



DATE: July 26, 2018

TO: Transportation Authority of Marin Board of Commissioners

FROM: Dianne Steinhauser, Executive Director

SUBJECT: Adopt Finding of CEQA Exemption on the Adopted Ordinance 2018-01 with Attached Final Sales Tax Renewal Expenditure Plan and Authorize Filing/Posting of Notice of Exemption (Action), Agenda Item No. 12

RECOMMENDATION

Adopt finding that the adopted Ordinance 2018-01 with attached Final Sales Tax Renewal Expenditure Plan approved by the TAM Board July 26, 2018, is not subject to CEQA pursuant to CEQA Guidelines, Title 14 California Code of Regulations, Section 15060, Section 15061, and Section 15378, and once the finding is approved, to file/post Notice of Exemption (NOE) for required 35 days, per CCR Title 14, Section 15062.

BACKGROUND

On April 26, 2018 the TAM Board of Commissioners approved the Transportation Sales Tax Renewal Expenditure Plan for the purposes of seeking city and town approval of the plan, along with the Marin County Board of Supervisors. Staff attained the approval from all 11 of Marin's local cities and towns and the County Board of Supervisors.

The approved TAM Resolution 2018-05 , approved July 9, 2018, adopted a finding of CEQA Exemption on the Final Transportation Sales Tax Renewal Expenditure Plan and authorized the filing of a Notice of Exemption. The finding was based on the assessment that the Final Transportation Sales Tax Renewal Expenditure Plan is not a project as defined under the California Environmental Quality Act (CEQA) Guidelines, CCR Title 14, Section 15060, subd. (c) (3): An activity is not subject to CEQA if the activity is not a project as defined in Section 15378.

The July 9th Notice of Exemption did not include the Ordinance itself, and staff have been advised to file a second Notice of Exemption with the Ordinance as approved, which includes the Final Transportation Sales Tax Renewal Expenditure Plan as an attachment.

Furthermore, prior to commencement of any specific project or activity identified in the Expenditure Plan, applicable provisions of the California Environmental Quality Act (CEQA) shall be completed, which is a requirement stated in the Adopted Final Plan document.

DISCUSSION

Staff is recommending filing another Notice of Exemption since the Ordinance 2018-01 has been adopted by the TAM Board, with the Final Sales Tax Renewal Expenditure Plan attached.

FISCAL CONSIDERATION

There is no fiscal consideration required for this item.

NEXT STEPS

After TAM Board Finding of Exemption under CEQA on the Adopted Ordinance 2018-01 with attached Final Sales Tax Renewal Expenditure Plan and direction to staff to file and post the Notice of Exemption, staff will file and post the Notice of Exemption as required.

ATTACHMENTS

Attachment A – Notice of CEQA Exemption
Attachment B – TAM Resolution 2018-13

CEQA NOTICE OF EXEMPTION

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

From: Transportation Authority of Marin
 900 Fifth Avenue, Suite 100
 San Rafael, CA 94901

Project Title: Transportation Authority of Marin 30-Year Transportation Sales Tax Renewal Expenditure Plan 2018

Project Address: Various locations in Marin County

Project Location – City: N/A

Project Location – County: Marin

Name of Public Agency Approving Project: Transportation Authority of Marin

Description of Project: The Transportation Authority of Marin (“TAM”) approved Ordinance No. 2018-01 (“Ordinance”) adopting the 30-Year Transportation Sales Tax Renewal Expenditure Plan (“Expenditure Plan) and extending the Current Measure A Transportation Sales Tax. The Expenditure Plan will guide detailed funding expenditures generated through a renewal of the 1/2-cent retail transactions and use tax. The plan defines categories of transportation programs that are eligible for funds. The plan must be approved by 2/3 of voters in Marin County.

Name of Person or Agency Carrying Out Project: Transportation Authority of Marin, Dianne Steinhauser

Exempt Status: Cal. Code Regs., Title 14, § 15060, subd. (c)(3): An activity is not subject to CEQA if the activity is not a project as defined in Section 15378.

Cal. Code Regs., Title 14, § 15061, subd. (b)(3): Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Reasons why Project is Exempt: Pursuant to CEQA Guidelines Section 15060(c)(3) the Expenditure Plan is not subject to CEQA. Pursuant to the CEQA Guidelines Section 15378(b)(4), adoption of this retail transactions and use tax ordinance and Expenditure Plan does not qualify as a project subject to the requirements of CEQA. Further, the action is not a project under CEQA because this action will not allow for any specific improvements or result in any direct or reasonably foreseeable indirect physical change. Pursuant to the CEQA Guidelines Section 15061(b)3), if the Expenditure Plan were a project subject to CEQA, it can be seen with certainty that there is no possibility that the Expenditure Plan may have a significant effect on the environment and is therefore not subject to CEQA.

Lead Agency Contact Person: Dianne Steinhauser	Phone Number: (415) 226-0815	
Signature:	Date:	Title: Executive Director

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TAM RESOLUTION NO. 2018-13

RESOLUTION OF THE TRANSPORTATION AUTHORITY OF MARIN (TAM) FOR THE ADOPTION OF THE FINDING OF CEQA EXEMPTION ON ORDINANCE NO. 2018-01 ADOPTING FINAL SALES TAX RENEWAL EXPENDITURE PLAN AND AUTHORIZATION FILING / POSTING OF NOTICE OF EXEMPTION.

WHEREAS, On April 26, 2018, the TAM Board unanimously approved the final Sales Tax Expenditure Plan (hereinafter, “the Expenditure Plan”) for renewing the ½-cent transportation sales tax in Marin for 30 years effective April 1, 2019; and

WHEREAS, All twelve of Marin’s local jurisdictions, including the County Board of Supervisors, have approved the Expenditure Plan at regularly noticed meetings of their government bodies; and

WHEREAS, On July 26, 2018, the TAM Board unanimously approved Ordinance 2018-01 adopting the Expenditure Plan and renewing and extending the Current Measure A Transportation Sales Tax (“Ordinance”), and

WHEREAS, the Ordinance and the Expenditure Plan are not projects as defined under the California Environmental Quality Act (CEQA) Guidelines, California Code of Regulations (CCR) Title 14, Section 15060, subdivision (c) (3); and

WHEREAS, An activity is not subject to CEQA if the activity is not a project as defined in Section 15378; and

WHEREAS, It can be seen with certainty that there is no possibility that either the Ordinance or the Expenditure Plan may have a significant effect on the environment, and therefore are not subject to CEQA under Section 15061; and

WHEREAS, Under Sections 15060, 15061, and 15378 of the CCR, Title 14, also known as the CEQA Guidelines, the Ordinance and the Expenditure Plan are not subject to CEQA or are exempt; now therefore, be it

RESOLVED, That the TAM Board makes this finding of exemption of the Ordinance and the Expenditure Plan and directs staff to file the Notice of Exemption with the County of Marin as required by law; and be it further

RESOLVED, That the filing of the Notice of Exemption triggers a 35-day statute of limitations for any challenges to the exemption, pursuant to CCR, Title 14, Section 15062.

PASSED AND ADOPTED at a scheduled meeting of the Transportation authority of Marin held on the 26th day of July 2018; by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

Stephanie Moulton-Peters, Chair
Transportation Authority of Marin

ATTEST:

Dianne Steinhauser
Executive Director