, stating the reasons therefor. The Planning Director may consult with the project sponsor and may grant, deny, or amend any such request on such terms as the Planning Director determines appropriate under the circumstances and in his discretion. In the event of denial of time extension, or in the absence of such request, a failure to meet the agreed upon time schedule shall result in the assessment of the specified daily liquidated damages. The Consultant shall not be liable for damages of any delay in the performance of the work due to unforeseeable causes beyond the control and without the fault, or negligence, of the Consultant, including those involving acts of God or of the public enemy, acts of the government, fires, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, delays of subconsultants when due to such causes, or when specific information requested by Consultant is not received from the County and/or project sponsor within the agreed upon time.

Notwithstanding the rights under this contract or the right to terminate this contract, Consultant shall not be relieved of Liability to County for damages sustained by the County by virtue of any breach or failure by Consultant to execute in good faith any terms or conditions of the contract or failure to perform within the limits specified in Exhibit "A" and County may withhold any payments to Consultant for the purpose of setoff until such time as the exact amount of damages due County from Consultant is determined. The remedies contained in this paragraph are cumulative and are in addition to all other rights of County pursuant to this agreement and at law or in equity.

12. Self-Insurance. The consultant shall have general and auto liability insurance in the amount of \$1,000,000. The County, its officers and employees shall be named as additional insured. The consultant must have Worker's Compensation for all employees as required by California law.
13. Termination of Contract. It is expressly understood that either party shall have the right to terminate this agreement upon five (5) days written notice to the other party. In such event, Consultant shall deliver to the County copies of all finished and unfinished surveys, studies, documents, or reports pertaining to the contract, and Consultant shall be entitled to receive just and equitable compensation for any satisfactory work completed as determined by the County.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement the day and year first above written.

COUNTY OF MARIN

Chairman, Board of Supervisors

CONSULTANT

(Consultant's Name)

Incorporated Attachment: Exhibit "A"

APPENDIX C

NOTICE OF EXEMPTION FORM

Marin County Environmental Coordination and Review

FILING REQUESTED BY AND WHEN FILED
RETURN TO:

**Marin County Community Development Agency
Planning Division
3501 Civic Center Drive, #308
San Rafael, CA 94903**

Attn:

NOTICE OF EXEMPTION

Marin County
Environmental Coordination and Review

1. **Project Title:**

2. **Project Location:**

Assessor's Parcel # _____/Marin County

3. **Project Description:**

4. **Public Agency Approving Project:**
(check one)

- Agency Director
- Deputy Zoning Administrator/Hearing Officer
- Planning Commission
- _____(other)

5. **Project Sponsor:**

6. **CEQA Exemption Status:**
(check one)

- Ministerial [Section 21080(b)(1); 15268];
- State Disaster or Emergency [Section 21080(b)(3); 15269(a)];
- Local Declared Emergency Project [Section 21080(b)(4); 15269(b)(c)];
- Categorical Exemption [Section 15300].
Indicate Section _____, Class _____
- Statutory Exemptions. Indicate Code # _____
- Other Exemptions. Indicate Code # _____

7. **Reasons why project is exempt:**

Project Planner:

Reviewed by:

Telephone: (415) 499-6269

Environmental Coordinator

Date: _____

APPENDIX D

NOTICE OF DETERMINATION FORM -
NEGATIVE DECLARATION or EIR

Marin County Environmental Coordination and Review

NOTICE OF DETERMINATION

Marin County
Environmental Coordination and Review

To: ___ Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

___ County Clerk
County of Marin

From: **Marin County Community Development Agency**
(Lead Agency)

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title:

State Clearinghouse #:
(if submitted to State Clearinghouse)

Contact Person:

Telephone Number: (415) 499-6269

Assessor's Parcel Number:

Application:

Project Location:

Project Description:

This is to advise that the _____ approved the above described project on _____, and has made the following determinations regarding the above described project:

1. The project in its approved form **will/will not** have a significant effect on the environment.
2. A **Negative Declaration/Environmental Impact Report** was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures **were/were not** made a condition of the approval of the project.
4. A statement of Overriding Considerations **was/was not** adopted for this project.
5. Findings **were/were not** made pursuant to the provisions of CEQA.

I certify that a copy of the **Negative Declaration/Environmental Impact Report**, with comments and responses, and record of project approval is on file and may be examined at:

Agency: Marin County Community Development Agency
Address: 3501 Civic Center Drive, Room 308, San Rafael, CA 94903

By: _____
(Planner Name, Title)

Date: _____

The filing of this Notice of Determination starts a 30 day statute of limitations on court challenges to the approval under CEQA

APPENDIX E

SAMPLE
STATE CLEARINGHOUSE TRANSMITTAL FORM

Notice of Completion

Form A

See NOTE below

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

SCH # _____

Project Title: _____

Lead Agency: _____ Contact Person: _____

Street Address: _____ Phone: _____

City: _____ Zip: _____ County: _____

Project Location

County: _____ City/Nearest Community: _____

Cross Streets: _____ Zip Code: _____ Total Acres: _____

Assessor's Parcel No. _____ Section: _____ Twp. _____ Range: _____ Base: _____

Within 2 Miles: State Hwy #: _____ Waterways: _____

Airports: _____ Railways: _____ Schools: _____

Document Type

- CEQA: NOP Supplement/Subsequent Early Cons EIR (Prior SCH No.) Neg Dec Other _____ Draft EIR
- NEPA: NOI EA Draft EIS FONSI
- Other: Joint Document Final Document Other _____

Local Action Type

- General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, Parcel Map, Tract Map, etc.) Other _____

Development Type

- Residential: Units _____ Acres _____ Water Facilities: Type _____ MGD _____
 Office: Sq.ft. _____ Acres _____ Employees _____ Transportation: Type _____
 Commercial: Sq.ft. _____ Acres _____ Employees _____ Mining: Mineral _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Power: Type _____ Watts _____
 Educational _____ Waste Treatment: Type _____
 Recreational _____ Hazardous Waste: Type _____
 Other: _____

Project Issues Discussed in Document

- Aesthetic/Visual Flood Plain/Flooding Schools/Universities Water Quality
 Agricultural Land Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Air Quality Geologic/Seismic Sewer Capacity Wetland/Riparian
 Archeological/Historical Minerals Soil Erosion/Compaction/Grading Wildlife
 Coastal Zone Noise Solid Waste Growth Inducing
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Landuse
 Economic/Jobs Public Services/Facilities Traffic/Circulation Cumulative Effects
 Fiscal Recreation/Parks Vegetation Other _____

Present Land Use/Zoning/General Plan Use

Project Description

NOTE: Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. from a Notice of Preparation or previous draft document) please fill it in.

Revised October 1989

Reviewing Agencies Checklist

KEY

S = Document sent by lead agency

X = Document sent by SCH

✓ = Suggested distribution

- ___ Resources Agency
- ___ Boating & Waterways
- ___ Coastal Commission
- ___ Coastal Conservancy
- ___ Colorado River Board
- ___ Conservation
- ___ Fish & Game
- ___ Forestry
- ___ Office of Historic Preservation
- ___ Parks & Recreation
- ___ Reclamation
- ___ S.F. Bay Conservation & Development Commission
- ___ Water Resources (DWR)
- Business, Transportation & Housing**
- ___ Aeronautics
- ___ California Highway Patrol
- ___ CALTRANS District # _____
- ___ Department of Transportation Planning (headquarters)
- ___ Housing & Community Development
- Food & Agriculture**
- Health & Welfare**
- ___ Health Services _____
- State & Consumer Services**
- ___ General Services
- ___ OLA (Schools)

- Environmental Affairs**
- ___ Air Resources Board
- ___ APCD/AQMD
- ___ California Waste Management Board
- ___ SWRCB: Clean Water Grants
- ___ SWRCB: Delta Unit
- ___ SWRCB: Water Quality
- ___ SWRCB: Water Rights
- ___ Regional WQCB # _____ (_____)
- Youth & Adult Corrections**
- ___ Corrections
- Independent Commissions & Offices**
- ___ Energy Commission
- ___ Native American Heritage Commission
- ___ Public Utilities Commission
- ___ Santa Monica Mountains Conservancy
- ___ State Lands Commission
- ___ Tahoe Regional Planning Agency
- ___ Other _____

Public Review Period (to be filled in by lead agency)

Starting Date _____

Ending Date _____

Signature _____

Date _____

Lead Agency (Complete if applicable):

Consulting Firm: _____

Address: _____

City/State/Zip: _____

Contact: _____

Phone: (____) _____

Applicant: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____

For SCH Use Only:

Date Received at SCH _____

Date Review Starts _____

Date to Agencies _____

Date to SCH _____

Clearance Date _____

Notes:

Revised October 1989

APPENDIX F

NOTICE OF PREPARATION FORMS

Marin County Environmental Coordination and Review

Marin County Community Development Agency

Alex Hinds, Director

MEMORANDUM

TO: State Clearinghouse
ABAG Clearinghouse
Project Sponsor/Applicant
PSA (Land Use & Water Resources, Traffic)
*(List other reviewing County departments) **
*(List any other reviewing local agencies) **
*(If applicable, list State & Federal permitting agencies) **
Interested Parties (*i.e.*, environmental groups, HOA)

RE: Notice of Preparation of a Draft Environmental Impact Report for *(Title and Application Type)*
State Clearinghouse # *(if applicable)*

DATE:

Pursuant to state and local guidelines implementing the California Environmental Quality Act, please be advised that the Marin County Community Development Agency will be the lead agency and will prepare an Environmental Impact Report (EIR) for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the project EIR prepared by this agency when considering your permit or other approval for the project.

The project description, location and the potential environmental effects are contained in the attached materials. A copy of the project Initial Study [() is () is not] attached.

Due to time limits mandated by State law, your response must be sent at the earliest possible date, but not later than 30 days from the date identified below. **Comments by FAX will not be accepted.**

Please send your response to _____ at the address shown below. We will need the name of a contact person in your agency.

PROJECT TITLE: *(Name, Application No., APN)*

DATE: *(Start of public review period)*

PREPARED BY: _____
(Name)

TITLE: Environmental Coordinator

TELEPHONE: (415) 499-6269

Attachments: *(Project Description/Initial Study/Location Map)*

cc: *(Project Planner)*

* *Proof of notification required.*

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Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF PREPARATION
ENVIRONMENTAL IMPACT REPORT
(PROJECT NAME AND APPLICATION TYPE)

Marin County will be preparing an Environmental Impact Report (EIR) for the (project name and application type).

