

COPY

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FILED

OCT 30 2019

JAMES M. KIM, Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: G Roary, Deputy

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF MARIN

12 Kentfield School District,

13 Petitioner,

14 v.

15 Marin Community College District; and DOES 1
16 through 20, inclusive,

17 Respondents.

CASE NO. CIV 1904635

VERIFIED PETITION FOR WRIT OF
MANDATE; COMPLAINT FOR
NUISANCE AND INJUNCTIVE RELIEF

[CCP § 1085; Pub. Res. C. § 21168; Cal.
Civil Code §§ 3480, 3481; Cal. Code of Civ.
Proc. § 527 et seq.]

18 INTRODUCTION

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21 1. Petitioner respectfully petitions this Court for a writ of mandate pursuant to Code of
22 Civil Procedure section 1085.

23 PARTIES

24 2. Petitioner Kentfield School District (hereinafter "Petitioner" or "KSD") is a school
25 district organized pursuant to the California Education Code and is located at 750 College Avenue,
26 Kentfield, CA in the unincorporated County of Marin. Petitioner is governed by a Board of
27 Trustees duly elected and convened pursuant to California Education Code §§ 5000 et seq. The
28

1 day-to-day operation of KSD are overseen by a superintendent appointed by the Board of Trustees.
2 Liz Schott is the current superintendent of KSD and has been duly authorized by the Board of
3 Trustees to initiate this action on behalf of KSD.

4 3. Respondent Marin Community College District (hereinafter "Respondent" or
5 "District") is a community college district, duly organized and existing under the laws of the State
6 of California.

7 4. Petitioner does not currently know the true names of DOES 1 through 20 inclusive,
8 and therefore names them by such fictitious names. Petitioners will seek leave from the Court to
9 amend this Petition to reflect the true names and capacities of DOES 1 through 20 inclusive once
10 these names are known to Petitioners.

11 JURISDICTION

12
13 5. Jurisdiction of this Court is invoked pursuant to Code of Civil Procedure § 1085
14 and Public Resources Code § 21168.5, or in the alternative, Code of Civil Procedure § 1094.5 and
15 Pub. Resources Code § 21168.

16 6. Venue is proper in this Court because the property on which the activities at issue
17 in this Petition are occurring is located in Marin County.

18 7. On October 30, 2019, Petitioner's attorney served on Respondent the Notice of
19 Commencement of Action pursuant to Public Resources Code § 21167.5. A true and accurate copy
20 of this Notice is attached hereto and incorporated herein by reference as **Exhibit A**.

21 8. On October 30, 2019, Petitioner's attorney served a copy of its Verified Petition on
22 the Attorney General's office to give notice of Petitioner's intent to bring this proceeding as a
23 private attorney general under Code of Civil Procedure § 1021.5. A true and accurate copy of such
24 letter is attached hereto and incorporated herein by reference as **Exhibit B**.

25 9. Petitioners have no other plain, speedy and adequate remedy in the ordinary course
26 of the law unless this Court grants the requested writ of mandate. In the absence of such remedy,
27 Petitioners and the general public will suffer great and irreparable harm by permitting the District
28 to continue to undertake projects without the required environmental review, thereby frustrating

1 the public's right to an informed decision-making process.

2 **FACTUAL BACKGROUND**

3 10. District maintains one comprehensive community college with campuses in
4 Kentfield ("Kentfield Campus") and Novato, Marin County, California.

5 11. The District is governed by a seven-member Board of Trustees (hereinafter "the
6 Board").

7 12. On or about February 16, 2015, the Board adopted Resolution 2016-3, "Resolution
8 of the Board of Trustees of the Marin Community College District Ordering an Election, and
9 Establishing Specifications of the Election Order." Resolution 2016-3 requested that the Marin
10 County Registrar of Voters call an election to authorize the issuance of bonds to update and
11 maintain the College of Marin campuses. Approval of a bond measure is not subject to CEQA¹,
12 and the District did not purport to comply with CEQA when it adopted Resolution 2016-3. A true
13 and correct copy of Resolution 2016-3 is attached hereto as **Exhibit C**.

14 13. On or about June 7, 2016, "Marin Community College District Bond Measure B:
15 Update and Maintain College of Marin Campuses, College of Marin Job Training Modernization
16 and Lab and Classroom Preservation, Modernization and Safety" (hereinafter, "Measure B") was
17 approved by 64.04% of voters.

18 14. Measure B authorized \$265 million in bonds for numerous capital improvement
19 and capital facility programs to update and maintain the College of Marin campuses.

20 15. On information and belief, following the passage of Measure B, the District
21 adopted the "College of Marin Facilities Master Plan 2016-2021" ("FMP"). The FMP identifies
22 numerous projects, including potential construction of a "new maintenance complex," to be funded
23 by Measure B and its predecessor, Measure C. A true and correct copy of relevant excerpts from
24 the FMP is attached hereto as **Exhibit D**.

25 16. On information and belief, despite identifying numerous, interrelated projects that
26 could result in potentially significant effects on the environment, the District did not prepare an
27

28 ¹ CEQA" refers to the California Environmental Quality Act, codified in Cal. Pub. Res. Code §§ 21000–21189;
"CEQA Guidelines" refers to CEQA's implementing regulations codified in California Code of Regulations, Title 14,
Division 6, Chapter 3, Sections 15000– 15387.

1 environmental impact report (“EIR”) for the FMP. Indeed, according to the CEQANet database
2 maintained by the State of California Office of Planning and Research (“OPR”), the District has
3 not certified an EIR since 2012. A true and correct copy of a printout from the CEQANet database
4 showing the District’s CEQA actions dating back to 1995 is attached hereto as **Exhibit E**.

5 17. Based on information available at www.measurebcom.org, a website that appears to
6 be published and maintained by the District, the District prepared an Initial Study and Proposed
7 Mitigated Negative Declaration for the Indian Valley Campus Facilities Improvement Project in
8 September 2017. On information and belief, no similar environmental document has been prepared
9 for any aspect of the FMP on the Kentfield Campus.

10 18. Another document available at www.measurebcom.org is titled “Master Project
11 List Report,” a true and correct copy of which is attached hereto as **Exhibit F**. This document
12 shows that there are 16 “active” Measure B-funded projects on the Kentfield Campus. Examples
13 of these “active” projects include a “Multi-Purpose/Lecture Community Space,” defined as a
14 “multi-purpose space on campus for 200-250 seats for campus meetings, productions, and
15 programs, second story addition of about 1,500 square feet for large meeting space on second floor
16 of existing Academic Center facility,” and a new “Parking Structure,” defined as a “multi-level
17 parking structure for up to 200 cars.”

18 19. On information and belief, the District has not prepared a CEQA document that
19 analyzed the potential individual or cumulative effects of implementing the FMP and/or the
20 projects identified on the Master Project List Report. Instead, the District appears to be
21 undertaking a piecemeal approach to CEQA by looking at projects in isolation without considering
22 the cumulative impacts associated with implementing the FMP and/or Measure B Master Projects
23 List.

24 20. One example of the District’s piecemealed approach to CEQA compliance for
25 implementation of its FMP is the District’s unsupported reliance on an exemption from CEQA for
26 the “College of Marin Kentfield Campus Maintenance and Operations Building Project”
27 (hereinafter “Project”). This Project involved constructing a new “building” to replace existing
28 structures from both campuses, thereby consolidating and intensifying all of the operations and

1 maintenance for the District at a single site.

2 21. On or about May 14, 2019, the District filed a Notice of Exemption (“NOE”) for
3 the Project with the County Clerk for the County of Marin and OPR. The NOE does not identify
4 the date the District approved the Project or the action the District took to approve it. The NOE
5 states “the project would involve construction of a 19,559 square-foot maintenance and operations
6 building on the site of an existing sport field. Construction would occur over approximately 12
7 months.” The District attached a document titled “Common Sense Exemption Report”
8 (“Exemption Report”) to the NOE. Neither the NOE nor the Exemption Report describe the
9 operations that are proposed to occur at the new facility as a result of the Project; instead, the NOE
10 and Exemption Report focus solely on *construction* of the Project and its lack of impact on
11 enrollment size, and somehow find that “there is no possibility that the activity in question may
12 have a significant effect on the environment.” A true and correct copy of the NOE and Exemption
13 Report is attached hereto as **Exhibit G**.

14 22. Based on publicly-available information found on the website of the architect
15 apparently retained by the District for the Project ([https://brick-inc.com/project/college-marin-](https://brick-inc.com/project/college-marin-kentfield_m_o/)
16 [kentfield_m_o/](https://brick-inc.com/project/college-marin-kentfield_m_o/)), the scope of the Project turned out to be far more comprehensive than described
17 in the NOE and Exemption Report. According to the website, the Project entailed “consolidating
18 many disparate Maintenance and Operations departments, along with campus police into a cogent
19 group of buildings that form a new college service area of the Kentfield campus.” This includes a
20 “loading dock for the warehouse and shop functions.” The Project renderings on the site show no
21 fewer than 7 loading docks, large enough to accommodate large delivery trucks. A true and correct
22 copy of the Project page from the District’s architect is attached hereto as **Exhibit H**. Neither the
23 NOE nor the Exemption Report makes any reference to trucking operations, campus police, a
24 warehouse, or a shop.

25 23. Neither the NOE nor the Exemption Report acknowledges that the Project is being
26 constructed directly adjacent to a public school. The Project site is a former playing field on the
27 Kentfield Campus directly adjacent to and within ¼-mile of A.E. Kent Middle School (“Kent
28 Middle School”).

1 24. Pursuant to California Public Resources Code § 21151.4 and CEQA Guidelines §
2 15186, any project located within ¼-mile of a school that has the potential to emit hazardous air
3 emissions or to handle or store an extremely hazardous substance, or a mixture that contains an
4 extremely hazardous substance, above threshold limits, must consult with the school district prior
5 to approval of any project for which a negative declaration or EIR must be prepared. Diesel
6 particulate matter (“DPM”) is a toxic air contaminant (“TAC”) under California law. According to
7 the Bay Area Air Quality Management District, “diesel engine emissions are believed to be
8 responsible for about 70% of California's estimated known cancer risk attributable to toxic air
9 contaminants. Also, diesel PM comprises about 8% of outdoor fine particulate matter (PM2.5),
10 which is a known health hazard.” ([https://ww2.arb.ca.gov/resources/summary-diesel-particulate-](https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts)
11 [matter-health-impacts](https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts)). Mobile sources such as heavy delivery trucks are a major source of DPM,
12 and young people, who still have developing respiratory systems, are particularly susceptible to the
13 negative health consequences associated with breathing in DPM.

14 25. Petitioner is informed and believes and thereon alleges that District broke ground
15 on the Project in or around May 2019. District provided little information to Petitioner prior to this
16 activity, so Petitioner tried to engage District regarding the Project, but District was unresponsive.
17 Petitioner is further informed and believes and thereon alleges that construction activities related
18 to the Project occurred during the summer months.

19 26. On or around September 4, 2019, Petitioners returned to the Kent Middle School
20 campus and discovered unsafe conditions due to construction site violations. The violations
21 included, without limitation: not watering the construction site; not tarping soil piles; and the
22 failure to erect cloth fencing between the construction site and the Kent Middle School campus
23 along the existing chain link fence-line, allowing the dust and debris to blow onto the Kent Middle
24 School campus and the adjacent Corte Madera Creek.

25 27. Petitioners invited District’s Capital Projects Manager, Mr. Isidro Farias, to
26 Petitioners’ meeting of September 10, 2019, to address the situation. After the meeting, Petitioners
27 requested that Mr. Farias provide Petitioners with a copy of the Environmental Impact Report for
28 the Project. Petitioners learned that no EIR had been prepared for the Project, which instead had

1 been exempted from environmental review under CEQA pursuant to the "Common Sense"
2 exemption.

