



DATE: July 9, 2018

TO: Transportation Authority of Marin Board of Commissioners

FROM: Dianne Steinhauser, Executive Director

SUBJECT: Adopt finding of CEQA Exemption on Adopted Final Sales Tax Renewal Expenditure Plan and authorize Filing/ Posting of Notice of Exemption (Action) - Agenda Item 2

RECOMMENDATION

Adopt finding that the Adopted Final Sales Tax Renewal Expenditure Plan unanimously approved by the TAM Board April 26th 2018 is exempt from 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 26th, 2018 the TAM Board of Commissioners approved the Final Transportation Sales Tax Renewal Expenditure Plan (Adopted Final Plan). After the TAM adoption of the Final Plan, TAM was directed to seek approval by all 12 local jurisdictions in Marin of the Adopted Final Plan. Staff have attained approval of 11 of the 12 jurisdictions as of July 9th and will be seeking the 12th approval on July 17th.

The Adopted 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.

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. Note this is clearly stated in the Adopted Final Plan document.

DISCUSSION/ANALYSIS

The standing of sales tax expenditure plans being exempt from CEQA has been firmly established by case law. Staff is recommending filing the Notice of Exemption covering the Final Adopted Plan immediately after TAM Board Finding of Exemption. Note that Per 14 CCR § 15062, filing a NOE triggers a 35-day statute of limitations for any challenges to the exemption.

FISCAL CONSIDERATION

There is no fiscal consideration required for this item.

NEXT STEPS

After TAM Board Finding of Exemption under CEQA on the Adopted Final Sales Tax Renewal Expenditure Plan, and direction to staff to file and post the Notice of Exemption for the required 35-day comment period, staff will file and post the Notice of Exemption as required.

ATTACHMENTS

Notice of Exemption

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 30-year Transportation Sales Tax Renewal Expenditure Plan will guide detailed funding expenditures generated through a renewal of the ½-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.

Reasons why Project is Exempt: Pursuant to CEQA Guidelines Section 15060 (c) (3) the proposed 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.

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