

APPENDIX E:
NOTICE OF EXEMPTION

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

From: (Public Agency) Marin County Transit District
711 Grand Ave, #110
San Rafael, CA 94901
(Address)

County Clerk Marin
County of Marin
3501 Civic Center Drive
San Rafael, CA 94903

FILED

MAY 03 2022

Project Title: Acquisition of Property at 3010-3020 Kerner Blvd., San Rafael, CA

Project Location - Specific: 3010 & 3020 Kerner Boulevard
San Rafael, CA 94901
APNS: 009-121-12, 009-121-13

SHELLY SCOTT
MARIN COUNTY CLERK
BY: J. GUARD, Deputy
21-2022-099

Project Location - City: San Rafael Project Location - County: Marin

Description of Nature, Purpose and Beneficiaries of Project:

See Attached

Name of Public Agency Approving Project: Marin County Transit District

Name of Person or Agency Carrying Out Project: Marin County Transit District

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(e));
- Categorical Exemption. State type and section number: 14 CCR § 15332 & 15301 (In-Fill Development Projects & Existing Facilities)
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

See Attached

Lead Agency Contact Person: Nancy Whelan, General Manager Area Code/Telephone/Extension: 415-226-0864

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Nancy E. Whelan Date: 5/2/2022 Title: General Manager

- Signed by Lead Agency
 - Signed by Applicant
- Date received for filing at OPR: _____

POSTED 5/3/22 TO 6/3/22

CEQA NOTICE OF EXEMPTION

To: Marin County Clerk-Recorder
3501 Civic Center Drive, Suite 208
San Rafael, CA 94903

From: Marin County Transit District
711 Grand Avenue, Suite 110
San Rafael, CA 94901

Project Title: Acquisition of property at 3010-3020 Kerner Blvd, San Rafael, CA, demolition of existing structures, and minor improvements to support parking a portion of transit vehicle fleet.

Project Location: 3010 & 3020 Kerner Boulevard, San Rafael, CA

Project Location – City: San Rafael

Project Location – County: Marin

Name of Public Agency Approving Project: Marin County Transit District (Marin Transit)

Description of Project: The Marin County Transit District (“District”) is a transit district whose purpose is to develop, finance, organize, and provide local Marin County transit service in a manner consistent with an overall San Francisco Bay Area regional transit system. The District currently operates local fixed route, paratransit, and mobility management services under contracts with service providers. The District typically provides these contractors with the vehicles needed to operate the service and relies on the contractors to provide some of their own operations and maintenance facilities. The existing operations and maintenance facilities are dispersed throughout the county.

The District is interested in purchasing the property at 3010-3020 Kerner Blvd, San Rafael, CA (“Property”) for parking a portion of its existing fleet. The District’s acquisition of the Property and use for parking is expected to increase competition for contracted services by expanding future procurement opportunities to include bidders who do not have access to fleet parking within the county, reduce long term risk, improve efficiency, and reduce operating costs. The proposed acquisition and use of the Property is not expected to result in an increase in the District’s existing vehicle fleet or operating capacity. Instead, the project is expected to relocate and consolidate certain existing operations.

The Property is currently improved with two adjacent office buildings totaling about 9,990 square feet situation on two parcels with a total site area of about 42,414 square feet (about 0.97 acres). The Property has been used as a commercial office (some of which is currently vacant). The site is predominantly covered by the existing office structures and pavement. The site currently has parking for about 31 passenger vehicles.

The Property is located in a built environment and substantially surrounded by urban uses. The Property is adjacent to 3000 Kerner, a site owned by the District and used for vehicle maintenance. A UPS sorting facility is across the street to the west and a gymnasium is immediately adjacent to the north of the site. Other light industrial businesses along this part of Kerner Boulevard include a tea company, sanitary district offices and service vehicle parking, a kitchen and bath supply showroom, mechanical contractors, storage locker businesses, and several multi-tenant warehouse spaces.

The proposed project would acquire the Property, demolish the existing office structures, and make minor improvements to the site, including paving the site, painting striping for parking, and installing perimeter fencing, a gate, and lighting improvements for security. The District plans to use the site for overnight parking for a portion of its existing vehicle fleet. Approximately up to fifty paratransit vehicles could be parked on the site. Vehicles would enter and exit the site via the existing driveways at Kerner Boulevard (via Bellam Boulevard and Interstate 580). Vehicles would primarily be stored overnight, leaving the site in the morning around 7 a.m. to provide daytime service and returning to the site in the afternoon and evening

between 3 pm and 11 p.m. at the conclusion of service. The District plans that up to 40 employee passenger vehicles may be parked on the site during the daytime hours. No repair or maintenance work is planned to occur on the Property.

Name of Person or Agency Carrying Out Project: Marin Transit (Attn: Nancy Whelan)

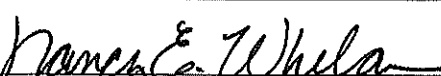
Exempt Status: The proposed acquisition and use of the site is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332 (Class 32) (In-Fill Development Projects), as well as section 15301 (Class 1) (Existing Facilities), and is not subject to CEQA under section 15061(b)(3).

Based on a review of the facts and circumstances of the Property and this transaction, staff determined that the acquisition and use of the Property is exempt from CEQA pursuant to 14 Cal. Code Regs. ("CEQA Guidelines") section 15332 (Class 32) (In-Fill Development Projects). Section 15332 exempts projects characterized as in-fill development meeting the following five conditions: (a) project is consistent with the applicable general plan designation and zoning designation; (b) proposed development occurs within city limits on a project site of no more than five acres, substantially surrounded by urban uses; (c) project site has no value as habitat for endangered, rare, or threatened species; (d) project would not result in significant effects related to traffic, noise, air quality, or water quality; and (e) project site can adequately be served by all required utilities and public services. The proposed project falls squarely in the Class 32 exemption. The City of San Rafael has concluded that the use is consistent with the land use planning documents. The site is less than one acre and substantially surrounded by urban uses. The site and many neighboring uses are already built. Accordingly, the site has no value for habitat and is adequately services by existing utilities and public services. The demolition of the existing structure, minor improvements, and use for overnight parking for existing fleet vehicles would not result in significant effects related to traffic, noise, air quality, or water quality.

Staff has also determined that the acquisition and use of the Property is exempt from CEQA pursuant to CEQA Guidelines section 15301 (Class 1) (Existing Facilities), which includes "the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." Examples of qualifying projects under Class 1 include, but are not limited to, demolition and removal of up to three commercial structures in urbanized areas designed for an occupant load of 30 persons or less per structure on sites zoned for commercial use. The proposed project includes demolition of just two structures in an urban area on a site zoned for commercial use. Although the occupant load of the existing structures exceed 30 persons, the actual occupancy of the structures is understood to be less. Given the context in which the property is located and the nature of the proposed project, the District concludes that Class 1 applies.

Under certain circumstances outlined in CEQA Guidelines section 15300.2, a project that otherwise qualifies for an exemption will not be exempt from CEQA. None of the circumstances outlined in CEQA Guidelines section 15300.2 apply to District's proposed acquisition and use of the Property.

Lastly, staff has concluded the proposed project is not subject to CEQA pursuant to CEQA Guidelines section 15061(b)(3) (General Rule), because it can be seen with a certainty that there is no possibility that the project may have a significant effect on the environment.

Lead Agency Contact Person: Nancy Whelan	Phone Number: (415) 226-0864	
Signature: 	Date: 5/2/2022	Title: General Manager