3 **STATUTE OF LIMITATIONS**

4 28. This action is timely filed pursuant to Public Resources Code § 21167(d), which
5 provides that "[a]n action or proceeding alleging that a public agency has improperly determined
6 that project is not subject to" CEQA "shall be commenced within 35 days from the date of the
7 filing by the public agency. . . of the [Notice of Exemption]. If the notice has not been filed, the
8 action or proceeding shall be commenced within 180 days from the date of the public agency's
9 decision to carry out or approve the project. . . or within 180 days from the date of commencement
10 of the project."

11 29. Even in instances where a notice of exemption has been filed, if the notice is
12 materially defective or improperly filed or posted, the longer 180-day limitations period for filing a
13 CEQA lawsuit applies. *See e.g., County of Amador v. El Dorado County Water Agency* (1999) 76
14 Cal. App. 4th 931; *International Longshoremen's & Warehousemen's Union v. Board of*
15 *Supervisors* (1981) 116 Cal. App. 3d 265.

16 30. As alleged in the Second Cause of Action of this Petition, the NOE for the Project
17 is materially defective. Petitioner is filing the instant action within 180 days of Respondent's
18 commencement of the Project and is thereby within the applicable statute of limitations.

19 **ATTORNEYS' FEES**

20 31. Petitioner is entitled to recover attorneys' fees pursuant to Code of Civil Procedure
21 § 1021.5 if it prevails in this action because, it is informed and believes, and on that basis alleges,
22 its prosecution of this action will confer a significant benefit on the public such as to make an
23 award of fees appropriate.

24 **FIRST CAUSE OF ACTION** 25 **Prejudicial Abuse of Discretion** 26 **Failure to Proceed in the Manner Required by Law** 27 **Improper "Piecemealing" of the Project Pursuant to CEQA** 28 **(CCP § 1085; Pub. Res. Code § 21168)**

32. Petitioner incorporates by this reference the allegations in the paragraphs as set

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forth above.

33. CEQA defines a “project” as the “whole of an action” which “may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” Cal. Pub. Res. Code § 21065; CEQA Guidelines § 15378.

34. CEQA prohibits the “segmentation” or “piecemealing” of projects in order to ensure that “environmental considerations do not become submerged by chopping a large project into many little ones—each with a minimum potential impact on the environment—which cumulatively may have disastrous consequences.” *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal. App. 4th 1214, 1231.

35. The series of campus-wide capital improvements identified in Resolution 2016-3, the FMP, and the Master Project List Report to be funded by Measure B constitute a single project or, at a minimum, two projects, one each at the Kentfield and Novato Campuses. The District acknowledges as much in the NOE by describing the “Project Site” as the entire Kentfield Campus, and not the individual location of the Project.

36. The District has failed to prepare an EIR that analyzes the environmental impacts of the FMP, including the potentially significant cumulative impacts associated with implementing the FMP.

37. Instead, based on its reliance on the NOE, the District appears to be “piecemealing” the FMP into the smaller, individual components, thereby masking the impacts of the action as a whole.

38. As but one example of the negative impact of the District’s piecemealed approach to CEQA compliance, had the District prepared an EIR for the FMP, it would have been required to describe the intended operational scope of the Project, including use of the new Project Site as a campus delivery center, warehouse and shop. Since delivery trucks are a major source of DPM, the District would have been required to consult with Petitioner concerning the Project and its potential health impacts on Kent Middle School students. Similarly, the District would have been required to disclose the types of activities that would occur in the warehouse and shop areas, and whether that would include storage of any extremely hazardous substances.

1 39. Other projects identified in the FMP and on the Master Project List Report, such as
2 the “Multi-Purpose/Lecture Community Space” and new “Parking Structure,” will have potentially
3 significant environmental effects, at the very least from construction, that should be analyzed
4 cumulatively in order for the community to understand the proposed changes to the environment.

5 40. The District has failed to proceed in the manner required by law because it is
6 improperly piecemealing individual Measure B-funded projects, thereby obscuring the potential
7 environmental effects of the overall project.

8 **SECOND CAUSE OF ACTION**
9 **Prejudicial Abuse of Discretion**
10 **Failure to Proceed in the Manner Required by Law**
11 **Improper Reliance on an Exemption**
12 **(CCP § 1085; Pub. Res. Code § 21168)**

13 41. Petitioner incorporates by this reference the allegations in the paragraphs as set
14 forth above.

15 42. The District relied upon CEQA Guidelines § 15061(b)(3), the so-called “common
16 sense exemption,” to proceed with the Project. In doing so, the District abused its discretion for
17 three reasons.

18 43. On information and belief, the District filed the NOE prior to approving the Project,
19 rendering the NOE invalid. *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.
20 App. 4th 931

21 44. The NOE failed to adequately describe the Project by excluding any description of
22 the scope of operations expected to occur at the new maintenance complex. By limiting the
23 description of the Project in a manner that obscures its potential environmental effects, including
24 the regular exposure of school children to DPM, the District rendered the NOE materially
25 defective. *International Longshoremen’s & Warehousemen’s Union v. Board of Supervisors*
26 (1981) 116 Cal. App. 3d 265.

27 45. The “common sense” exemption as codified in CEQA Guidelines § 15061(b)(3) is
28 only applicable when “it can be seen with certainty that there is no possibility that the activity in
question may have a significant effect on the environment.” Given that the Project, as described in
the NOE, includes construction of a 19,000+ square foot building that will house maintenance and

1 trucking operations, among other things, just feet from a middle school, the District's
2 determination that there is "no possibility" for a change to the environment is dubious. More
3 importantly, since the District failed to adequately describe the Project by excluding the
4 operational components, there is no factual basis for the conclusion that the Project "with
5 certainty" will have no potentially significant effect on the environment.

6 46. The District has committed a prejudicial abuse of discretion by relying upon the
7 CEQA Guidelines § 15061(b)(3).

8
9 **THIRD CAUSE OF ACTION**
10 **Nuisance**
11 **Violation of California Civil Code § 3479**
12 **(Cal. Civil Code §§ 3480, 3481)**

13 47. Petitioner incorporates by this reference the allegations in the paragraphs as set
14 forth above.

15 48. Pursuant to California Civil Code § 3479, "[a]nything which is injurious to
16 health, including, but not limited to, the illegal sale of controlled substances, or is indecent or
17 offensive to the senses, or an obstruction to the free use of property, so as to interfere with the
18 comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the
19 customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park,
20 square, street, or highway, is a nuisance."

21 49. On information and belief, the Project regularly exposes the students of Kent
22 Middle School to: emissions of DPM from delivery trucks; potential exposure to other extremely
23 hazardous substances used in the warehouse and shop functions; noise pollution associated with
24 operating a busy maintenance complex, including but not limited to the high-pitched warning
25 signal made by trucks when reversing in close quarters; and other potential activities subject to
26 proof at trial.

27 50. On information and belief, the alleged exposure of students at Kent Middle School
28 to increased, concentrated levels of DPM, and potentially other extremely hazardous materials,
increases potential for respiratory illness and related health issues since youth are considered at
risk to such illnesses based on their developing respiratory systems.

1 51. On information and belief, the alleged exposure of students at Kent Middle School
2 to increased noise pollution from the operations of the Project distracts students from their course
3 of study, thereby interfering with their educational opportunities.

4 52. Petitioners request the Project be declared a public and/or private nuisance pursuant
5 to Cal. Civil Code §§ 3480 and 3481 and that District be required to abate such nuisance, or
6 otherwise develop administrative and physical controls to limit the impact of such nuisance on the
7 students of Kent Middle School.

8
9 **FOURTH CAUSE OF ACTION**
10 **Request for Injunctive Relief**
11 **(C.C.P. §§ 526)**

12 53. Petitioner incorporates by this reference the allegations in the paragraphs as set
13 forth above.

14 54. The District's improper conduct in implementing the FMP on a piecemealed basis,
15 including but not limited to adoption of the NOE, unless and until enjoined by order of this Court,
16 will cause great and irreparable injury to Petitioner and the general public by permitting the
17 District to continue to undertake projects without the required environmental review, thereby
18 frustrating the public's right to an informed decision-making process.

19 55. Petitioner has no adequate remedy at law for the potential harm that is threatened if
20 the District is not enjoined from activities in furtherance of the FMP and the Project. It is
21 impossible for Petitioner to determine the amount of damages that it will suffer if the District's
22 conduct is not restrained.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Petitioner prays for entry of judgment against Respondent as follows:


- 25 1. For a peremptory writ of mandate directing the District to:
- 26 • Set aside the NOE;
 - 27 • Refrain from any further implementation or operation of the Project until
 - 28 such time as the District has complied with CEQA, including but not
limited to properly defining the Project and analyzing its environmental
effects;

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- Refrain from any further implementation of the FMP or other Measure B-funded projects until such time as the District has complied with CEQA.
2. For a temporary restraining order and/or preliminary and/or permanent injunction directing the District to suspend and refrain from all activity related to or in connection with the FMP and/or further implementation of Measure B-funded projects until such time as the District complies with CEQA as set forth in paragraph 1 of this Prayer.
 3. For Petitioner's costs of suit.
 4. For an award of Petitioner's attorneys' fees.
 5. For other legal or equitable relief that the Court considers just and proper.

DATED: October 30, 2019

RAGGHIANI FREITAS LLP

By: 
Todd W. Smith
Ashling P. McAnaney
Attorneys for Petitioner
Kentfield School District

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VERIFICATION

I, LIZ SCHOTT, am Superintendent of Petitioner Kentfield School District, and am authorized to execute this verification on behalf of Petitioner. I have read the foregoing petition and complaint and am familiar with its contents. The facts recited in the Petition and complaint are true of my personal knowledge, except where alleged on information and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 30 October, 2019 in San Rafael, California.


By: 

Exhibit A

1 TODD W. SMITH (SBN 235566)
2 ASHLING P. MCANANEY (SBN 251218)
3 RAGGHIANI FREITAS LLP
4 1101 Fifth Avenue, Ste. 100
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6 Telephone: (415) 453-9433
7 Facsimile: (415) 453-8269

8 Attorneys for Petitioner
9 Kentfield School District

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF MARIN**

12 Kentfield School District,

13 Petitioner,

14 v.

15 Marin Community College District; and DOES 1
16 through 20, inclusive,

17 Respondents.

CASE NO. CIV

**NOTICE OF INTENT TO FILE CEQA
PETITION**

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21 **TO MARIN COMMUNITY COLLEGE DISTRICT:**

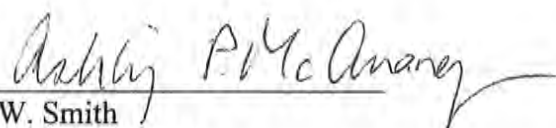
22
23 **PLEASE TAKE NOTICE, under Public Resources Code §21167.5,** that Petitioner Kentfield
24 School District, intends to file a petition under the provisions of the California Environmental
25 Quality Act against Respondent, Marin Community College District, challenging the Marin
26 Community College District's Notice of Exemption and approval of the College of Marin
27 Kentfield Campus Maintenance and Operations Building Project, as well as challenging the failure
28

1 of the Marin Community College District to perform any environmental review or cumulative
2 impact analysis for most of the projects contained in the College of Marin Facilities Master Plan
3 2016-2021, and/or projects funded by Measure B, including but not limited to those identified on
4 the Marin Community College District's Master Project List Report.