(Project description, address, city and Assessor's parcel number).

Pursuant to state and local guidelines implementing the California Environmental Quality Act (CEQA), please be advised that the Marin County (insert lead agency name) will be the lead agency for the project. The Marin County Environmental Coordinator has determined that a (type of EIR, i.e., full scope, focused) EIR is required for the project. Therefore, pursuant to CEQA Guidelines Section 15060(c) an Initial Study has not been prepared (or pursuant to CEQA Guidelines Section 15063(a) an Initial Study has been prepared). The EIR will focus on the following topical issues:

1) Land Use & Planning	6) Transportation/Circulation	11) Public Services
2) Population & Housing	7) Biological Resources	12) Utilities & Service Systems
3) Geophysical	8) Energy & Natural Resources	13) Aesthetics/Visual Resources
4) Water	9) Hazards	14) Cultural Resources
5) Air Quality	10) Noise	15) Social & Economic Effects Related to Physical Impacts

To ensure that the EIR for this project is thorough and adequate, and meets the needs of all agencies reviewing it, we are soliciting comments on specific issues to be included in the environmental review. Public comments on the scope of issues to be evaluated in the EIR are encouraged. A summary of the project applicant's description (or the Initial Study) and mapped location of the project is on file with the office of the Marin County Community Development Agency, 3501 Civic Center Drive, Room 308, San Rafael, CA 94903-4157, and is available for public review between the hours of 8:00 a.m. to 12 noon and 1:00 p.m. to 4:00 p.m., Monday through Friday. A copy of the summary (or Initial Study) may be obtained by calling (415) 499-6269.

Please submit your written comments to the Community Development Agency by (date) . **Comments by FAX will not be accepted.** Please direct questions about the project itself to (lead agency) , at (phone number) .

ALEX HINDS
Agency Director

Tim Haddad
Environmental Coordinator

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(date notice published)

APPENDIX G

NOTICE OF DRAFT NEGATIVE DECLARATION FORMS

Marin County Environmental Coordination and Review

Marin County Community Development Agency

Alex Hinds, Director

MEMORANDUM

TO: State Clearinghouse (*If applicable*)
ABAG Clearinghouse (*If applicable*)
Project Sponsor/Applicant
DPW (Land Use & Water Resources, Traffic)
(*List other reviewing County departments*)
(*List local reviewing or permitting agencies*)
(*If applicable, list State reviewing or permitting agencies*)
(*If applicable, list Federal reviewing or permitting agencies*)
Interested Parties (*i.e. environmental groups, HOA*)

RE: Notice of Draft Negative Declaration of Environmental Impact -
(*Project Title and Application Type*)

DATE:

Pursuant to state and local guidelines implementing the California Environmental Quality Act, please be advised that the Marin County Community Development Agency has prepared an Initial Study for the above reference project. Based upon the Initial Study, it has been determined that a Negative Declaration is appropriate for the proposed project. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the project Negative Declaration prepared by this agency when considering your permit or other approval for the project.

The project description, location and the potential environmental effects are contained in the attached materials. A copy of the project Initial Study is attached.

Due to time limits mandated by State law, your response must be sent at the earliest possible date, but not later than 20 days (*or 30 days*) from the date identified below. **Comments by FAX will not be accepted.**

Please send your response to _____ at the address shown below. We will need the name of a contact person in your agency.

PROJECT TITLE: (*Project Title and Application Type*) –APN _____

DATE: (*Start of Review Period Date*)

PREPARED BY: _____

Tim Haddad

TITLE: Environmental Coordinator

TELEPHONE: (415) 499-6269

Attachment: Negative Declaration/Location Map

cc:

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Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF PUBLIC HEARING
(PROJECT NAME AND APPLICATION TYPE)
DRAFT NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

NOTICE IS HEREBY GIVEN that the Planning Commission will hold a public hearing to consider the *(Applicant Name)* application for a *(Application Type)* approval proposing to

(Project Description).

The subject property is located at *(Project Address and City,)* and is further identified as Assessor's Parcel # _____.

A Negative Declaration of Environmental Impact has been prepared for the project pursuant to the requirements of the California Environmental Quality Act and is available in the Marin County Community Development Agency. The public review and comment period for the Negative Declaration commences on *(month, date, year)*. Written comments will be accepted at the Community Development Agency until the close of the public review period, Day, Month, Date, Year (20 days or 30 days from start of review period), at 4:00 PM. Copies of the Negative Declaration are available at, and may be obtained from, the Community Development Agency, 3501 Civic Center Drive, Room 308, San Rafael, California, 8:00 a.m. to 12 noon and 1:00 p.m. to 4 p.m., Monday through Friday. **Comments by FAX will not be accepted.** Copies of all documents incorporated by reference into the Negative Declaration are also available for public review at the Community Development Agency.

The Negative Declaration evaluates the project with respect to the following topical issues:

- | | | |
|-----|-----|-----|
| 1) | 2) | 3) |
| 4) | 5) | 6) |
| 7) | 8) | 9) |
| 10) | 11) | 12) |

The Negative Declaration finds that the project would result in significant or potentially significant environmental impacts related to topical issues #_____ - #_____, and recommends the implementation of feasible mitigation measures to either avoid or reduce to a level of insignificance the identified environmental impacts.

Prior to taking action on the merits of the project, the Planning Commission will consider the grant of a Negative Declaration of Environmental Impact for this project.

The public hearing will be held during the regular meeting of the Marin County Planning Commission on Monday, *(Month, Day, Year)*, in the Planning Commission Chambers (Room 319 - Administration Building), Civic Center, San Rafael, California. Those wishing to attend said hearing may call the Community Development Agency at 499-6269 on Wednesday, *(Month, Day, Year)*, in order to be informed of the place on the agenda and the approximate time of the hearing. A staff report will be available for your review at the Community Development Agency as of Monday, *(Month, Day, Year)*.

NOTICE IS HEREBY FURTHER GIVEN that if you challenge the decision on the merits of the project or the adoption of the Negative Declaration of Environmental Impact in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Agency at, or prior to, the public hearing. (Government Code Section 65009(b)(2).)

ALEX HINDS
Agency Director

(Initials)
(date of publication)
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(Planner Name)
(Title)

APPENDIX H

NOTICE OF COMPLETION - DRAFT EIR

Marin County Environmental Coordination and Review

Marin County Community Development Agency

Alex Hinds, Director

MEMORANDUM

TO: State Clearinghouse (Water District)
ABAG Clearinghouse (Sanitary District)
Project Sponsor/Applicant (Fire Department)
Planning Commission (Adjacent City Planning Department)
Board of Supervisors (Jurisdictional Library)
PSA (Land Use and Water Resources, Traffic) (Agencies listed on NOP)
Marin County Library
Interested Agencies/Individuals

FROM: Tim Haddad, Environmental Coordinator

SUBJECT: Notice of Completion - (Project Title _____ - EIR)
SCH # _____ (if applicable)

DATE:

Interested Parties:

Attached is a copy of the Draft Environmental Impact Report (DEIR) for the (Project Title _____ and Project Description _____).

The subject property is located at (Project Address _____, City _____) and is further identified as Assessor's Parcel No(s) _____.

The DEIR is being circulated for a (45 or 60)-day public review period. Please submit your written comments on the DEIR **NO LATER THAN 4:00 PM, (Ending Date) _____**, 19 ____ to the attention of Tim Haddad, Environmental Coordinator, Marin County Community Development Agency, 3501 Civic Center Drive, Room 308, San Rafael, CA 94903-4157. **Comments by FAX will not be accepted.**

A public hearing on the DEIR by the Marin County Planning Commission has also been scheduled for Monday, _____. Those wishing to attend this hearing may call the Community Development Agency at (415) 499-6269 on Wednesday, _____, in order to be informed of the place on the agenda and the approximate time of the hearing. Oral and written comments on the DEIR may be presented to the Planning Commission at the hearing.

Additional copies of the DEIR may be obtained from the Community Development Agency. In addition, a copy is available for review at the Marin County Civic Center Library and the _____ Library.

Attachment

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Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF COMPLETION
AND
NOTICE OF PUBLIC HEARING
(PROJECT TITLE AND APPLICATION TYPE)
DRAFT ENVIRONMENTAL IMPACT REPORT

NOTICE IS HEREBY GIVEN that a Draft Environmental Impact Report (DEIR) has been completed for the project identified below, and is on file with the Marin County Community Development Agency, 3501 Civic Center Drive, Room 308, San Rafael, California, and available for public review between the hours of 8:00 a.m. to 12 noon and 1:00 p.m. to 4:00 p.m., Monday through Friday. Copies of the DEIR may be obtained from the Community Development Agency. In addition, a copy is available for review at the Marin County Civic Center Library and the _____ Library. All relevant documents incorporated into the EIR by reference are also available for public review at the Community Development Agency office.

(PROJECT DESCRIPTION). The subject property is located at (*Address, Street, City*), and is further identified as Assessor's Parcel No(s)._____.

NOTICE IS HEREBY FURTHER GIVEN that this Notice of Completion of the DEIR commences a (45 or 60)-day public review period. Interested persons are invited to review and comment on the DEIR. Written comments on the DEIR must be submitted to the Community Development Agency, NO LATER THAN 4:00 PM, _____ (Date). **Comments by FAX will not be accepted.**

The EIR evaluates the project with respect to the following topical issues:

- | | | |
|-----|-----|-----|
| 1) | 2) | 3) |
| 4) | 5) | 6) |
| 7) | 8) | 9) |
| 10) | 11) | 12) |

The EIR finds that the project would result in significant or potentially significant environmental impacts related to topical issues #____ - #____, and recommends the implementation of feasible mitigation measures to either avoid or reduce to a level of insignificance the identified environmental impacts. (*The EIR further finds that there are significant unavoidable impacts for topical issues #____ - #____, and there are no significant impacts for topical issues #____ - #____.*)

NOTICE IS HEREBY FURTHER GIVEN that a public hearing on the DEIR will be conducted by the Marin County Planning Commission. Oral and written comments on the DEIR may be presented to the Commission at the hearing. The hearing is scheduled for the regular meeting of the Marin County Planning Commission on Monday, ____ (Date), in the Planning Commission Chambers (Room #319 - Administration Building), Civic Center, San Rafael, California. Those wishing to attend said hearing may call the Community Development Agency at (415) 499-6269 on Wednesday, ____ (Date), in order to be informed of the place on the agenda and the approximate time of the hearing.