5
6 The petition will seek the following relief: 1) a writ of mandate under CEQA and Code of Civil
7 Procedure §1085 directing Respondent to set aside the Notice of Exemption prepared for the
8 "College of Marin Kentfield Campus Maintenance and Operations Building Project" ("Project")
9 and to prepare the appropriate environmental analysis for the Project, as well as to prepare the
10 appropriate environmental analysis for all associated Measure B-funded capital improvements,
11 including but not limited to those identified on the Marin Community College District's Master
12 Project List Report; 2) injunctive relief pursuant to California Code of Civil Procedure section
13 526; 3) costs of suit; 4) attorneys' fees pursuant to California Code of Civil Procedure section
14 1021.5; and 5) such other and further relief as the Court deems just and proper.

15
16
17 DATED: October 30, 2019

RAGGHIANI FREITAS LLP

18
19
20 By: 
21 Todd W. Smith
22 Ashling P. McAnaney
23 Attorneys for Petitioner
24 Kentfield School District
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PROOF OF SERVICE

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2		
3	1.	At the time of service I was at least 18 years of age and not a party to this legal action.
4	2.	My business address is 1101 Fifth Avenue, Suite 100, San Rafael, CA 94901.
5		
6	3.	I served Copies of the Following Documents:
7		
8		<ul style="list-style-type: none">• Notice of Intent to File CEQA Petition
9		
10	4.	I served the documents listed above in Item 3 on the following persons at the addresses listed:
11		
12		Marin Community College District
13		835 College Avenue
14		Kentfield, CA 94904
15		
16	5.	
17	a.	By Personal Service. I personally delivered the documents on the date shown below to the persons at the addresses listed above in Item 4. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party delivery was made to the party or by leaving the documents in the party's residence between the hours of eight in the morning and six in the evening with some person not less than 18 years of age.
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21	X	b. By United States Mail. I enclosed the documents in a sealed envelope or package, in the mail at San Rafael, California, where I am a resident or employee in the County of Marin where the mailing occurred. I addressed the sealed envelope or package to the persons at the addresses in Item 4 and (specify one):
22		
23		
24		(1) Deposited the sealed envelope in a United States Postal Service mailbox with the postage fully prepaid on the date shown below
25		(2) Placed the envelope for collection and mailing on the date shown below, following our ordinary business practices and I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
26	X	
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1	c.	By Overnight Delivery. Pursuant to California Rules of Court, Rule 8.25, I enclosed the documents on the date shown below in an envelope or package provided by an overnight delivery carrier and addressed to the person at the addresses in Item 4. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
2		
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4	d.	By Messenger Service. I served the documents on the date shown below by placing them in an envelope or package addressed to the person on the addresses listed in Item 4 and providing them to a professional messenger service for service.
5		
6	e.	By Fax Transmission. Based on an agreement to accept service by fax transmission, I faxed the documents on the date shown below to the fax numbers of persons listed in Item 4. No error was reported by the fax machine that I used
7		
8		
9	f.	By Electronic Transmission. Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent on the date shown below to the persons at the electronic service address listed above in Item 4. I did not receive within a reasonable time after the transmission any electronic message or other indication that the transmission was unsuccessful.
10		
11		
12	6.	I served the documents by the means described above on October 30, 2019

I declare under penalty of perjury that this document is signed in San Rafael, California under the laws of the State of California and that the foregoing is true and correct.

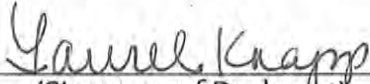
13	October 30, 2019	Laurel Knapp, Legal Assistant	
14	Date	(Type of Print Name)	(Signature of Declarant)

Exhibit B

1 TODD W. SMITH (SBN 235566)
2 ASHLING P. MCANANEY (SBN 251218)
3 RAGGHIANI FREITAS LLP
4 1101 Fifth Avenue, Ste. 100
5 San Rafael, CA 94901
6 Telephone: (415) 453-9433
7 Facsimile: (415) 453-8269

8 Attorneys for Petitioner
9 Kentfield School District

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF MARIN**

12 Kentfield School District,

13 Petitioner,

14 v.

15 Marin Community College District; and DOES 1
16 through 20, inclusive,

17 Respondents.

CASE NO. CIV

NOTICE TO ATTORNEY GENERAL

18
19
20 **To the Attorney General of the State of California:**

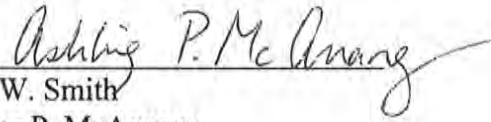
21 **PLEASE TAKE NOTICE**, under Public Resources §21167.7 and Code of Civil
22 Procedure § 388, that on October 30, 2019, Kentfield School District filed a petition for writ of
23 mandate against Marin Community College District in Marin County Superior Court. The petition
24 alleges that Marin Community College District violated the California Environmental Quality Act
25 by improperly piecemealing individual projects funded by Marin Community College District
26 Measure B, including but not limited to approving the “College of Marin Kentfield Campus
27 Maintenance and Operations Building Project” in reliance up on a materially defective Notice of
28

1 Exemption.

2 A copy of the verified petition is attached to this notice.

3
4 DATED: October 30, 2019

RAGGHIANI FREITAS LLP

5
6
7 By: 
8 Todd W. Smith
9 Ashling P. McAnaney
10 Attorneys for Petitioner
11 Kentfield School District
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PROOF OF SERVICE

1		
2		
3	1.	At the time of service I was at least 18 years of age and not a party to this legal action.
4	2.	My business address is 1101 Fifth Avenue, Suite 100, San Rafael, CA 94901.
5		
6	3.	I served Copies of the Following Documents:
7		
8		<ul style="list-style-type: none">• Notice To Attorney General
9		
10	4.	I served the documents listed above in Item 3 on the following persons at the addresses listed:
11		
12		Office of the Attorney General
13		455 Golden Gate Avenue, Suite 11000
14		San Francisco, CA 94102-7004
15		
16	5.	
17	a.	By Personal Service. I personally delivered the documents on the date shown below to the persons at the addresses listed above in Item 4. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party delivery was made to the party or by leaving the documents in the party's residence between the hours of eight in the morning and six in the evening with some person not less than 18 years of age.
18		
19		
20		
21	X	b. By United States Mail. I enclosed the documents in a sealed envelope or package, in the mail at San Rafael, California, where I am a resident or employee in the County of Marin where the mailing occurred. I addressed the sealed envelope or package to the persons at the addresses in Item 4 and (specify one):
22		
23		
24		(1) Deposited the sealed envelope in a United States Postal Service mailbox with the postage fully prepaid on the date shown below
25		(2) Placed the envelope for collection and mailing on the date shown below, following our ordinary business practices and I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
26		X
27		
28		

1	c.	By Overnight Delivery. Pursuant to California Rules of Court, Rule 8.25, I enclosed the documents on the date shown below in an envelope or package provided by an overnight delivery carrier and addressed to the person at the addresses in Item 4. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
2		
3	d.	By Messenger Service. I served the documents on the date shown below by placing them in an envelope or package addressed to the person on the addresses listed in Item 4 and providing them to a professional messenger service for service.
4		
5	e.	By Fax Transmission. Based on an agreement to accept service by fax transmission, I faxed the documents on the date shown below to the fax numbers of persons listed in Item 4. No error was reported by the fax machine that I used
6		
7	f.	By Electronic Transmission. Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent on the date shown below to the persons at the electronic service address listed above in Item 4. I did not receive within a reasonable time after the transmission any electronic message or other indication that the transmission was unsuccessful.
8		
9		
10		
11		
12	6.	I served the documents by the means described above on October 30, 2019

I declare under penalty of perjury that this document is signed in San Rafael, California under the laws of the State of California and that the foregoing is true and correct.

13	October 30, 2019	Laurel Knapp, Legal Assistant	<i>Laurel Knapp</i>
14	Date	(Type of Print Name)	(Signature of Declarant)

Exhibit C

RESOLUTION NO. 2016-3

RESOLUTION OF THE BOARD OF TRUSTEES OF THE MARIN
COMMUNITY COLLEGE DISTRICT ORDERING AN ELECTION,
AND ESTABLISHING SPECIFICATIONS OF THE ELECTION
ORDER

WHEREAS, the Board of Trustees (the "Board") of the Marin Community College District (the "District") has determined that certain educational facilities, infrastructure and equipment at each of the District's campuses need to be constructed, renovated, acquired and equipped in a fiscally prudent manner, to enable the District to maintain College of Marin as a valuable community resource that provides an affordable, local education, which increases the educational opportunities of all local students, including career and support facilities for veterans who desire to learn in-demand job skills or transfer to four-year universities; and

WHEREAS, like with most community resources, the District partners with area employers and private businesses to train students and save taxpayer money; and

WHEREAS, for the 13,000 students educated at the College of Marin the costs of attending a U.C. and State college are becoming so expensive, more students are relying on College of Marin, and the high quality, affordable college options it provides; and

WHEREAS, in today's economic times and competitive job environment, the District must continue providing important training and education for local residents entering the workforce for new professions and income opportunities, as well as for local students to earn college credits, certifications and job skills all at a reasonable price; and

WHEREAS, the State of California is not providing the District with enough money for the District to adequately maintain College of Marin's educational facilities and academic programs; and

WHEREAS, the Board has received information regarding the feasibility of a local bond measure and the District's bonding capacity; and

WHEREAS, a local measure will help provide funds that cannot be taken away by the State to support local college transfer and job training; and

WHEREAS, such local measure will include mandatory taxpayer protections, including an independent citizens' oversight of all funds and mandatory annual financial audits to ensure funds are spent only as authorized; and

WHEREAS, the Board and District has solicited stakeholder and community input on priorities from students, faculty, staff, business and civic leaders, and the community; and

WHEREAS, in the judgment of the Board, it is advisable to provide additional funding to improve facilities to better prepare local students and veterans for transfer to four-year colleges and universities, and/or successful jobs and careers, by means of a general obligation bond, issued in a financially prudent manner; and

WHEREAS, on November 7, 2000, the voters of California approved the Smaller Classes, Safer Schools and Financial Accountability Act ("Proposition 39") which reduced the voter threshold for *ad valorem* tax levies used to pay for debt service or bonded indebtedness to 55% of the votes cast on a community college district general obligation bond; and

WHEREAS, concurrent with the passage of Proposition 39, Chapter 1.5, Part 10, Division 1, Title 1 (commencing with Section 15264) of the Education Code (the "Act") became operative and established requirements associated with the implementation of Proposition 39; and

WHEREAS, the Board desires to make certain findings herein to be applicable to this election order and to establish certain annual financial audit requirements standards of financial accountability and citizen oversight which are contained in Proposition 39 and the Act; and

WHEREAS, the Board determines that, in accordance with Opinion No. 04-110 of the Attorney General of the State of California, the restrictions in Proposition 39, which prohibit any bond money from being wasted or used for inappropriate administrator salaries and other operating expenses of the District shall be strictly monitored by the District's Citizens' Oversight Committee; and

WHEREAS, pursuant to Education Code Section 15270, based upon a projection of assessed property valuation, the Board has determined that, if approved by voters, the tax rate levied to meet the debt service requirements of the bonds proposed to be issued will not exceed the Proposition 39 limits per year per \$100,000 of assessed valuation of taxable property; and

WHEREAS, Section 9400 *et seq.* of the Elections Code of the State of California (the "Elections Code") requires that a tax rate statement be contained in all official materials, including any ballot pamphlet prepared, sponsored or distributed by the District, relating to the election; and

WHEREAS, the Board now desires to authorize the filing of a ballot argument in favor of the proposition to be submitted to the voters at the election; and

WHEREAS, pursuant to the California Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on Tuesday, June 7, 2016, and to request Marin County Registrar of Voters to perform certain election services for the District; and

WHEREAS, in the judgment of the Board, it is advisable to request Marin County Registrar of Voters to call an election pursuant to Proposition 39 on the question of whether general obligation bonds shall be issued and sold on behalf of the District for purposes set forth below.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE MARIN COMMUNITY COLLEGE DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Sections 15100 *et seq.*, Sections 15264 *et seq.* and Government Code Section 53506, hereby requests Marin County Registrar of Voters to call an election under the provisions of Proposition 39 and the Act and submit to the electors of the District the question of whether bonds of the District in the aggregate principal amount of \$265,000,000 (the "Bonds") shall be issued and sold to raise money for the purposes described in Exhibits "A" and "B" hereto. Both exhibits are directed to be printed in the voter sample ballot pamphlet.