NOTICE IS HEREBY FURTHER GIVEN that if you challenge the project EIR in court, you may be limited to raising only those issues you or someone else raised in written correspondence submitted during the DEIR public review period or at the public hearing described in this notice. (Government Code Section 65009(b)(2).)

ALEX HINDS
Agency Director

Tim Haddad
Environmental Coordinator

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(Date of Publication)

APPENDIX I

NOTICE OF DISTRIBUTION - FINAL EIR

Marin County Environmental Coordination and Review

Marin County Community Development Agency

Alex Hinds, Director

MEMORANDUM

TO: State Clearinghouse (List County reviewing departments)
ABAG Clearinghouse (List local reviewing agencies)
Project Sponsor/Applicant Marin County Library
Planning Commission (*Jurisdictional Library*)
Board of Supervisors
PSA (Land Use & Water Resources, Traffic)
Interested Agencies/Individuals (*ALL PERSONS THAT MADE COMMENT TO DEIR*)

FROM: Tim Haddad, Environmental Coordinator
SUBJECT: Notice of Distribution - (*Project Title*) Final EIR
DATE: (*Current Date*)

Interested Parties:

Attached is a copy of the Final Environmental Impact Report (FEIR) for the proposed (*project title and project description, location and APN*).

The FEIR is being distributed as a courtesy prior to the (*Month, Day, Year*), meeting before the Planning Commission. A public hearing to receive oral testimony on the final EIR will not be conducted. The Planning Commission will be reviewing only written comments on the FEIR. Written comments on the FEIR should be directed to Tim Haddad, Environmental Coordinator, no later than (*Month, Day, Year - Usually ___ Days before meeting*), Marin County Community Development Agency, 3501 Civic Center Drive, Room 308, San Rafael, CA 94903-4157. **Comments by FAX will not be accepted.**

A public meeting on the FEIR by the Marin County Planning Commission has been scheduled for Monday, (*Month, Day, Year*), in order for the Commission to consider certification of the FEIR as adequate and complete pursuant to the California Environmental Quality Act (CEQA). The meeting will be conducted in the Marin County Planning Commission Chambers (Room 319 - Administration Building) Civic Center, San Rafael. Those wishing to attend this meeting may call the Community Development Agency at (415) 499-6269 on Wednesday, (*Month, Day, Year*), in order to be informed of the place on the agenda and the approximate time of the meeting.

Additional copies of the FEIR may be obtained from the Community Development Agency at the address listed above. A copy is also available for review at the Marin County Civic Center Library and the _____ Library.

Attachment

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Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF PUBLIC MEETING
(*PROJECT TITLE AND APPLICATION TYPE*)
FINAL ENVIRONMENTAL IMPACT REPORT

NOTICE IS HEREBY GIVEN that the Marin County Planning Commission will hold a public meeting on the Final Environmental Impact Report (FEIR) for the (*Project Title*) project to consider recommending certification of the FEIR as adequate and complete pursuant to the California Environmental Quality Act (CEQA). The FEIR has been completed for the project (identified below) and is on file with the office of the Marin County Community Development Agency, 3501 Civic Center Drive, Room 308, San Rafael, California. The FEIR is available for public review between the hours of 8:00 a.m. to 12 noon and 1:00 p.m. to 4:00 p.m., Monday through Friday. A public hearing to receive oral testimony on the final EIR will not be conducted. The Planning Commission will be reviewing only written comments on the FEIR. Please submit written comments on the FEIR no later than (*Month, Date, Year*), to Tim Haddad, Environmental Coordinator, at the above address. **Comments by FAX will not be accepted.**

(*PROJECT DESCRIPTION, LOCATION, APN*)

NOTICE IS HEREBY FURTHER GIVEN that copies of the FEIR may be obtained from the Community Development Agency at the address listed above. A copy is also available for review at the Marin County Civic Center Library (*and the _____ Library*).

NOTICE IS HEREBY FURTHER GIVEN that said public meeting on the FEIR will be held at the regular meeting of the Marin County Planning Commission on Monday, (*Month, Date, Year*), in the Planning Commission Chambers (Room #319 - Administration Building), Civic Center, San Rafael, California. Those wishing to attend said meeting may call the Community Development Agency at (415) 499-6269 on Wednesday, (*Month, Date, Year*), in order to be informed of the place on the agenda and the approximate time of the meeting. A staff report will be available for your review at the Community Development Agency as of Monday, (*Month, Date, Year*).

NOTICE IS HEREBY FURTHER GIVEN that if you challenge the project EIR in court, you may be limited to raising only those issues you or someone else raised orally at the prior public hearing on this matter, or in written correspondence submitted during the public review period to the Community Development Agency and at, or prior to, this public meeting. (Government Code Section 65009(b)(2).)

ALEX HINDS
Agency Director

i:eirguide:i-feirnt.doc
(*publication date*)

Tim Haddad
Environmental Coordinator

APPENDIX J

NEGATIVE DECLARATION FORM

Marin County Environmental Coordination and Review

NEGATIVE DECLARATION

Marin County
Environmental Coordination and Review

Pursuant to Section 21000 et. seq. of the Public Resources Code and Marin County Environmental Impact Review Guidelines and Procedures, a Negative Declaration is hereby granted for the following project.

- 1. **Project Name:**
- 2. **Location and Description:** Assessor's Parcel #
- 3. **Project Sponsor:**
- 4. **Finding:** Based on the attached Initial Study and without a public hearing, it is my judgment that:

- () The project will not have a significant effect on the environment.
- () The significant effects of the project noted in the Initial Study attached have been mitigated by modifications to the project so that the potential adverse effects are reduced to a point where no significant effects would occur.

_____ Date: _____
 Environmental Coordinator

Based on the attached Initial Study and the testimony received at a duly noticed public hearing, a Negative Declaration is granted.

_____ Date: _____
 Chairperson, Planning Commission

_____ Date: _____
 Hearing Officer

_____ Date: _____
 Chairperson, Board of Supervisors

Appeal: Subsequent to an appeal of the granting of a Negative Declaration and based on the testimony received at a duly noticed public hearing on the appeal, the record of the public hearing on the Negative Declaration and the Initial Study, a Negative Declaration is granted.

_____ Date: _____
 Chairperson, Planning Commission

_____ Date: _____
 Chairperson, Board of Supervisors

5. **Mitigation Measures:**

(Select one of the following statements)

- No potential adverse impacts were identified, therefore, no mitigation measures are required.
- Please refer to mitigation measures in the attached Initial Study.
- The potential adverse impacts have been found to be mitigable as noted under the following factors in the Initial Study attached.**

(List Initial Study Sections and Mitigation/Monitoring)

All of the mitigation measures for the above effects have been incorporated into the project and are embodied in conditions of approval recommended by the Marin County Community Development Agency.

Other conditions of approval in support of these measures may also be advanced.

6. **Preparation:**

This Negative Declaration was prepared by the Marin County Community Development Agency. Copies may be obtained at the address listed below.

Tim Haddad, Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94903

Monday through Friday
8:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m.
Telephone (415) 499-6269

APPENDIX K

INITIAL STUDY CHECKLIST FORM

Marin County Environmental Coordination and Review

**MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION
INITIAL STUDY**

I. BACKGROUND

- a) Project Sponsor's Name and Address:
- b) Lead Agency Name and Address:
- c) Contact Person and Phone Number:

II. PROJECT DESCRIPTION

- a) Project Title:
- b) Type of Application(s):
- c) Project Location: APN #
- d) General Plan Designation:
- e) Zoning:
- f) Description of Project: *(Describe the whole action involved, including but not limited to its purpose and objectives, later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)*
- g) Environmental Setting: *(Describe the environment, including any sensitive environmental resources, in the vicinity of the project, as it exists before the commencement of the project, from both a local and regional perspective.)*

III. CIRCULATION AND REVIEW: *(The agencies listed in the section include County departments or divisions which have jurisdictional authority and/or oversight over the project, as well as State, Federal or other jurisdiction-by-law agencies which may use this document in executing their respective permit authority over the project.)*

- a) Marin County Agencies:

Agency/Division: *(insert appropriate agency and division)*

Name: *(insert name of reviewing officer)*

The following signature of the agency reviewing officer attests to the completeness and adequacy of the information contained in the Initial Study as it relates to the concerns which are germane to the agency's jurisdictional authority.

Signature of Reviewing Officer

Date

- b) Responsible Agencies: *(agencies whose approval is required and permits needed)*
 -
 -
- c) Trustee Agencies: *(State agencies who have jurisdiction by law over natural resources affected by project)*
 -
 -
- d) Other Jurisdiction-By-Law Agencies: *(other agencies which have permit authority over the project)*
 -
 -

IV. EVALUATION OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Pursuant to Section 15063 of the State CEQA Guidelines, and the County EIR Guidelines, Marin County will prepare an Initial Study for all projects not categorically exempt from the requirements of CEQA. The Initial Study evaluation is a preliminary analysis of a project which provides the County with information to use as a the basis for deciding whether to prepare an Environmental Impact Report (EIR) or Negative Declaration. The points enumerated below describe the primary procedural steps undertaken by the County in completing an Initial Study checklist evaluation and, in particular, the manner in which significant environmental effects of the project are made and recorded.

- A. The determination of significant environmental effect is be based on substantial evidence contained in the administrative record and the County's environmental data base consisting of factual information regarding environmental resources and environmental goals and policies relevant to Marin County. As a procedural device for reducing the size of the Initial Study document, relevant information sources cited and discussed in topical sections of the checklist evaluation are incorporated by reference into the checklist (e.g. general plans, zoning ordinances). Each of these information sources has been assigned a number which is shown in parenthesis following each topical question and which corresponds to a number on the data base source list provided herein as Attachment #1. See the sample question below. Other sources used or individuals contacted may also be cited in the discussion of topical issues where appropriate.
- B. In general, a Negative Declaration shall be prepared for a project subject to CEQA when either the Initial Study demonstrates that there is no substantial evidence that the project may have one or more significant effects on the environment. A Negative Declaration shall also be prepared if the Initial Study identifies potentially significant effects, but revisions to the project made by or agreed to by the applicant prior to release of the Negative Declaration for public review would avoid or reduce such effects to a level of less than significance, and there is no substantial evidence before the Lead County Department that the project as revised will have a significant effect on the environment. A signature block is provided in Section VII of this Initial Study to verify that the project sponsor has agreed to incorporated mitigation measures into the project in conformance with this requirement.
- C. All answers to the topical questions must take into account the whole of the action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. Significant unavoidable cumulative impacts shall be identified in Section VI of this Initial Study (Mandatory Findings of Significance).
- D. A brief explanation shall be given for all answers except "Not Applicable" answers that are adequately supported by the information sources the Lead County Department cites in the parenthesis following each question. A "Not Applicable" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "Not Applicable" answer shall be discussed where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

- E. "Less Than Significant Impact" is appropriate if an effect is found to be less than significant based on the project as proposed and without the incorporation of mitigation measures recommended in the Initial Study.
- F. "Potentially Significant Unless Mitigated" applies where the incorporation of recommended mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The Lead County Department must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section V, "Earlier Analyses", may be cross-referenced).
- G. "Significant Impact" is appropriate if an effect is significant or potentially significant, or if the Lead County Department lacks information to make a finding that the effect is less than significant. If there are one or more effects which have been determined to be significant and unavoidable, an EIR shall be required for the project.

SAMPLE QUESTION:

Issues (and Supporting Information Sources):	Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	Not Applicable
Would the proposal result in :				
Conflicts with applicable Countywide Plan designation or zoning standards? (source #1, 3)	[]	[]	[]	[]
(Attached source list explains that 1 is the Countywide Plan, and 3 is the zoning ordinance. This answer would probably need only a brief further explanation.)				

VI. EARLIER ANALYSES

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration.

- a) **Earlier analyses used.** *(Identify earlier analyses and state where they are available for review.)*
- b) **Impacts adequately addressed.** *(Identify which effects from the above checklist were within the scope of and adequately analyzed by the earlier document.)*
- c) **Mitigation measures.** *(For effects that are "potentially significant" or "potentially significant unless mitigated", describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.)*

Issues (and Supporting Information Sources):

Significant Impact **Potentially Significant Unless Mitigated** **Less Than Significant Impact** **Not Applicable**

1. LAND USE AND PLANNING. *Would the proposal:*

- a) Conflict with applicable Countywide Plan designation or zoning standards?
(source #(s):)
- b) Conflict with applicable environmental plans or policies adopted by Marin County?
(source #(s):)
- c) Affect agricultural resources, operations, or contracts (e.g. impacts to soils or farmlands, impacts from incompatible land uses, or conflicts with Williamson Act contracts)?
(source #(s):)
- d) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?
(source #(s):)
- e) Result in substantial alteration of the character or functioning of the community, or present or planned use of an area?
(source #(s):)
- f) Substantially increase the demand for neighborhood or regional parks or other recreational facilities, or affect existing recreational opportunities?
(source #(s):)

2. POPULATION AND HOUSING. *Would the proposal:*

- a) Increase density that would exceed official population projections for the planning area within which the project site is located as set forth in the Countywide Plan and/or community plan? (source #(s):)
- b) Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or extension of major infrastructure)? (source #(s):)
- c) Displace existing housing, especially affordable housing?
(source #(s):)

Issues (and Supporting Information Sources):

Significant Impact **Potentially Significant Unless Mitigated** **Less Than Significant Impact** **Not Applicable**

3. GEOPHYSICAL. *Would the proposal result in or expose people to potential impacts involving:*

- | | | | | |
|---|-----|-----|-----|-----|
| a) Location in an area of geologic hazards, including but not necessarily limited to: 1) active or potentially active fault zones; 2) landslides or mudslides; 3) slope instability or ground failure; 4) subsidence; 5) expansive soils; 6) liquefaction; 7) tsunami ; or 8) similar hazards?
(source #(s):) | [] | [] | [] | [] |
| b) Substantial erosion of soils due to wind or water forces and attendant siltation from excavation, grading, or fill?
(source #(s):) | [] | [] | [] | [] |
| c) Substantial changes in topography from excavation, grading or fill, including but not necessarily limited to: 1) ground surface relief features; 2) geologic substructures or unstable soil conditions; and 3) unique geologic or physical features?
(source #(s):) | [] | [] | [] | [] |

4. WATER. *Would the proposal result in:*

- | | | | | |
|--|-----|-----|-----|-----|
| a) Substantial changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?
(source #(s):) | [] | [] | [] | [] |
| b) Exposure of people or property to water related hazards, including, but not necessarily limited to: 1) flooding; 2) debris deposition; or 3) similar hazards ?
(source #(s):) | [] | [] | [] | [] |
| c) Discharge of pollutants into surface or ground waters or other alteration of surface or ground water quality (e.g. temperature, dissolved oxygen or turbidity)?
(source #(s):) | [] | [] | [] | [] |
| d) Substantial change in the amount of surface water in any water body or ground water either through direct additions or withdrawals, or through intersection of an aquifer by cuts or excavations? (source #(s):) | [] | [] | [] | [] |
| e) Substantial changes in the flow of surface or ground waters, including, but not necessarily limited to: 1) currents; 2) rate of flow; or 3) the course or direction of water movements?
(source #(s):) | [] | [] | [] | [] |
| f) Substantial reduction in the amount of water otherwise available for public water supplies? (source #(s):) | [] | [] | [] | [] |

Issues (and Supporting Information Sources):

Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	Not Applicable
--------------------	--	------------------------------	----------------

5. AIR QUALITY. *Would the proposal:*

- | | | | | |
|--|-----|-----|-----|-----|
| a) Generate substantial air emissions that could violate official air quality standards or contribute substantially to an existing or projected air quality violation? (source #(s):) | [] | [] | [] | [] |
| b) Expose sensitive receptors to pollutants, such as noxious fumes or fugitive dust? (source #(s):) | [] | [] | [] | [] |
| c) Alter air movement, moisture, or temperature, or cause any change in climate? (source #(s):) | [] | [] | [] | [] |
| d) Create objectionable odors? (source #(s):) | [] | [] | [] | [] |

6. TRANSPORTATION/CIRCULATION. *Would the proposal result in:*

- | | | | | |
|--|-----|-----|-----|-----|
| a) Substantial increase in vehicle trips or traffic congestion such that existing levels of service on affected roadways will deteriorate below acceptable County standards? (source #(s):) | [] | [] | [] | [] |
| b) Traffic hazards related to: 1) safety from design features (e.g. sharp curves or dangerous intersections); 2) barriers to pedestrians or bicyclists; or 3) incompatible uses (e.g. farm equipment)? (source #(s):) | [] | [] | [] | [] |
| c) Inadequate emergency access or access to nearby uses? (source #(s):) | [] | [] | [] | [] |
| d) Insufficient parking capacity on-site or off-site? (source #(s):) | [] | [] | [] | [] |
| e) Substantial impacts upon existing transportation systems, including rail, waterborne or air traffic systems? (source #(s):) | [] | [] | [] | [] |

7. BIOLOGICAL RESOURCES. *Would the proposal result in:*

- | | | | | |
|---|-----|-----|-----|-----|
| a) Reduction in the number of endangered, threatened or rare species, or substantial alteration of their habitats including, but not necessarily limited to: 1) plants; 2) fish; 3) insects; 4) animals; and 5) birds listed as special-status species by State or Federal Resource Agencies? (source #(s):) | [] | [] | [] | [] |
| b) Substantial change in the diversity, number, or habitat of any species of plants or animals currently present or likely to occur at any time throughout the year? (source #(s):) | [] | [] | [] | [] |

Issues (and Supporting Information Sources):

Significant Impact **Potentially Significant Unless Mitigated** **Less Than Significant Impact** **Not Applicable**

- c) Introduction of new species of plants or animals into an area, or improvements or alterations that would result in a barrier to the migration, dispersal or movement of animals?
(source #(s):) [] [] [] []

8. ENERGY AND NATURAL RESOURCES. *Would the proposal result in:*

- a) Substantial increase in demand for existing energy sources, or conflict with adopted policies or standards for energy use?
(source #(s):) [] [] [] []
- b) Use of non-renewable resources in a wasteful and inefficient manner? (source #(s):) [] [] [] []
- c) Loss of significant mineral resource sites designated in the Countywide Plan from premature development or other land uses which are incompatible with mineral extraction?
(source #(s):) [] [] [] []

9. HAZARDS. *Would the proposal involve:*

- a) A risk of accidental explosion or release of hazardous substances including, but not necessarily limited to: 1) oil, pesticides; 2) chemicals; or 3) radiation)?
(source #(s):) [] [] [] []
- b) Possible interference with an emergency response plan or emergency evacuation plan (source #(s):) [] [] [] []
- c) The creation of any health hazard or potential health hazard?
(source #(s):) [] [] [] []
- d) Exposure of people to existing sources of potential health hazards? (source #(s):) [] [] [] []
- e) Increased fire hazard in areas with flammable brush, grass, or trees? (source #(s):) [] [] [] []

10. NOISE. *Would the proposal result in:*

- a) Substantial increases in existing ambient noise levels?
(source #(s): (source #(s):) [] [] [] []
- b) Exposure of people to significant noise levels, or conflicts with adopted noise policies or standards?
(source #(s):) [] [] [] []

Issues (and Supporting Information Sources):

	Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	Not Significant Applicable
11. PUBLIC SERVICES. <i>Would the proposal have an effect upon, or result in a need for new or altered government service in any of the following areas:</i>				
a) Fire protection? (source #(s):)	[]	[]	[]	[]
b) Police protection? (source #(s):)	[]	[]	[]	[]
c) Schools? (source #(s):)	[]	[]	[]	[]
d) Maintenance of public facilities, including roads? (source #(s):)	[]	[]	[]	[]
e) Other governmental services? (source #(s):)	[]	[]	[]	[]
12. UTILITIES AND SERVICE SYSTEMS. <i>Would the proposal result in a need for new systems, or substantial alterations to the following utilities:</i>				
a) Power or natural gas? (source #(s):)	[]	[]	[]	[]
b) Communications systems? (source #(s):)	[]	[]	[]	[]
c) Local or regional water treatment or distribution facilities? (source #(s):)	[]	[]	[]	[]
d) Sewer or septic tanks? (source #(s):)	[]	[]	[]	[]
e) Storm water drainage? (source #(s):)	[]	[]	[]	[]
f) Solid waste disposal? (source #(s):)	[]	[]	[]	[]
13. AESTHETICS/VISUAL RESOURCES. <i>Would the proposal:</i>				
a) Substantially reduce, obstruct, or degrade a scenic vista open to the public or scenic highway, or conflict with adopted aesthetic or visual policies or standards? (source #(s):)	[]	[]	[]	[]
b) Have a demonstrable negative aesthetic effect by causing a substantial alteration of the existing visual resources including, but not necessarily limited to: 1) an abrupt transition in land use; 2) disharmony with adjacent uses because of height, bulk or massing of structures; or 3) cast of a substantial amount of light, glare, or shadow? (source #(s):)	[]	[]	[]	[]