Section 2. That the date of the election shall be June 7, 2016.

Section 3. That the purpose of the election shall be for the voters in the District to vote on a proposition, a copy of which is attached hereto and marked Exhibit "A" and incorporated by reference herein, containing the question of whether the District shall issue the Bonds to pay for improvements to the extent permitted by such proposition. In compliance with Proposition 39 and the Act, the ballot proposition in Exhibit "A" is subject to the following requirements and determinations:

(a) the proceeds of the sale of the Bonds shall only be used for the purposes set forth in the ballot measure and not for any other purpose, including faculty and administrator salaries and other college operating expenses;

(b) that the Board, in compliance with Proposition 39, and in establishing the projects set forth in Exhibit "B", evaluated the student safety, class size reduction, class availability, information technology and the job training needs of the District;

(c) that the Board will cause to be conducted an annual, independent performance audit to ensure that the Bond moneys get expended for the projects identified in Exhibits "A" and "B" hereto;

(d) that the Board will cause an annual, independent financial audit of the proceeds from the sale of Bonds to be conducted until all of the Bond proceeds have been expended and accounted for;

(e) that the Board will cause the appointment of a Citizens' Oversight Committee in compliance with Education Code Section 15278 no later than 60 days after the Board enters the election results in its minutes pursuant to Education Code Section 15274. The Citizens' Oversight Committee shall initially consist of at least seven (7) members and at no time consist of less than seven (7) members, with the possible exception of brief periods to fill any unexpected vacancies. The Citizens' Oversight Committee may not include any employee or official of the District or any vendor, contractor or consultant of the District. The Citizens' Oversight Committee shall include, among others, the following: One (1) member who is active in a business organization representing the business community located within the District; One (1) member who is active in a senior citizens' organization; One (1) member who is active in a bona fide taxpayer association. In furtherance of its specifically enumerated purposes, the Citizens' Oversight Committee may engage in any of the following activities relating solely and exclusively to the expenditure of the Proposition 39 bond proceeds:

(i) Receive and review copies of the annual, independent financial and performance audits performed by independent consultant(s);

(ii) Inspect District facilities and grounds to ensure that Proposition 39 bond revenues are expended in compliance with applicable law;

(iii) Receive and review copies of all scheduled maintenance proposals or plans developed by the District;

(iv) Review efforts of the District to maximize Proposition 39 bond revenues by implementing cost-saving programs; and

(f) that the tax levy authorized to secure the bonds of this election shall not exceed the Proposition 39 limits per \$100,000 of taxable property in the District when assessed valuation is projected by the District to increase in accordance with Article XIII A of the California Constitution.

Section 4. That the authority for ordering the election is contained in Education Code Sections 15100 *et seq.*, 15340 *et seq.* and 15264 *et seq.* and Government Code Section 53506.

Section 5. That the authority for the specifications of this election order is contained in Section 5322 of the Education Code.

Section 6. That the Marin County Registrar of Voters and the Marin County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on June 7, 2016 within the District.

Section 7. That this Resolution shall stand as the "order of election" to the Marin County Registrar of Voters to call an election within the boundaries of the District on June 7, 2016.

Section 8. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to the Marin County Registrar of Voters no later than March 11, 2016.

Section 9. That the Bonds may be issued pursuant to Section 15300 *et seq.* of the Education Code and pursuant to Section 53506 of the Government Code. The maximum rate of interest on any Bond shall not exceed the maximum rate allowed by Education Code Sections 15140 to 15143, as modified by Government Code Section 53531. The Board approves the filing with the Marin County Registrar of Voters of a Tax Rate Statement and primary and rebuttal arguments, as appropriate, and directs their publication in accordance with the requirements of the Elections Code.

Section 10. That the Board requests the governing body of any such other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such election and to further provide that the canvass be made by anybody or official authorized by law to canvass the returns of the election, and that the Board consents to such consolidation.

Section 11. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Marin County is requested to permit the Registrar of Voters to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse Marin County, such services to include the publication of a Formal Notice of School Bond Election and the mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code) pursuant to the terms of Section 5363 of the Education Code and Section 12112 of the Elections Code.

ADOPTED, SIGNED AND APPROVED this 16th day of February, 2016.

BOARD OF TRUSTEES OF THE MARIN
COMMUNITY COLLEGE DISTRICT

By _____
Board President

Attest:

Secretary

STATE OF CALIFORNIA)
)ss
MARIN COUNTY)

I, Dr. David Wain Coon, do hereby certify that the foregoing is a true and correct copy of Resolution No. _____, which was duly adopted by the Board of Trustees of the Marin Community College District at meeting thereof held on the 16th day of February, 2016, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By _____
Secretary

EXHIBIT A

“To update and maintain College of Marin campuses that prepare students for 4-year universities and careers, shall Marin Community College District modernize classrooms, science, computer and biotechnology labs, repair, modernize and provide job-training classrooms, ensure classrooms meet earthquake, fire and safety codes, provide access for disabled students, and repair, construct, acquire, and equip classrooms, labs, sites and facilities by issuing \$265,000,000 in bonds, at legal rates, which cannot be taken by the State, with citizens’ oversight and all funds staying local?”

Bonds – Yes

Bonds – No

EXHIBIT B
FULL TEXT BALLOT PROPOSITION
MARIN COMMUNITY COLLEGE DISTRICT
BOND MEASURE ELECTION JUNE 7, 2016

“To update and maintain College of Marin campuses that prepare students for 4-year universities and careers, shall Marin Community College District modernize classrooms, science, computer and biotechnology labs, repair, modernize and provide job-training classrooms, ensure classrooms meet earthquake, fire and safety codes, provide access for disabled students, and repair, construct, acquire, and equip classrooms, labs, sites and facilities by issuing \$265,000,000 in bonds, at legal rates, which cannot be taken by the State, with citizens’ oversight and all funds staying local?”

Bonds – Yes

Bonds – No

PROJECTS

The Board of Trustees of the Marin Community College District, to be responsive to the needs of its community, evaluated College of Marin’s urgent and critical facility needs, and its capacity to provide students, active military and Veterans with support facilities, an **affordable education** and prepare them for success in college and careers. 21st Century job training, earthquake and fire safety issues, enrollment, class size and class offerings, and information and computer technology infrastructure were each considered, in developing the scope of projects to be funded. In developing the scope of projects, the faculty, staff, students and community have **prioritized local job training**, particularly in firefighting, paramedic/911 emergency medical and other healthcare training, as well as facilities available to support an affordable education, so that the most critical needs that will make the College of Marin an effective place for learning, would be addressed. Based on Board, faculty, student and community input, it was concluded that if these facility needs were not addressed now, the College of Marin would be unable to remain competitive in preparing students for jobs in high demand industries and university transfer. The Board concluded that the longer they waited to repair and upgrade College of Marin, the more expensive it would be. **In approving the Projects, the Board of Trustees determines that College of Marin MUST:**

- (i) **Provide classrooms to train firefighters, paramedics and other healthcare professionals; and**
- (ii) **Provide a high quality education that prepares students to four year colleges, like U.C. Berkeley; and**
- (iii) **Provide campus facilities that provide job training for returning veterans; and**
- (iv) **ENSURE THAT EVERY PENNY FROM THIS MEASURE BENEFITS COLLEGE OF MARIN CAMPUSES, AND THAT NO FUNDS CAN BE TAKEN BY THE STATE; AND**
- (v) **ENSURE THAT NO MONEY FROM THIS MEASURE BE USED FOR ADMINISTRATOR SALARIES OR ADMINISTRATION.**

The following types of projects are authorized to be undertaken at College of Marin:

LOCAL FUNDS FOR JOB TRAINING AND TRANSFER:

**Academic Facility and Technology Upgrade Projects
To Help Students, Transfer to Four-Year
Universities or be Trained For 21st Century Jobs**

Goals and Purposes: Ensuring students and veterans are either prepared for transfer to University of California or State college systems or trained for in-demand, good paying jobs are major objectives of College of Marin.

College of Marin has served Marin County residents for over five generations providing essential job training and workforce preparation in firefighting, nursing, paramedic/911 emergency medical and other healthcare professional training. Funding needed repairs and upgrades to support vital educational programs will ensure College of Marin continues to keep our local economy thriving by providing job retraining and skill enhancement for thousands of workers each year.

Thus the District requires FUNDS that ARE LOCALLY CONTROLLED to improve academic facilities which will allow them to continue providing access to affordable, high quality education to local students and veterans, including:

- Modernize classrooms for job training in technology, computers, engineering, firefighting, paramedical and other healthcare professions.
- **Repair and upgrade vocational classrooms and training centers for 21st Century jobs.**
- **Repair and maintain classrooms, science classrooms and labs and vocational education facilities.**
- Provide adequate classrooms and labs for career training and transfer to universities.
- Upgrade computer labs and classroom instructional technology.
- Update classrooms and educational facilities to meet current earthquake, fire and safety codes.
- Update campus facilities to provide access for students with disabilities.
- Increase energy efficiency by replacing aging heating, ventilation and air-conditioning systems with energy-efficient models and install energy saving dual pane windows to reduce operating expenses.
- Upgrade and replace existing information technology infrastructure and network systems to improve efficiency and increase capacity.
- Upgrade and build academic buildings to expand classrooms for job training and career technical education.
- Replace deteriorating portable classrooms with permanent classrooms.

LOCAL FUNDS FOR BASIC REPAIRS:

Projects Needed To Meet Current Safety Building Codes And Demand for Classes

Goal and Purpose: Since the oldest college buildings are more than 45-years old, upgrades are needed to meet current building codes for earthquake, fire and safety dangers. With upgraded facilities and science labs, College of Marin can meet the growing student demand for these types of job training and transfer classes:

- **Repair or replace leaking roofs.**
- Renovate, repair or replace outdated laboratories, classrooms, training centers and support facilities.
- Replace deteriorating portable classrooms with up-to-date permanent classrooms.
- Update classrooms and educational facilities to meet current earthquake, fire and safety codes.
- Update campus facilities to provide access for disabled students.
- Increase energy efficiency by replacing aging heating, ventilation and air-conditioning systems with energy-efficient models and install energy-saving dual pane windows to reduce operating expenses.

* * *

FISCAL ACCOUNTABILITY:

This bond measure has strict accountability requirements including:

1. All money will benefit College of Marin campuses and CANNOT BE TAKEN BY THE STATE.
2. NO MONEY can be used for ADMINISTRATOR SALARIES or administration
3. Require CITIZENS' OVERSIGHT and yearly reports to the community to keep the College accountable for how the funds are spent.
4. NO ADMINISTRATOR SALARIES. Proceeds from the sale of the bonds authorized by this proposition shall be used only for the acquisition, construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, and not for any other purpose, including teacher, faculty and college administrator salaries, pensions and other operating expenses.
5. FISCAL ACCOUNTABILITY. THE EXPENDITURE OF BOND MONEY ON THESE PROJECTS IS SUBJECT TO STRINGENT FINANCIAL ACCOUNTABILITY REQUIREMENTS. BY LAW, PERFORMANCE AND FINANCIAL AUDITS WILL BE PERFORMED ANNUALLY, AND ALL BOND EXPENDITURES WILL BE MONITORED BY AN INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE TO ENSURE THAT FUNDS ARE SPENT AS PROMISED AND SPECIFIED. THE CITIZENS' OVERSIGHT COMMITTEE MUST INCLUDE, AMONG OTHERS, REPRESENTATION OF A BONA

FIDE TAXPAYERS ASSOCIATION, A BUSINESS ORGANIZATION AND A SENIOR CITIZENS ORGANIZATION. NO DISTRICT EMPLOYEES OR VENDORS ARE ALLOWED TO SERVE ON THE CITIZENS' OVERSIGHT COMMITTEE.