Issues (and Supporting Information Sources):

Significant Impact **Potentially Significant Unless Mitigated** **Less Than Significant Impact** **Not Applicable**

14. CULTURAL RESOURCES. *Would the proposal:*

- | | | | | |
|---|-----|-----|-----|-----|
| a) Disturb paleontological, archaeological, or historical sites, objects, or structures? (source #(s):) | [] | [] | [] | [] |
| b) Have the potential to cause a physical change which would adversely affect unique ethnic cultural values, or religious or sacred uses within the project area?
(source #(s):) | [] | [] | [] | [] |

15. SOCIAL AND ECONOMIC EFFECTS. *Would the proposal result in:*

- | | | | | |
|---|-----|-----|-----|-----|
| Any physical changes which can be traced through a chain of cause and effect to social or economic impacts.
(source #(s):) | [] | [] | [] | [] |
|---|-----|-----|-----|-----|

VI. MANDATORY FINDINGS OF SIGNIFICANCE. Pursuant to Section 15065 of the State EIR Guidelines, a project shall be found to have a significant effect on the environment if any of the following are true:
(Please explain your answer after each question)

- | | | | |
|---|-------------------|------------------|-------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | Yes
[] | No
[] | ???
[] |
| b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? | Yes
[] | No
[] | ???
[] |
| c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects). | Yes
[] | No
[] | ???
[] |
| d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | Yes
[] | No
[] | ???
[] |

VII. PROJECT SPONSOR'S INCORPORATION OF MITIGATION MEASURES:

Acting on behalf of the project sponsor or the authorized agent of the project sponsor, I (undersigned) have reviewed the Initial Study for the (*Project Name*) _____ and have particularly reviewed the mitigation measures and monitoring programs identified herein. I accept the findings of the Initial Study, including the recommended mitigation measures, and hereby agree to modify the proposed project applications now on file with Marin County to include and incorporate all mitigation measures and monitoring programs set out in this Initial Study.

(*Project Sponsor's Name or Representative*) Date

(*Project Sponsor's Name or Representative*) Date

VIII. DETERMINATION: (Completed by Marin County Environmental Coordinator). Pursuant to Sections 15081 and 15070 of the State Guidelines, the forgoing Initial Study evaluation, and the entire administrative record for the project:

- [] I find that the proposed project WILL NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- [] I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- [] I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Signature Date

Printed Name For

ATTACHMENT #1
INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM
DOCUMENTS INCORPORATED BY REFERENCE

The following is a list of relevant information sources which have been incorporated by reference into the foregoing Initial Study pursuant to Section 15150 of the State CEQA Guidelines. The number assigned to each information source corresponds to the number listed in parenthesis following the incorporating topical question of the Initial Study checklist. These documents are both a matter of public record and available for public inspection at the Planning Division office of the Marin County Community Development Agency (CDA), Room 308, Civic Center, 3501 Civic Center Drive, San Rafael. The information incorporated from these documents shall be considered to be set forth fully in the Initial Study.

(Only documents incorporated by reference into Initial Study should be listed below)

1. Marin Countywide Plan, CDA - Planning Division (1994)
(insert land use map, if appropriate)
2. Airport Land Use Plan (1991)
3. Blackpoint Community Plan (1978)
4. Bolinas Community Plan (1975)
5. Bolinas Gridded Mesa Plan (1984)
6. Dillon Beach Community Plan (1989)
7. East Shore Community Plan (1987)
8. Inverness Ridge Communities Plan (1983)
9. Kentfield/Greenbrae Community Plan (1987)
10. Marin City Community Plan (1980)
11. Muir Beach Community Plan (1978)
12. Nicasio Valley Community Plan (1988)
13. North San Rafael Policy Plan (Draft - 1985)
14. Point Reyes Station Community Plan (1986)
15. Point San Quentin Village Land Use Policy Report (1985)
16. San Geronimo Valley Community Plan (1982)
17. Strawberry Community Plan (1982)
18. Stinson Beach Community Plan (1985)
19. Tamalpais Planning Area Community Plan (1993)
20. Tomales Community Plan (1977)

21. Local Coastal Program I (LCP I) (1984))
22. Local Coastal Program II (LCP II) (1983)
23. Marin County Historic Study Local Coastal Program (1981)
24. Marin County Telecommunications Facilities Policy Plan (1990)
25. Marin County Zoning Ordinance, Title 22, CDA - Planning Division
(*insert appropriate code section, or reference zoning district overlay map*)
26. Marin County Development Standards, Title 24, Marin County Public Services Agency - Land Use & Water Resources (*insert appropriate code section*)
27. Marin County Subdivision Ordinance, Title 20 Marin County Public Services Agency - Land Use & Water Resources (*insert appropriate code section*)
28. Marin County Airport Master Plan (1989) (*insert map title, if appropriate*)
29. Alquist-Priolo Special Studies Zones Map (1974)
30. Marin County Archaeological Inventory Map, CDA - Planning Division (1968)
31. Marin County Archaeological Sensitivity Map, CDA - Planning Division (undated)
32. Marin County Archaeological Sites Inventory Map, CDA - Planning Division (undated)
33. Archaeological Sensitivity Map (Countywide), CDA - Planning Division (undated)
34. LCP II Geologic Hazards Map, CDA - Planning Division (1981)
35. Natural Resources Map for LCP I (1980) and LCP II (1981), CDA - Planning Division
36. Marin County Agricultural Preserves Map, CDA - Planning Division (1984)
37. National Wetlands Inventory Map, CDA - Planning Division (1985)
38. Natural Diversity Data Base Map (*insert appropriate quadrangle title*), California Department of Fish and Game (periodically updated)
39. Marin County Rare and Endangered Plants Map, CDA - Planning Division (undated)
40. Marin County Slope Stability Map, CDA - Planning Division (1976)
41. Mineral Resources, CDA - Planning Division (1987)

42. Streamside Conservation Map, CDA - Planning Division (1981)
43. Rare and Endangered Vascular Plants, CDA - Planning Division (undated)
44. Tamalpais Valley Geologic Hazards Map, CDA - Planning Division (undated)
45. Tamalpais Valley Environmental Constraints Map, CDA - Planning Division (1974)
46. Tomales Bay Wetlands Resources Map, CDA - Planning Division (1980)
47. Tsunami Inundation SF Bay Map, CDA - Planning Division (1972)
48. Slope Maps of Marin County, United States Geologic Survey (1972)
49. Slope and Topography Map of Marin County, United States Geologic Survey (1972)
50. Slope Stability Map Series of Marin County, Rice, Strand, and Smith (*insert appropriate regional map title*)
51. Sunset Western Garden Book, Lane Publishing
52. Geology Map Series of Marin County, Rice and Smith (*insert appropriate regional map title*)
53. Topographic Map Quadrangle Series of Marin County (7.5 Minute), United States Geologic Survey
54. "Soil Survey of Marin County", United States Department of Agriculture/Soils Conservation Service (1985)
55. "Endangered Habitat - A Report on The Status of Seasonal Wetlands in The San Francisco Bay And a Recommended Plan For Their Protection," National Audubon Society, et al. (1989)
56. "Common Riparian Plants of California," Faber and Holland, Pickleweed Press (1988)
57. "Plant Communities of Marin County," Shuford and Timossi, California Native Plant Society (1989)

APPENDIX L

MITIGATION MONITORING FORMAT

Marin County Environmental Coordination and Review

(PROJECT TITLE AND APPLICATION TYPE)

MITIGATION MONITORING PROGRAM AND MONITORING COMPLIANCE CHECKLIST

1.0 Authority and Purpose

Pursuant to California Resources Code, Section 21081.6 (AB 3180), Marin County is required to implement a mitigation monitoring and reporting program for the *(project title and application type)*. The County's monitoring program is established in the conditions of project approval and is set forth in the Negative Declaration of Environmental Impact mitigation and monitoring measures listed herein.

The purpose of this mitigation monitoring program and compliance checklist is to ensure compliance and effectiveness of the mitigation measures set forth in the Negative Declaration for the project. AB 3180 requires monitoring of mitigation measures for those impacts identified in the Negative Declaration as being significant or potentially significant.

2.0 County Monitoring Program Features

The following is the County's mitigation monitoring program for a project at each stage of project approval and development:

- A. A list of mitigation and monitoring measures required of the project sponsor at each stage of project approval and development.
- B. A checklist to document and verify mitigation measure compliance.
- C. A general condition of project approval which requires the project sponsor to submit a detailed mitigation compliance plan and reporting checklist at specific stages of the project up to two years after completion of development of all project elements approved as part of the Master Plan Amendment.

3.0 Project Sponsor's Mitigation Compliance Plan and Reporting Checklist Requirements

The project sponsor shall submit a detailed written plan for mitigation measure compliance for review and approval by the Marin County Community Development Agency Director prior to each subsequent stage of project approval and development. The mitigation compliance plan shall serve a dual purpose of verifying compliance with required mitigation measures for the approved project and of generating information on the effectiveness of the mitigation measures. This plan should describe the steps the project sponsor (and project contractor) will take to assure compliance with project conditions and shall include the reporting checklist verifying compliance with required mitigation measures. County staff and/or hired consultants under contract to the County shall verify mitigation measure compliance through the reporting checklist. If necessary, the project sponsor shall agree to fund any additional County costs for mitigation compliance verification by registered professionals.

4.0 *(Type of Application)* Mitigation and Monitoring Measures

(List Impact and Mitigation and Monitoring Measures as indicated from Initial Study.)

(INSERT PROJECT TITLE)

MITIGATION MONITORING CONDITIONS
COMPLIANCE MONITORING CHECKLIST

EXAMPLE MONITORING CHECKLIST
(Partial)

Environmental Issue	Condition/Mitigation Measure	Reviewing Agency	Reviewed Prior To:	Approval/Date
A. Geology and Soils	A-1. Submit construction plans and schedules	a. Planning Department b. Public Works Department	TM/DP* TM/DP	
	A-2. Structural review according to Uniform Building Code and Marin County standards.	a. Office of Building Inspection	BP	
	A-3. Foundations and grading plans prepared by certified geotechnical engineer.	a. Office of Building Inspection	BP	
	A-4. Retaining walls designed to resist lateral pressure	a. Public Works Engineer	BP	
	A-5. Foundations designed according to Van Houten Consultants recommendation, Feb. 28, 1989	a. Public Works Engineer	BP	
	A-6. Fill material to be removed; cut and fill slopes to be no greater than 2:1.	a. Public Works Engineer	FO	
	A-7. Final surface grade to provide positive runoff away from foundation areas.	a. Public Works Engineer	FO	
	A-8. Final surface grade away from slope faces.	a. Public Works Engineer	BP	
	A-9. Slopes along roadways near landslides shall be reconstructed using retaining structures.	a. Public Works Engineer	BP	
	A-10. Areas to be graded shall be cleared of vegetation.	a. Public Works Engineer	BP	
	A-11. All earthwork to be performed during dry season.	a. Public Works Engineer	BP	
	A-12. Slopes to be planted with erosion resistant vegetation	a. Public Works Engineer	BP	
	A-13. Buildings to be designed to resist groundshaking	a. Public Works Engineer	BP	
	A-14. Utility trench backfill to be compacted.	a. Public Works Engineer	BP	
	A-15. A siltation stilling basin shall be constructed.	a. Public Works Engineer	BP	

* TM/DP = prior to Tentative Map/Development Plan approval
BP = prior to Building Permit approval
FO = prior to Final Occupancy approval.

(INSERT PROJECT TITLE)

MITIGATION MONITORING CONDITIONS
COMPLIANCE MONITORING CHECKLIST

<u>Environmental Issue</u>	<u>Condition/Mitigation Measure</u>	<u>Reviewing Agency</u>	<u>Reviewed Prior To:</u>	<u>Approval/Date</u>
B. Drainage	B-1. Submit Drainage Plans	a. Public Works Engineer b. Division of Land Development c. County Flood Control	TM/DP* TM/DP TM/DP	_____ _____ _____
	B-2. Maintenance of drainage facilities	a. Planning Department	FO	_____
	B-3. Access to channel and Tam Creek to be provided for maintenance.	a. Planning Department	FO	_____
C. Visual Resources	C-1. Submit Landscape and Revegetation Plans	a. Planning Department	TM/DP	_____
	C-2. Submit Tree Protection Plan.	a. Planning Department	TM/DP	_____
	C-3. Minimize visual impact	a. Planning Department	TM/DP	_____
	C-4. Lot 5 confined to existing graded portion	a. Planning Department	TM/DP	_____
	C-5. Lot 3 confined to western graded portion.	a. Planning Department	TM/DP	_____
	C-6. Fencing around trees during construction	a. Planning Department b. Public Works Engineer	BP BP	_____ _____

* TM/DP = prior to Tentative Map/Development Plan approval
BP = prior to Building Permit approval
FO = prior to Final Occupancy approval.

(EXAMPLE)

MARIN CITY USA MITIGATION MONITORING AND REPORTING PROGRAM
Marin City U.S.A. Master Plan 90-010

1.0 AUTHORITY

Pursuant to California Resources Code, Section 21081.6 (AB 3180), Marin County has prepared a mitigation monitoring and reporting program for the Marin City U.S.A. Master Plan as set forth in the approved permit conditions.

2.0 PURPOSE

The purpose of the mitigation monitoring and reporting program is to ensure compliance with and effectiveness of the mitigation measures set forth in the Certified Final EIR for the Marin City Master Plan. CEQA requires monitoring of mitigation measures for those impacts identified in the EIR as being significant or potentially significant.

3.0 ADMINISTRATION AND MANAGEMENT

The County's mitigation monitoring program for the Marin City U.S.A. Master Plan project consists of three major elements:

- A. A list of mitigation conditions and verifications required of the project sponsors at each stage of project approval and development.
- B. A checklist to document and verify mitigation condition compliance.
- C. A general condition of Master Plan approval which requires the project sponsor to submit a detailed mitigation compliance plan and checklist at specific stages of the project up to two years after completion of development of all project elements identified in the Master Plan.

The administration and management of the mitigation monitoring program shall be the responsibility of the County. The project applicant shall fund the costs for monitoring in accord with the terms of the Marin County Planning Department fee schedule. The responsibility of the County throughout the monitoring effort includes serving as a liaison between the various County Departments, the project applicants, and the applicants' contractors, and maintaining prompt and regular communications with on-site environmental monitors and specialists, and project applicants' contractors responsible for performance and permit compliance.

4.0 PROJECT SPONSOR'S RESPONSIBILITY

The project applicants shall perform the measures required of them and comply with the verification and reporting requirements identified in this Plan as a condition of approval of the project. The project applicants understand and agree that activities for a given phase shall not commence until the County has approved the applicants' mitigation plan for that phase. The project sponsor's responsibilities include administering and preparing daily logs, status reports, compliance reports, and the final construction monitoring report; monitoring on-site, day-to-day construction activities, including the direction of environmental monitors and environmental specialists in the understanding of all permit conditions, site-specific project requirements, construction schedules and environmental quality control effort; ensuring contractor knowledge of and compliance with all appropriate permit conditions; reviewing all construction impact mitigations and, if need be, propose improvements to the County; and requiring correction of observed activities that violate project environmental conditions, or that represent unsafe or dangerous conditions.

The project sponsor shall submit a detailed written plan for Mitigation compliance to be reviewed and approved by the Marin County Planning Director at each phase of project development. The compliance plan will serve a dual purpose of verifying compliance with the mitigation measures for the proposed project and of generating information on the effectiveness of the mitigation measures. This plan shall describe the steps the project sponsor (and project contractor) will take to assure compliance with project conditions and shall include a checklist verifying compliance with permit conditions. The plan shall also include provisions for any mitigation monitoring personnel found necessary to implement the plan. The monitoring personnel will be retained by the project sponsor and will have expertise in appropriate disciplines. County staff and/or hired consultants under contract to the County will verify mitigation compliance by means of the checklist. The project applicant shall agree to fund any additional County costs for monitoring staff or verification by registered professionals. The mitigation plan shall organize mitigation measures and verification compliance according to the Marin City U.S.A. Master Plan project, including: a) prior to Development Plan approval ; b) prior to Tentative Map approval; c) prior to Improvement Plan approval; d) prior to grading permit approval; e) prior to building permit approval; f) prior to final occupancy.

The project sponsor shall agree to perform the measures required of them and to comply with the verification and reporting requirements identified in the Compliance Plan as a condition of approval of the project. The project applicant understands and agrees that activities for a given phase shall not commence until the County has approved the applicant's plan for that phase.

5.0 COMMUNICATION AND REPORTING REQUIREMENTS

Prior to any construction activities, meetings shall be convened involving County staff, the project sponsor and general contractors to review the mitigation monitoring program, to identify responsibilities and authority of participants, to define what criteria will be used to gauge permit compliance, and to identify under what conditions the County will halt activities and require remedial or corrective measures.

The plan shall formulate an effective reporting system which documents on-site monitoring activities and compliance with conditions. The plan shall include submission of annual reports to the Planning Department describing the project status and a checklist verifying compliance with permit conditions. Annual reports shall be submitted for each year up until one year after occupancy.

6.0 MITIGATION MEASURES

Table 1 identifies those mitigation measures that are required for the Marin City Master Plan Mitigation Monitoring Program. Each table identifies significant impacts, required mitigation measures, and the agency responsible for ensuring implementation. Impacts and Mitigation Measures identified in the first and second column correspond by letter and number to the Summary of Impacts and Mitigation Measures in the EIR.

**EIR PROJECT
MITIGATION MONITORING
EXAMPLE CHECKLIST**

**TABLE I
MARIN CITY U.S.A. MITIGATION MONITORING AND REPORTING PROGRAM
DEVELOPMENT PLAN CHECKLIST**

IMPACTS	MITIGATION MEASURES	MONITORING ACTION/TIMING	RESPONSIBLE AGENCY	RELEASE SIGNATURE & DATE	DEVELOPMENT PLAN SECTION
Land Use and Planning					
1. Land Use Change. (I) The project would displace recreational facilities in the adjacent public housing area. (S)	1.1 Relocation of Public Housing Facilities. The existing basketball courts, tennis courts, and children's play equipment would be relocated to an area adjacent to the public housing to replace those removed for construction of the realigned Donahue Street. (I)	Prior to Development Plan approval, the Marin County Planning Department would check site plans for adequate relocation of facilities. Following construction, facilities would be inspected to ensure compliance with plans.	Planning Dept. Building Dept.		APP. 17: PLAN FOR CHILDREN'S PLAY AREA; CHAP. TWO; SECTION F 14.A.
Geology					
2. Fill Importation. Impaction of approximately 80,000 cubic yards of fill would be required to raise site grades above the level of the highest expected tides. (S)	2.1 Outline Fill from Onsite Slopes. Significant effects resulting from importing fill would be minimized by obtaining fill from onsite slopes. It is estimated that approximately 50,000 of the 80,000 cubic yards of fill required can be obtained from onsite locations. (U)	Prior to Tentative Map approval, Planning Department/Department of Public Works (DPW) would review proposed grading plans to determine the appropriateness of obtaining fill onsite. Periodic site visits shall be made during construction to verify compliance with plans.	DPW/ Planning Dept.		CHAP. THREE, SECTION C.
3. Settlement. Settlement of the Bay Mud layer in the northern portion of the site as a result of the "loading" from development would cause roadways and parking areas in this portion of the site to be at about 6.8 feet after 50 years, which is below the required elevation of 7 feet for protection against the highest expected tide. The southbound on-ramp and the northbound off-ramp could experience settlement. (S)	3.1 Parking Lot Elevations. The proposed post-construction elevations would be monitored every five years to assure that parking lot elevations remained in compliance with elevations specified in the Marin County Code. Minimum elevations of 7 feet would be maintained by periodic repaving and filling of parking lots.	Prior to approval of the Development Plan, the Marin County Public Works Department shall review an elevation maintenance plan to verify compliance with this measure. (Condition 23(a)(b)(c)) After construction, the Public Works Department will monitor the site to ensure that it will be periodically filled so that the parking lots would not fall below the minimum elevations. (Condition 23(a)(b)(c))	DPW		CHAP. THREE, SECTION C; APP. 5; N.A.