* * *

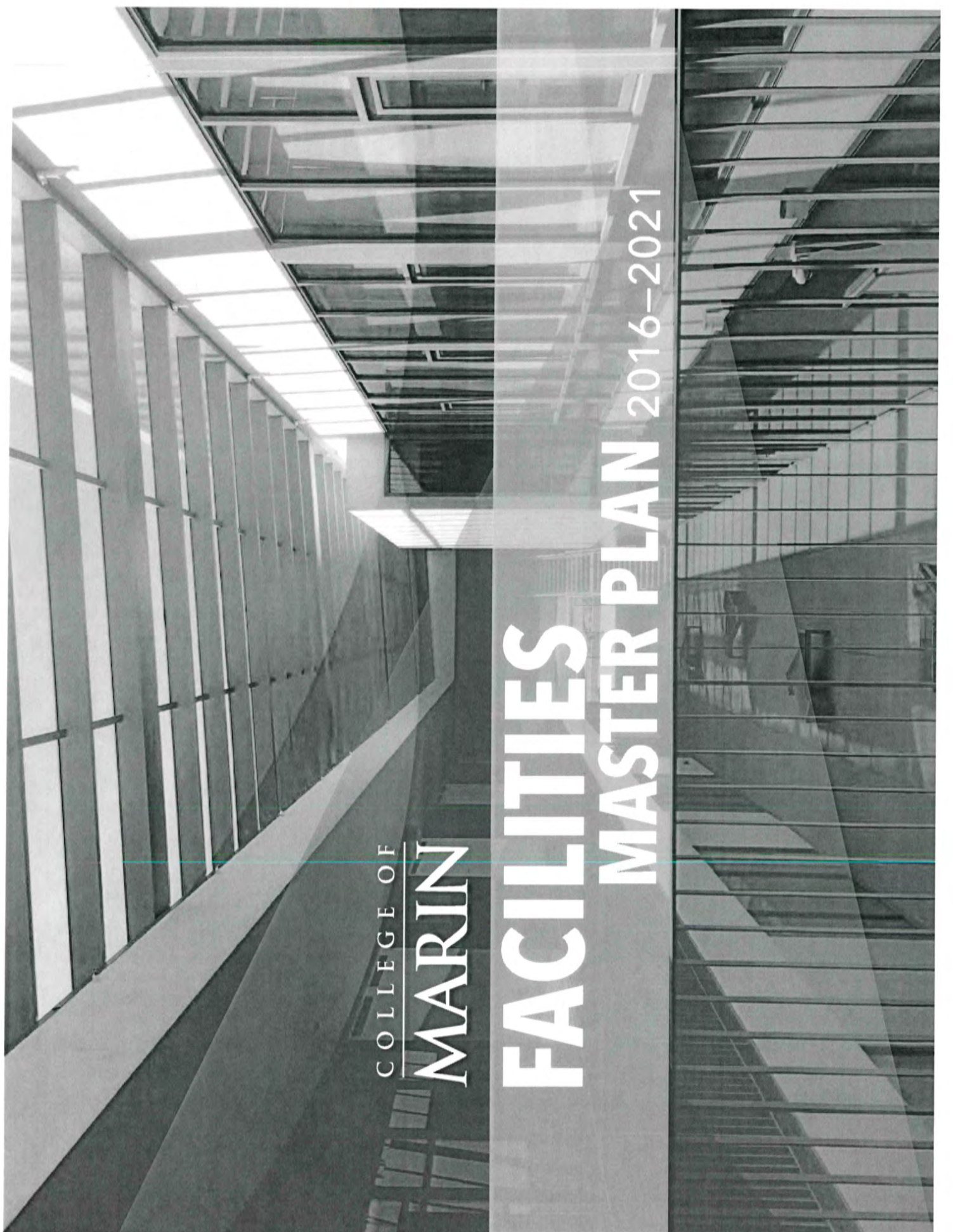
The listed projects will be completed as needed. Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program/project management, staff training expenses and a customary contingency. In addition to the listed projects stated above, authorized projects also include the acquisition of a variety of instructional, maintenance and operational equipment, including interim funding incurred to advance fund projects from payment of the costs of preparation of all facility planning, facility studies, assessment reviews, facility master plan preparation and updates, environmental studies (including environmental investigation, remediation and monitoring), design and construction documentation, and temporary housing of dislocated college activities caused by construction projects. In addition to the projects listed above, repair, renovation and construction projects may include, but not be limited to, some or all of the following: renovation of student and staff restrooms; replace aging electrical and plumbing systems; repair and replacement of heating and ventilation systems; acquire vehicles; upgrade of facilities for energy efficiencies, including photovoltaic/solar installations; repair and replacement of worn-out and leaky roofs, windows, walls doors and drinking fountains; removal of outdated buildings and construction of new classrooms and support buildings; installation of wiring and electrical systems to safely accommodate computers, technology and other electrical devices and needs; replace mechanical units on both campuses; upgrade facilities to meet current earthquake safety standards; repair and replacement of fire alarms, emergency communications and security systems; upgrading, resurfacing, replacing or relocating of hard courts, fields, turf and irrigation systems; install artificial turf on ball fields; upgrade classrooms; build or upgrade facilities for math, physical sciences, fine arts, theatre arts, and agriculture; construct or expand a simulation lab for allied health programs; improve campus signage; upgrade, resurfacing and reconditioning existing parking lots; construct a parking garage; renovate or construct a facility for multi-purpose/lecture /meeting space for district and community use; repair and update science labs at the Bolinas Marine Laboratory; repair, upgrade and install interior and exterior lighting systems; replace water and sewer lines and other plumbing systems; construct, upgrade, acquire or expand foreign language, humanities buildings, fine arts and performing arts facilities, physical education/aquatic facilities, locker rooms, administrative offices, public safety office, maintenance building, student service/campus center and instructional buildings, trades and technology building, library, athletic fields, student services building, and field turf; acquire transitional portable buildings; improve water conservation and energy efficiency; replace elevators; replace outdated security systems; replace existing window systems with energy-efficient systems to reduce costs; improve insulation, weatherproofing and roofs to reduce costs; improve access for the disabled; install and repair fire safety equipment, including alarms, smoke detectors, sprinklers, emergency lighting, and fire safety doors; replace broken concrete walks, deteriorated asphalt; replace/upgrade existing signage, bells and clocks; demolition of unsafe facilities; install new security systems, such as security (surveillance) cameras, outdoor lighting, fencing, gates and classroom door locks; replace sewer lines and improve drainage systems to prevent flooding; upgrade roadway and pedestrian paths for improved safety and access for emergency vehicles, site parking, utilities and grounds. The project list also includes the refinancing of outstanding lease obligations. The upgrading of technology infrastructure includes, but is not limited to, the funding of LCD projectors, portable interface devices, servers, switches, routers, modules, sound projection systems, information systems, printers, digital white boards, upgrade voice-over-IP, communication systems, audio/visual and telecommunications systems, call manager and network security/firewall, Internet connectivity, wireless systems, technology infrastructure, and other miscellaneous IT and instructional equipment.

The allocation of bond proceeds will be affected by the District's receipt of State matching funds and the final costs of each project. In the absence of State matching funds, which the District will aggressively pursue to reduce the District's share of the costs of the projects, the District will not be able to complete some of the projects listed above. Some projects may be undertaken as joint use projects in cooperation with other local public or non-profit agencies. The budget for each project is an estimate and may be affected by factors beyond the District's control. The final cost of each project will be determined as plans and construction documents are finalized, construction bids are received, construction contracts are awarded and projects are completed. Based on the final costs of each project, certain of the projects described above may be delayed or may not be completed. Demolition of existing facilities and reconstruction of facilities scheduled for repair and upgrade may occur, if the Board determines that such an approach would be more cost-effective in creating more enhanced and operationally efficient campuses. Necessary site preparation/restoration may occur in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, including ingress and egress, removing, replacing, or installing irrigation, utility lines, trees and landscaping, relocating fire access roads, and acquiring any necessary easements, licenses, or rights of way to the property. Proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff when performing work on or necessary and incidental to bond projects. Bond proceeds shall only be expended for the specific purposes identified herein. The District shall create an account into which proceeds of the bonds shall be deposited and comply with the reporting requirements of Government Code § 53410.

Exhibit D

COLLEGE OF
MARIN

FACILITIES
MASTER PLAN 2016-2021



Summary

College of Marin last completed a facilities master plan update in 2012. Most colleges will update their master plans every four to five years. With this knowledge, the need for a revised plan as part of the natural planning process and for accreditation by the Accrediting Commission for Community and Junior Colleges (ACCJC), the College began revising the facilities master plan in 2015. The *Facilities Master Plan 2016-2021* is directly informed by the *Educational Master Plan 2009-2019* and should guide the College in meeting its infrastructure needs.

Traditionally, a college will wait until it has significant resources before beginning to implement a new master plan. However, College of Marin planned its needs first and then used research gathered to help inform the Board of Trustees regarding the College's needs.

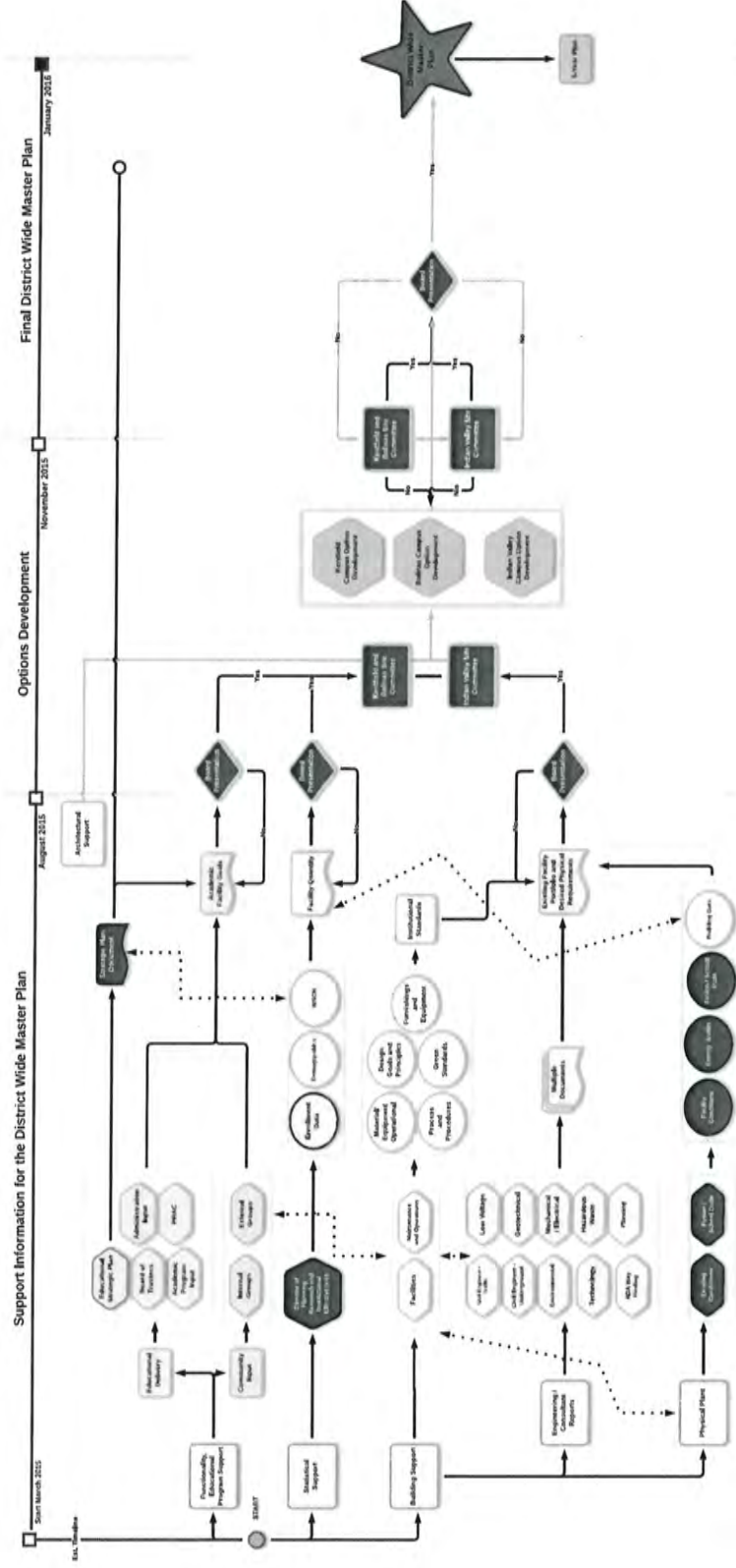
This is a unique approach. A typical approach to master planning would be to start the process after passing a bond issue that was based on a project wish list. The traditional approach delays the start of major projects for at least two years after a bond is passed.