I = Insignificant
 P/S = Potential Significant
 S = Significant
 U = Unavoidable Significant
 B = Beneficial
 NR = None Required

TABLE I
MARIN CITY U.S.A. MITIGATION MONITORING AND REPORTING PROGRAM
DEVELOPMENT PLAN CHECKLIST

IMPACTS	MITIGATION MEASURES	MONITORING ACTION/TIMING	RESPONSIBLE AGENCY	RELEASE SIGNATURE & DATE	DEVELOPMENT PLAN SECTION
<p>Geology (continuation)</p> <p>3. Settlement. (continued)</p>	<p>3.2 Street Elevations. The project applicants will conform with street elevations specified in the Marin County Code and modify the site grading plan so that roads would be constructed at an elevation that would result in finished grades of no less than 7.0 feet after 50 years.</p> <p>3.3 Building Foundations. To mitigate settlement impacts to buildings, "preloading" these building areas or placing them on piles would be required to maintain finished floor elevations of at least 8 feet. Preloading is a process in which additional fill is placed at building sites and allowed to consolidate underlying clays prior to construction activities. Vertical drains could be installed through the Bay Mud layer to accelerate the rate of settlement under the preload fill. (f)</p>	<p>Prior to approval of the Development Plan the Department of Public Works will review the site plan to verify that street elevations comply with this measure. Periodic site visits shall be made during construction to verify compliance with plans. (Condition 24(e))</p> <p>Prior to Development Plan approval, Department of Public Works would check proposed engineering plans. The preloading process would be inspected during construction.</p>	<p>DPW</p> <p>DPW</p>		<p>CHAP. THREE, SECTION C; FIGURE II; PRELIMINARY DRAINAGE AND GRADING PLANS APP. 5: PHASE I GEOTECHNICAL Study</p>
<p>7. Hazards to Utilities. Underground utilities could be susceptible to groundshaking that could cause the pipes to rupture. The interruption of service to customers and the potential discharge of untreated wastewaters would be a significant adverse effect. (S)</p>	<p>7.1 Utility Lines. To avoid breakage of the underground sewer and storm drain lines, utility trenches would be backfilled and compacted in accordance with recommendations of a registered geotechnical engineer and flexible joints would be installed. (f)</p>	<p>Prior to improvement plan approval, check proposed engineering plans.</p> <p>During construction, work would be monitored periodically.</p>	<p>DPW</p>		<p>N.A.</p>
<p>8. Slope Stability. Unstable slopes may result in landsliding; this is considered a potentially significant impact because of the possible damage to structures, roads and utilities. Because of the uncertainty over the underlying geology and the history of landslides, there is a potential for localized landslides as a result of cut and fill activities in the southern portion of the project site. (PS)</p>	<p>8.1 Geotechnical Report. The project applicants would adhere to the recommendations of a geotechnical hazards and mitigation report prepared by a registered geotechnical engineer, prior to the development of the project site. The report should include an investigation of the likelihood of slope failure and identification of site-specific engineering measures for reducing the potential for landslides and potentially unstable slopes on and adjacent to the project site to a level of insignificance. Cut/fill slopes would be left at a safe angle of repose based on recommendations in the geotechnical engineering report or engineered (keys, retaining wall, etc.) to prevent movement. (f)</p>	<p>Prior to approval of Development Plan, Department of Public Works would check report for adequacy and completeness.</p>	<p>DPW</p>		<p>APP 5: PHASE I GEOTECHNICAL Study</p>

I = Insignificant
PS = Potential Significant
S = Significant
U = Unavoidable Significant
B = Beneficial
NR = None Required

APPENDIX M

MODEL CEQA FINDINGS

Marin County Environmental Coordination and Review

MODEL CEQA FINDINGS

Marin County Environmental Coordination and Review

Introduction

Findings required by CEQA are the conclusions made regarding the significance of a project in light of the impacts and mitigation measures that have been identified. Findings must be made for each significant effect identified in an EIR as described in Section 15093 of the CEQA Guidelines.

Findings should be incorporated by reference or attached to the Planning Commission and Board of Supervisors resolution certifying the EIR as adequate, as well as the action on the project and the Notice of Determination.

The findings consist of:

1. Introductory comments regarding the findings;
2. Findings related to significant unavoidable project impacts;
3. Findings related to significant impacts which are mitigated and reduced to a level of insignificance after mitigation;
4. A list of insignificant impacts;
5. Findings associated with project alternatives;
6. A statement of overriding considerations; and
7. Conditions of project approval.

APPENDIX N

CRITERIA FOR SIGNIFICANCE AND LIST OF MINISTERIAL PROJECTS

Marin County Environmental Coordination and Review

CRITERIA FOR SIGNIFICANCE

Under CEQA, a significant effect is defined as a substantial, or potentially substantial, adverse change in the environment (Public Resources Code section 21068). The guidelines implementing CEQA direct that this determination be based on scientific and factual data.

The following criteria, coupled with CEQA Guidelines Appendix G, are intended to provide general guidance to EIR preparer's in characterizing the significance of impacts.

Geology, Soils and Seismicity

Geotechnical hazards include the effects of seismically induced groundshaking, fault rupture, landsliding, and weak or unstable soils conditions that represent potential risks to public health or that could result in damage to structures. Specific site investigations should evaluate the following:

- Is the site located within an Alquist-Priolo Special Studies Zone, or contain a known active fault zone, or an area characterized by surface rupture that might be related to a fault?
- Does the substrate consist of material that is subject to liquefaction or other secondary seismic hazards in the event of groundshaking?
- Is there any evidence of static hazards, such as landsliding or excessively steep slopes, that could result in slope failure?
- Is the site in the vicinity of soil that is likely to collapse, as might be the case with karst topography, old mining properties or areas of subsidence caused by groundwater drawdown?
- Are soils characterized by shrink/swell potential that might result in deformation of foundations or damage to structures?
- Is the site located in a Mineral Resource Zone identified by the California Department of Mines and Geology or within an area designated as important Farmland identified by the Soil Conservation Service (U.S. Department of Agriculture)?
- Is the site located next to a water body that might be subject to tsunamis or seiche waves?

Hydrology and Water Quality

Criteria for determining the significance of hydrology and water quality impacts related to whether the proposed project would result in the substantial degradation of surface or groundwater resources compared to prevailing conditions, or whether it would cause or increase the potential for substantial flooding, erosion or siltation.

Analyses should consider the following:

- Does the project propose facilities that would be located in flood-prone areas?
- Does the project propose facilities that would increase off-site flood hazard, erosion or sedimentation?
- Does the project propose uses or facilities that would substantially degrade or deplete groundwater resources?
- Does the project propose facilities that would interfere substantially with groundwater recharge?
- Does the project propose uses or facilities that would substantially degrade surface or groundwater quality?

Biological Resources

- Would the project substantially reduce the number or restrict the range of a rare, endangered or threatened plant or animal?
- Would the project cause a fish or wildlife population drop to below self-sustaining levels?
- Would the project adversely affect significant riparian lands, wetlands, marshes, and other significant wildlife habitats?

Cultural Resources

The significance of impacts to historical and archaeological resources is generally determined by whether federally or State-listed resources are affected by the project.

- Does the project disrupt or adversely affect a prehistoric or archaeological site, or a property of historic or cultural significance to a community or ethnic or social group, or a paleontological site, except as part of a scientific study?
- Does the project affect a local landmark of local cultural/historical importance?

Visual Quality

- Does the project comply with County goals and policies related to visual quality?
- Does the project significantly alter the existing natural viewsheds, including changes in natural terrain or vegetation?
- Does the project significantly change the existing visual quality of the region or eliminate significant visual resources?
- Does the project significantly increase light and glare in the project vicinity?
- Does the project significantly reduce sunlight or introduce shadows in areas used extensively by the public?

Land Use

- Does the proposed project call for land uses that would convert prime agricultural land to non-agricultural use or impair the productivity of prime agricultural land?
- Does the proposed project conflict with County land use goals or policies?
- Does the proposed project call for land uses that would conflict with existing or proposed uses at the periphery of the project area or with other local land use plans?
- Does the project result in conversion of open space into urban or suburban scale development?
- Does the proposed project conflict with local zoning?
- Would the proposed project result in nuisance impacts as a result of incompatible land uses?

Population, Employment and Housing

- Does the project induce substantial growth or concentration of population?
- Does the project conflict with the housing and population projections and policies as set forth in the Countywide Plan?

Traffic and Circulation

- Does the project traffic significantly impact intersection Level of Service (LOS) resulting in an unacceptable service level (e.g. below LOS D).
- Does the project have adequate parking and internal circulation capacity to accommodate projected traffic so that off-site areas are not adversely affected?
- Does the project include provisions for pedestrian and bicycle circulation and bicycle and motorcycle parking and security?

Air Quality

- Would the project cause or contribute substantially to existing or projected air quality violations?
- Would the project result in exposure of sensitive receptors (i.e. individuals with respiratory diseases, the young, the elderly) to substantial pollutant concentrations?
- Would toxic air contaminants (TAC's) cause a significant health risk above the Air Pollution Control District's level of significance, if any (e.g. cancer risk of more than one in a million)?

Noise

- Would the project generate noise that would conflict with Countywide noise standards or other state local noise standards?
- Does the project propose land uses that substantially increase noise levels in areas of sensitive receptors?
- Is the land use proposed by the project compatible with the baseline noise levels?

Public Services

- Does the project require additional police/sheriff staffing, facilities or equipment to maintain acceptable service ratios?
- Does the project require additional fire staff, facilities or equipment to maintain an acceptable level of service (e.g. response time, rating, other)?
- Does the project require additional school capacity or facilities?
- Does the project require designation of additional parkland to remain in conformance with locally acceptable or adopted park standards?

Utilities

- Does the project propose a significant increase in the consumption of potable water?
- Does the project require substantial expansion of water supply, treatment or distribution facilities?
- Does the project require expansion of wastewater treatment or distribution facilities?
- Is a landfill available with sufficient capacity to accommodate the proposed project?

Energy

- Does the project propose to utilize energy, oil or natural gas in an efficient manner?
- Would the project encourage activities that would result in the use of large amounts of energy, oil or natural gas?
- Does the energy supplier have the capacity to supply the project's energy needs with existing supplies? planned supplies?
- Would the project require the development of new energy resources?

Hazardous Substances

- Does the project pose a public health and safety hazard through release of emissions or risk of upset?
- Does the project interfere with emergency response plans or emergency evacuation plans?
- Does the project expose sensitive receptors to substantial pollutant concentrations?
- Does the project result in unsafe conditions for employees, visitors or students?

Fiscal/Economic Impacts (optional)

Fiscal and economic impacts can be used to make a determination of significance regarding a physical change in the environment through the chain of cause and effect. (Guidelines section 15131)

- Does the project result in a fiscal surplus or deficit to the County?
- Will the project result in the blighting or abandonment of existing development?

Growth Inducing Impacts

- Will the project extend urban services into a previously unserved area?
- Will the project remove a major obstacle to development and growth?
- Does the project in any way set a precedent for additional growth in the area?
- Would the project induce development to support the uses proposed?

Cumulative Impacts

- Are any of the above-impacts significant when the project is combined with past, present and reasonably foreseeable projects in the affected geographic area for each impact category (e.g. airbasin for air quality, watershed, etc.) Geographical areas will vary for each impact category and should be justified.

MINISTERIALLY EXEMPT PROJECTS

Pursuant to Section 15268 of the State guidelines, the following actions are considered to be ministerially exempt from the provisions of the California Environmental Quality Act:

1. Issuance of building permits.
2. Issuance of business licenses.
3. Approval of final subdivision maps.
4. Approval of individual utility service connections and disconnections.
5. Demolition permits not involving properties of historic or cultural significance.
6. Issuance of swimming pool permits.
7. Annual renewal of permits or licenses for existing and continuing uses and activities not involving new construction.
8. Approval of final parcel maps.
9. Approval of records of survey.
10. Approval of certificates of inspection.
11. Execution of subdivision improvement agreements.
12. Execution of street improvement agreements.
13. Acceptance of offers of dedication.
14. Acceptance of deeds.
15. Issuance of a grading permit for a single family detached dwelling or swimming pool on existing lots.
16. Any other actions which the Environmental Coordinator finds to be comparably ministerial to the foregoing list.

APPENDIX O

ENVIRONMENTAL REVIEW SUBMISSION

Marin County Environmental Coordination and Review

ENVIRONMENTAL REVIEW SUBMISSION
Marin County Environmental Coordination and Review

THIS APPLICATION MUST BE SUBMITTED WITH THE COMPLETED
ZONING/DEVELOPMENT AND/OR SUBDIVISION APPLICATION

TO BE FILLED OUT BY APPLICANT (Please type or print legibly)

1. Project Address: _____

2. Project Assessor's Parcel No(s): _____
3. Property Owner(s): _____
4. Owner's Address: _____ Zip: _____
Telephone/Facsimile: _____
5. Applicant: _____
(if different from owner)
6. Applicant's Address: _____ Zip: _____
Telephone/Facsimile: _____
7. Countywide Plan Designation: _____
8. Zoning: _____
9. Present Use(s) and setting of the site, including topography, structures, plants and animals, soil stability, faults, cultural, historical and scenic aspects (attach photographs, aerial photos, data, reports, exhibits):

10. Uses of surrounding properties (attach photographs, aerial photos):

11. List any other properties owned by the applicant in the immediate area:

The California Environmental Quality Act (CEQA) requires an analysis of whether a proposed project will have a significant adverse impact on the environment, either individually or cumulatively with other projects. The basis of this evaluation is the proposed project description including the objectives, planning, development and operation of the project. To assist the Planning Department in its review of your project, please answer the following questions to the best of your ability. In addition, if you have supporting evidence for your responses in the form of reports or data assembled by experts, please provide copies along with this completed form.

Project Description (please provide plans)

1. Please describe the proposed use of the site including but not limited to the site size, square footage/units/height/coverage of each structure proposed, proposed circulation and parking, total building coverage, total paving coverage of the site, size of any open space areas, type and description of on-site amenities, type and location of proposed lighting, total population (resident and/or employee) at each phase of occupancy, description of any access or utility easements, proposed services and utilities to serve the project, as well as any other aspects of the proposed project (e.g. if the project involves use of hazardous materials, a complete description of their storage, disposal and use would also be required). If commercial, please note whether neighborhood, community or regionally oriented, the net sales area, estimated employees per shift, hours of operation and any loading areas. If industrial, please note the major functions, estimated employment per shift, loading facilities, hours of operation, etc.
(attach additional pages)

Lot Size (sq. ft.): _____ Existing impervious surface (sq. ft.): _____
Proposed change in impervious surface (sq. ft.): _____ Final impervious surface (sq. ft.): _____
Area to be disturbed/cleared during construction (sf): _____

2. Please describe basic project socio-economics including but not limited to range of sale price or rents for housing, affordability of units, type and size of expected households, number and age of school children at occupancy per household. If a commercial project, it may be necessary to provide a market study demonstrating the market for the uses proposed.

3. Please describe the proposed phasing of the project construction including details for each phase regarding the following: 1) the number of construction workers, 2) the number and type of construction vehicles, 3) construction activity by phase, 4) amount of excavation, grading, filling by site area and by phase (it would be useful to note areas over 25 feet/50 feet of cut and fill on the site plan), 5) estimated construction truck trips to and from site, 6) modification of existing on-site natural features such as drainages, 7) total anticipated duration of construction period(s).

4. Please describe any major engineering components of the project, not already described above:

5. Please describe aspects of the operation of the project that could result in impacts including noise from air conditioners or generators, air pollution (smoke, dust, odors, radiation, etc.), significant amounts of waste or litter and the like: _____

6. Please describe the amounts of the following used by the project during both construction and operation/occupancy:

- a) potable water(gpd) _____
- b) sewerage capacity(gpd) _____
- c) electricity _____
- d) natural gas _____
- e) oil _____
- f) other _____

7. Please describe the objectives of the project:

8. Please describe the ultimate purpose of the project:

9. Please describe any projects, present or foreseeable, that are related to this project in any way:

Potential Environmental Impacts

In responding to the following questions, please attach additional pages of explanation and/or reports and data assembled by experts regarding relevant topics below.

1. Will the project result in the reduction in acreage of any agricultural crop, activity or prime land? If yes, please describe:

2. Will the project involve a change in the course or direction of water movements on- or off-site, or modify or impact ocean, bay, lake, stream, groundwater or other water body or drainage? If yes, please describe:

3. Will the project affect buildings of historic importance? If yes or maybe, please explain:

4. Will the project affect lands preserved under an agricultural, scenic or open space contract or easement? If yes or maybe, please explain:

5. Will the project result in the displacement of people or business activity? If yes, please explain:

6. Will the project affect significant vegetative or biotic communities based on research or field work completed by your experts? If yes or no, please explain the basis for your response:

7. Will the project require any new or expanded public services, facilities or utilities, or require additional personnel or equipment to adequately serve the project, including the following:

Police/Sheriff? _____

Fire? _____

Schools? _____

Sewer? _____

Septic? _____

Storm Water Drainage? _____

Water (water distribution, reclamation, collection, etc.) _____

Waste Disposal (inc. hazardous waste disposal)? _____

Natural Gas or Electricity? _____

Communications Systems? _____

8. Will the project require any off-site street improvements to maintain adequate levels of service?

Mitigation Measures

Please note any aspects of your proposed project which you consider to mitigate impacts of the project. Describe why you believe the measures noted reduce impacts to a level of insignificance.

Project Benefits

Please list the reasons why you believe the project benefits the community environmentally, socially, economically or otherwise. Provide supporting evidence for your response, if available.

SIGNATURE

I hereby certify that I have read this application form and that to the best of my knowledge, the information in this application and all the exhibits are full, complete, and correct. I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for denying the application, for suspending or revoking a permit issued on the basis of these subsequent representations, or the seeking of such other and further relief as may seem proper to the County of Marin.

Signature of Owner(s)

Signature of Applicant

Date

Date

APPENDIX P

ENVIRONMENTAL ASSESSMENT NOTIFICATION AND PROCEDURES

Marin County Environmental Coordination and Review

Marin County Community Development Agency

Alex Hinds, Director

(Date)

(Name)

(Address)

(City, State, Zip)

RE: Notification of Environmental Assessment

Dear Applicant:

This letter explains the basic process for initiating and preparing an Environmental Assessment required for your property located at (Address, City) (APN #_____).

The preparation of an Environmental Assessment (EA) can either be initiated by the property owner utilizing his own consultants or by a consultant retained by the County and funded by the property owner.

An EA prepared by a consultant retained directly by the project sponsor should not be initiated until such time as County staff has thoroughly evaluated the project site and determined a specific scope of work for the EA. It should be noted that an EA must be objective and must reflect the independent analysis and judgment of the County. Therefore, an EA prepared by a project sponsor's consultant will require peer review by an independent County retained consultant to ensure accuracy, objectivity, and impartiality. The cost of peer review must be borne by the project sponsor.

Alternatively, if the project sponsor elects to have the Community Development Agency oversee preparation of the EA, the project sponsor need only submit a letter requesting the process be initiated and deposit an initial amount of \$1,500 towards the EA County administration fees. Upon receipt of the letter and deposit, we will prepare a scope and listing of topical issues to be evaluated in the EA and solicit bids for its preparation. Upon receipt of prospective consultant proposals we will select the most responsible bid, notify the project sponsor of consultant selection and request funding for the EA. Upon the project sponsor's submittal of a payment equal to that of the bid, plus the County's 30% overhead and administration fee, we will execute a contract with the consultant and commence preparation of the Assessment.

Upon completion of the draft EA by the consultant, or alternatively following its peer review if prepared by the project sponsor's consultant, the EA will be distributed for public review for a minimum 30-day review period during which time the County Planning Commission will conduct a public hearing on the adequacy of the document. Following the close of the public review period, the document will be revised to respond to comments and returned to the Planning Commission for approval and adoption. Following approval of the EA, the Community Development Agency will accept a development application which should reflect the findings and conclusions outlined in the approved EA. It is important to note that if the project proposal does not reflect the findings and conclusions of the EA, processing of the development application will likely require preparation of an Initial Study and potentially an Environmental Impact Report before the specific development application could be considered by the Planning Commission.

If you have any question, please call me at (415) 499-6269.

Very truly yours,

(Planner Name)

(Title)

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APPENDIX Q

ENVIRONMENTAL REVIEW PROCESS SUMMARY/FLOWCHART

Marin County Environmental Coordination and Review

ENVIRONMENTAL REVIEW PROCESS SUMMARY/FLOWCHART