The initial step of the master planning effort included the physical assessment of all District buildings at the Kentfield and Indian Valley Campuses and the Bolinas site. The assessments included a full facilities condition index analysis, which compared renovation to a full replacement of a facility. The assessments also established a baseline for the building management system, where work orders and maintenance logs can be generated and tracked.

The College laid out a specific flow diagram to assist in the explanation and documentation of the master planning process. The flow chart identified three steps; support information, development, and the finalizing of the facilities master plan. The support information included previously generated information that needed updating and the production of new data. This data developed an understanding of the capacity and utilization of College facilities. Students, faculty, and staff completed the initial surveys in spring 2015. The second set of surveys were completed by students in fall 2016 after the Austin Science Center was demolished and the Academic Center was completed on the Kentfield Campus. The results of these surveys are contained in the statistical support section. The surveys indicated that the Kentfield Campus was lacking places for study, especially group lounges and individual study areas.

FCI Calculation					
0	0.2	0.4	0.6	0.8	1
Facility Condition Index					0.36
Phase 1&2 Index					0.01
Cost of Repair Renovation					\$2,347,410
Cost of Replacement					\$6,552,800
Phasing					
1	Immediate				\$0
2	Within 1Yr				\$79,565
3	Within 2-3 Yrs				\$1,643,063
4	Within 4-5 Yrs				\$71,354
5	Within 10 Yrs				\$553,427

FCI Calculation					
0	0.2	0.4	0.6	0.8	1
Facility Condition Index					0.76
Phase 1&2 Index					0.76
Cost of Repair Renovation					\$1,038,512
Cost of Replacement					\$1,369,600
Phasing					
1	Immediate				\$0
2	Within 1Yr				\$1,038,512
3	Within 2-3 Yrs				\$0
4	Within 4-5 Yrs				\$0
5	Within 10 Yrs				\$0



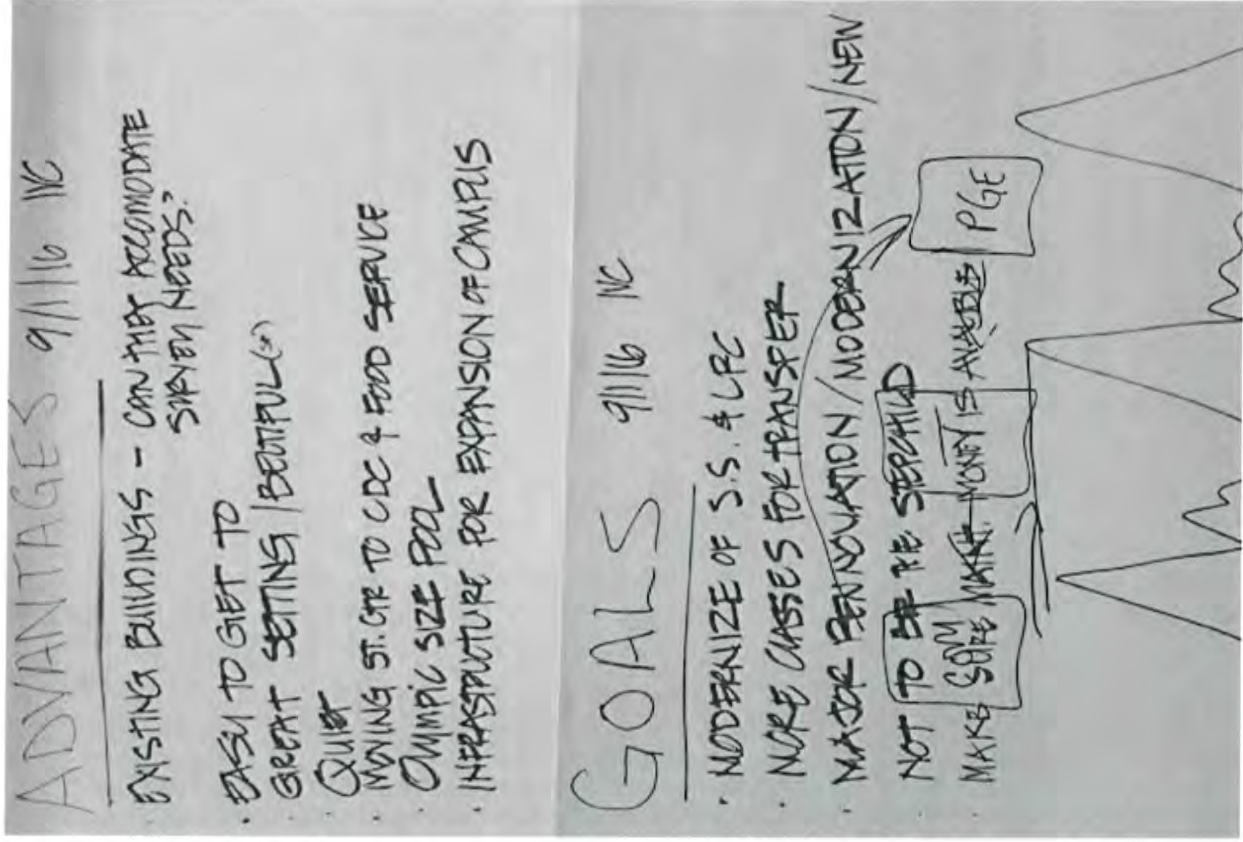
Facilities Master Plan Process Flowchart

Summary

The classroom environment was marked as satisfactory; however, between the 2015 and 2016 surveys classroom satisfaction improved. This indicates demolition of the Austin Science Center and occupation of the Academic Center were received well. According to the survey, the Indian Valley Campus is lacking in study areas, lounge facilities for group study, and food service.

The process also included the capturing of all relevant campus sitemaps for utilities and existing facility locations. Existing material and product standards were reviewed for relevancy and to determine if they should be considered as the main material and products for the College moving forward. Final standards can be found at www.measurebcom.org.

Outreach with the adjoining communities and the campus shared governance groups was extensive during the master planning process. There were two planned rounds of input meetings with the communities; the first during the initial step—gathering data and information—and the second after the formation of a staff-generated master plan. Overall, there were 58 on-campus and 28 off-campus meetings where input was gathered concerning the College's facility development to date and future directions that the College may want to consider. The initial round of meetings, surveys, existing site context data, and other data led to the development of the initial layout of the master plan, referred to as the Staff Draft Master Plan. Having representatives from the community who had served on building committees during the early planning of both campuses lead to great discoveries that influenced the layouts.



The second outreach took place in fall 2016. There were nine community forums, held at both Kentfield and Indian Valley Campuses. In addition to the forums, which were open to all on-campus communities, each shared governance committee was asked to give input on the Staff Draft Master Plan. During the community forums and the shared governance meetings, input was solicited on the advantages and disadvantages of the existing campuses. Participants were also asked to create a wish list, express any communication and transparency concerns, and state what they considered as overall goals. This collective input, along with input from the Board of Trustees, was used to generate the *Facilities Master Plan 2016-2021* for approval by the Board of Trustees.

Additional information on the plans is in the plan development section.



Kentfield Campus - Staff Draft Master Plan



Indian Valley Campus - Staff Draft Master Plan



Exhibit E

COM CEQA Documents

SCH Number	Lead Agency	Document Title	Document Type	Received	Posted
2019059016	Marin Community College District	College of Marin Kentfield Campus Maintenance and Operations Building Project	NOE	4/30/2019	4/30/2019
2018072014	Marin Community College District	Jonas Community Center & Milwok Wellness Center Projects	NOD	12/3/2018	12/3/2018
2018072014	Marin Community College District	Jonas Community Center & Milwok Wellness Center Projects	MND	7/6/2018	
2012082113	Marin Community College District	New Academic Center at College of Marin, Kentfield Campus	EIR	12/18/2012	
2012082113	Marin Community College District	New Academic Center at College of Marin, Kentfield Campus	NOP	8/31/2012	
2011102036	Marin Community College District	Child Study Center at College of Marin, Kentfield Campus	EIR	6/15/2012	
2011102036	Marin Community College District	Child Study Center at College of Marin, Kentfield Campus	NOP	10/19/2011	
2008102009	Marin Community College District	Science/Math/Central Plant and Performing/Fine Arts Buildings at College of Marin, Kentfield, CA	NEG	10/2/2008	
2007032097	Marin Community College District	Measure C Bond Spending Implementation Plan for College of Marin (2007-2013), Indian Valley Campus	NOD	11/14/2007	11/14/2007
2007032098	Marin Community College District	Measure C Bond Spending Implementation Plan for College of Marin (2007-2013) Kentfield Campus	NOD	11/14/2007	11/14/2007
2007032097	Marin Community College District	Measure C Bond Spending Implementation Plan for College of Marin (2007-2013), Indian Valley Campus	FIN	10/26/2007	
2007032098	Marin Community College District	Measure C Bond Spending Implementation Plan for College of Marin (2007-2013) Kentfield Campus	FIN	10/26/2007	
2007032097	Marin Community College District	Measure C Bond Spending Implementation Plan for College of Marin (2007-2013), Indian Valley Campus	EIR	7/23/2007	
2007032098	Marin Community College District	Measure C Bond Spending Implementation Plan for College of Marin (2007-2013) Kentfield Campus	EIR	7/23/2007	
2007032097	Marin Community College District	Measure C Bond Spending Implementation Plan for College of Marin (2007-2013), Indian Valley Campus	NOP	3/19/2007	
2007032098	Marin Community College District	Measure C Bond Spending Implementation Plan for College of Marin (2007-2013) Kentfield Campus	NOP	3/19/2007	
1999068028	Marin Community College District	Child Development Center Project	NOE	8/12/2002	8/12/2002
2002028226	Marin Community College District	Marin Brain Injury Network/Marin Community College District	NOE	2/13/2002	2/13/2002
2001028005	Marin Community College District	Fine Arts Building Seismic Retrofit	NOE	2/1/2001	2/1/2001
1999068028	Marin Community College District	Child Development Center Project	NOE	6/8/1999	6/8/1999
1995053034	Marin Community College District	DIGITAL VILLAGE PROJECT, PHASE II, INDIAN VALLEY CAMPUS	NEG	5/9/1995	
1995053038	Marin Community College District	JOINT USE AGREEMENT FOR IVC POOL	NEG	5/9/1995	

Exhibit F

Master Project List Report

Measure B Bond Program

10/10/2016

Category/Project

Status Budget Description

Kentfield Campus Project List

K01	Child Study Center	Active	\$270,000	Small capital repairs
K02	PE Complex/Pool Renovations	Active	\$2,427,000	New pool liner, small capital repairs, and sprinkling of gym
K03	Performing Arts	Active	\$520,000	Small capital repairs
K04	Fine Arts	Active	\$670,000	Small capital repairs
K05	Corte Madera Creek Mitigation	Active	\$1,000,000	Mitigation depending upon final plan by flood control district and/or corps of engineers
K06	Science Math & Nursing	Active	\$1,360,000	Small capital repairs
K07	Maintenance & Operations Building	Active	\$5,950,000	New facility for M&O to replace existing structures that are in disrepair
K08	Village Square Replacement	Active	\$3,600,000	Village Square currently houses offices and classrooms. These rooms and associated costs will be programmed into a permanent facility and costs will encompass the set up and removal of these units, reconditioning of parking lot under buildings, and any relocation expenses into a permanent facility.
K09	Site Improvements	Active	\$5,000,000	Irrigation improvements, parking lot repairs, ADA improvements, landscaping
K10	Multi-Purpose/Lecture Community Space	Active	\$6,050,000	Multi-purpose space on campus for 200-250 seats for campus meetings, productions, and programs, second story addition of about 1,500 square feet for large meeting space on second floor of existing Academic Center facility
K11	Athletic Synthetic Turf Fields and Restroom/Storage Facilities	Active	\$9,450,000	Replace existing natural grass field with synthetic turf fields with associated markings for various sports, restroom facility, addition to existing gym complex for storage or equipment, score boards, tennis courts, multi-purpose turf in PE complex, small capital repairs, perimeter fencing, laundry facilities, and FF&E
K12	Parking Structure	Active	\$10,500,000	Multi-level parking structure for up to 200 cars
K13	Student Services	Active	\$51,380,000	Study/assessment of existing facilities and space to warrant renovation, demolition, or new construction based on needs, programs, and current code conditions
K14	Fusselman Hall	Active	\$6,550,000	Waterproofing, seismic retrofitting, and re-roofing of existing facility
K15	Learning Resources Center	Active	\$32,300,000	Study/assessment of existing facilities and space to warrant renovation, demolition, or new construction based on needs, programs, and current code conditions
K18	Demolition of Kent Avenue Maintenance Facilities	Active	\$700,000	Demolition of Maintenance Facilities along Kent Avenue, Gardening Shed in Lot 10, and Batting Cages
K99	Campus Contingency - Kentfield Campus	Active	\$6,150,000	

Total Kentfield Campus Budget \$143,877,000

Master Project List Report

Measure B Bond Program

10/10/2016

Category/Project

Status

Budget

Description

Indian Valley Campus Project List

121	Organic Farm/Garden Enhancements	Active	\$3,030,000	New prefabricated, pre-DSA approved building for classroom and demonstrations for organic farm & associated programs
122	Maintenance & Operations Building	Active	\$1,800,000	Metal Building for basic Maintenance/Operations capacity for the IVC Campus
123	Storage	Active	\$1,380,000	Storage facility/metal structure for district storage for surplus property, program storage, etc.
124	New Aquatics Center	Active	\$11,260,000	New Olympic Size pool complex with shower/locker rooms and associated mechanical facilities
125	ADA Barrier Removal/Site Improvements	Active	\$9,150,000	Irrigation improvements, parking lot repairs, ADA improvements, landscaping
126	Multi-Purpose/Lecture Community Space	Active	\$8,900,000	Multi purpose facility to seat at least 250-275 for seated dinner, commercial kitchen, stage, etc.
147	Building 27 (Dental, EMT, Court Reporting, Library)	Active	\$1,350,000	Small capital repairs
149	Pomo Cluster	Active	\$10,559,000	Buildings 1-7, Envelope improvements, windows replacement, mechanical repairs, flooring, painting, small capital repairs
150	Admin Cluster	Active	\$5,662,000	Buildings 8-12, Envelope improvements, windows replacement, mechanical repairs, flooring, painting, small capital repairs
151	Miwok Cluster	Active	\$10,397,000	Buildings 13-17, Study to determine viability of 4 buildings, possibility of demolition or envelope improvements, windows replacement, mechanical repairs, flooring, painting, small capital repairs, study/assessment of existing facilities and space to warrant renovation, demolition, or new construction based on needs, programs, and current code conditions
152	IVC Tree Study and Removal Project	Active	\$500,000	Study by arborist to determine viability of existing trees at IVC and what species and tags need to be removed to mitigate disease and fire danger
153	Building 18 (Ohlone Cluster)	Active	\$2,500,000	Rehabilitate/Renovate existing structure to accommodate Child Development Center & Early Childhood Program, new playgrounds, roofing, accessibility, etc.
154	Building 21 (Old Pool Building)	Active	\$2,500,000	Renovate, partially demolish, existing facilities, and outdoor pool area for new fitness center complex and outdoor recreational/athletic activity venues
155	Outdoor Amphitheater	Active	\$500,000	To build outdoor amphitheater to seat 250 guests with outdoor stage, sound system, accessibility to existing sidewalks and pathway to existing parking lots
156	Building 12	Active	\$1,500,000	Renovate existing building to accommodate new campus kitchen for food service, new student center, large/small student study rooms, outdoor recreational spaces, and FF&E
157	Demolition Project	Active	\$800,000	Demolition of existing Corp Yard Facility and Building 20
199	Campus Contingency - Indian Valley Campus	Active	\$3,565,000	

Total Indian Valley Campus Budget \$75,353,000

Master Project List Report

Measure B Bond Program

10/10/2016

Category/Project

Status

Budget

Description

District and District-Wide Project List

Category/Project	Status	Budget	Description
D53	Active	\$895,000	CEQA, Environmental Impact reports in both addendums to existing plan and a new program EIR for each campus
D54	Active	\$10,725,000	IT related expenditures in regard to servers, fiber optics, wifi, and other items related to the District Technology Plan
D55	Active	\$17,875,000	FF&E for new buildings and instructional equipment replacement for existing and new programs within the District
D59	Active	\$975,000	To provide campuses with blue phone technology, widen cell phone reception, and to increase safety technology across the District
D98	Active	\$7,300,000	District Staff, Program Management, and Construction Management costs
D99	Active	\$8,000,000	District Wide Contingency for various issues that may be a result of higher construction costs, new projects, etc.

Total District/District-Wide (Campus) Budget \$45,770,000

Grand Total: \$265,000,000

Budget allocation by campus*:

Kentfield Campus	= 66%
Indian Valley Campus	= 34%
TOTAL	100%

Budget allocation by major project grouping*:

Kentfield Campus - Student Services - Learning Resources Center	= 28%
Student Services + Learning Resources Center	= 38%
Indian Valley Campus	= 34%
TOTAL	100%

*Rounding factors may apply

Projects highlighted are expected to have dollar activity in Series A & Series A-1.

Exhibit G

Notice of Exemption

21-2019-093

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: Marin
13501 Civic Center Drive, Suite 234
San Rafael, CA 94903

From: (Public Agency): Marin Com. College District
1800 Ignacio Boulevard
Novato, California 94949
(Address)

FILED

MAY 14 2019

SHELLY SCOTT
MARIN COUNTY CLERK
BY: C. SANCHEZ Deputy

Project Title: College of Marin Kentfield Campus Maintenance and Operations Building Project

Project Applicant: Marin Community College District

Project Location - Specific:

The College of Marin Kentfield campus is located at 835 College Avenue, near its intersection with Stadium Way, in Kentfield, California. The project site is in the easter portions of the campus.

Project Location - City: Kentfield Project Location - County: Marin

Description of Nature, Purpose and Beneficiaries of Project:

The project would involve construction of a 19,559 square-foot maintenance and operations building on the site of an existing sports field. Construction would occur over approximately 12 months.

Name of Public Agency Approving Project: Marin Community College District

Name of Person or Agency Carrying Out Project: Marin Community College 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)(c));
Categorical Exemption. State type and section number:
Statutory Exemptions. State code number:
[x] General Rule Exemption (Sec 15061(b)(3))

Reasons why project is exempt:

See attached exhibit: "College of Marin Kentfield Campus Operations and Maintenance Building Project Categorical Exemption Report."

Lead Agency
Contact Person: Greg Nelson Area Code/Telephone/Extension: 415-457-8811

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: [Signature] Date: 4/29/19 Title: VP Admin Services

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR:

POSTED 5/14/19 TO 6/13/19



State of California - Department of Fish and Wildlife
2019 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (REV. 12/01/18) Previously DFG 753.5a

Print **StartOver** **Finalize&Email**

RECEIPT NUMBER:
 21 — 5/14/19 — 093

STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY MARIN COMMUNITY COLLEGE DISTRICT	LEAD AGENCY EMAIL	DATE 5/14/19
COUNTY/STATE AGENCY OF FILING Marin	DOCUMENT NUMBER	

PROJECT TITLE

COLLEGE OF MARIN KENTFIELD CAMPUS MAINTENANCE AND OPERATIONS BUILDING PROJECT

PROJECT APPLICANT NAME MARIN COMMUNITY COLLEGE	PROJECT APPLICANT EMAIL	PHONE NUMBER (415) 457-8811
PROJECT APPLICANT ADDRESS 1800 IGNACIO BLVD	CITY NOVATO	STATE CA
		ZIP CODE 94949

PROJECT APPLICANT (Check appropriate box)

- Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

- | | | | |
|---|------------|----|-------------|
| <input type="checkbox"/> Environmental Impact Report (EIR) | \$3,271.00 | \$ | <u>0.00</u> |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,354.75 | \$ | <u>0.00</u> |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,112.00 | \$ | <u>0.00</u> |
|
 | | | |
| <input checked="" type="checkbox"/> Exempt from fee | | | |
| <input checked="" type="checkbox"/> Notice of Exemption (attach) | | | |
| <input type="checkbox"/> CDFW No Effect Determination (attach) | | | |
| <input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy) | | | |

- | | | | |
|---|----------|----|-------------------|
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ | <u>0.00</u> |
| <input checked="" type="checkbox"/> County documentary handling fee | | \$ | <u>50.00</u> |
| <input type="checkbox"/> Other | | \$ | <u> </u> |

PAYMENT METHOD:

- Cash
 Credit
 Check
 Other

TOTAL RECEIVED \$ 50.00

SIGNATURE x C. Sanchez	AGENCY OF FILING PRINTED NAME AND TITLE MARIN COUNTY CLERK; C. SANCHEZ DEPUTY CO. CLERK
----------------------------------	---



College of Marin Kentfield Campus Maintenance and Operation Building Project

Common Sense Exemption Report

prepared by

Marin Community College District

1800 Ignacio Boulevard

Building 17, Gilbane

Novato, California 94949

Contact: Paul Lum, Project Manager, (408) 314-5242

prepared with the assistance of

Rincon Consultants, Inc.

449 15th Street, Suite 303

Oakland, California 94612

April 2019



RINCON CONSULTANTS, INC.

Environmental Scientists | Planners | Engineers

rinconconsultants.com

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Common Sense Exemption Report

This report serves as the technical documentation of an environmental analysis performed by Rincon Consultants, Inc. for the College of Marin Kentfield Campus Maintenance and Operations (M&O) Building Project (project) in Marin County. The intent of the analysis is to document whether the project is eligible for a California Environmental Quality Act (CEQA) Commonsense Exemption pursuant to CEQA Guidelines Section 15061(b)(3). The report provides an introduction, project description, and evaluation of the project's consistency with the requirements for the exemption. The report concludes that the project is eligible for a Section 15061(b)(3) Commonsense Exemption.

1. Introduction

Pursuant to CEQA Guidelines Section 15061(b)(3), also known as the "general rule" exemption, CEQA exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. The Guidelines state in that section that "A project is exempt from CEQA 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 in question may have a significant effect on the environment, the activity is not subject to CEQA."

Rincon Consultants, Inc. evaluated the project to confirm the project's eligibility for the "general rule" exemption. As discussed in the following sections of this report, the project would not have a significant effect on the environment; therefore, the project is eligible for the "general rule" exemption.

2. Project Site and Existing Conditions

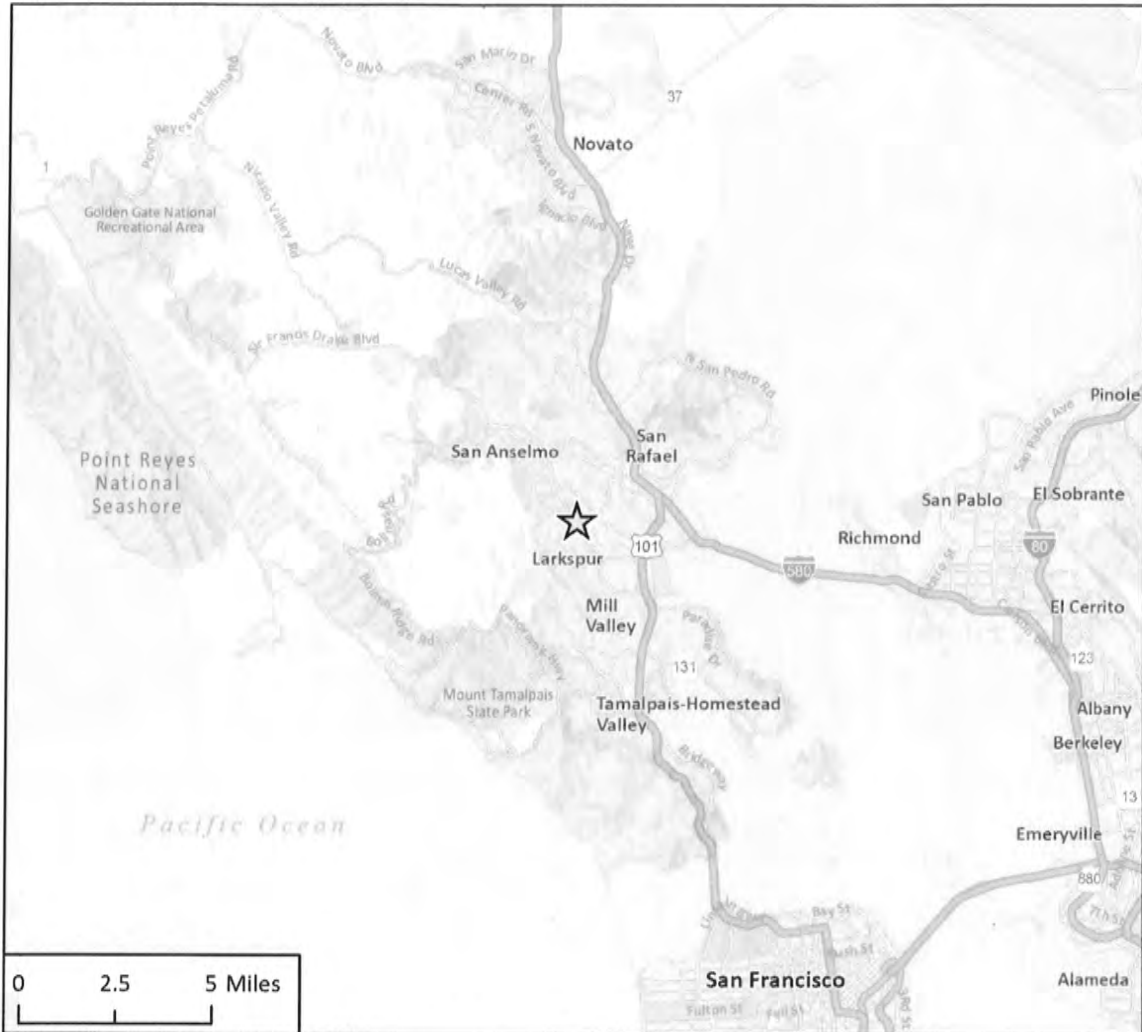
The College of Marin Kentfield campus, also referred to in this report as the site or project site, is located at 835 College Avenue in Kentfield. Figure 1 shows the college's regional location and Figure 2 shows an aerial photograph of the project site in its neighborhood context.

The College of Marin, Kentfield campus is bounded by Sir Francis Drake Boulevard to the north, College Avenue and the Corte Madera Creek to the east, College Avenue to the southwest and by Kent Avenue to the west. The site is immediately surrounded by a mixture of commercial, educational/ institutional, government, recreation, and residential land uses on all sides. To the east is the Corte Madera Creek and trail, a multimodal trail that provides access between the communities of Kentfield, Larkspur, and Greenbrae. Highway 101 is located approximately two miles to the east.

The project site encompasses 77 acres and is divided into two sections by College Avenue. Most of the academic buildings on campus are located on the northwest side of College Avenue, while the campus athletic center, pool, and playing field and track are located to the south east across College Avenue. The academic portion of campus is situated on gently sloping terrain while the athletic portion of campus is located on generally level topography.

Vehicular access to the campus is available via a total of fourteen driveways: eight driveways on College Avenue providing access to both the academic core and the campus athletic center; four driveways on Kent Avenue providing access to parking lots and campus academic buildings; and two driveways on Sir Francis Drake Boulevard providing access to academic buildings. Parking is provided 17 separate parking lots on the Kentfield Campus. Lots P2 and P3 can be accessed via Sir Francis Drake Boulevard; lots P16, P17, and P4 are accessible via Laurel Avenue; lots P5, P6, P7, and P1 can be accessed via College Avenue; lots P15 and P9 can be accessed via Kent Avenue only; and lots P10, P11, P12, and P13 can be accessed via College Avenue. Additional passenger drop-off and loading zones are provided via circular driveways leading to the school entrances on Sir Francis Drake Boulevard and College Avenue. Mature trees are dispersed around the main entrance and along the Corte Madera Creek.

Figure 1 Regional Location Map



Imagery provided by Esri and its licensors © 2019.

★ Project Location



Figure 2 Project Site and Location



3. Project Description

The project would involve the construction of a new M&O building on an existing playing field. Construction would occur over approximately 12 months. Figure 3 shows the final conceptual design of the M&O building.

The project would not result in an increase in the number of classrooms above existing conditions. No increase in student enrollment is proposed. The project is summarized in Table 1.

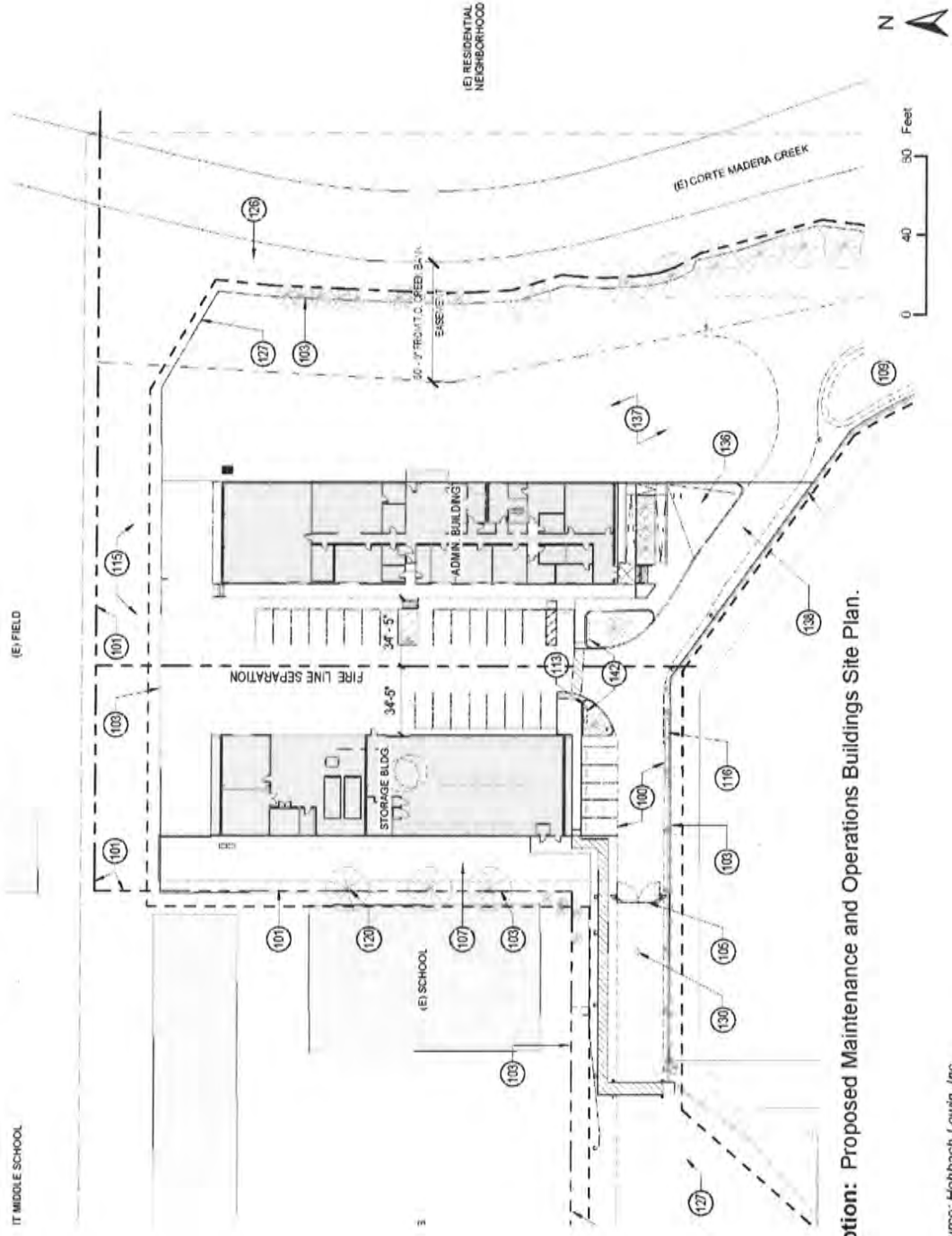
Table 1 Proposed Project Elements

Site Element	Proposed Area (square feet)
Maintenance and Operations (M&O)	
Square feet	19,559
Height (stories)	1
Classrooms	n/a

Source: College of Marin Maintenance and Operation Buildings Conceptual Design (October 4, 2018)

Marin Community College District
College of Marin Kentfield Campus Maintenance and Operations Building Project

Figure 3 Proposed Site Plan: Maintenance and Operations Building



Caption: Proposed Maintenance and Operations Buildings Site Plan.

Source: Holtbach-Lewin, Inc.

4. Consistency Analysis

Common Sense Exemption Applicability

Pursuant to CEQA Guidelines Section 15061(b)(3), also known as the “common sense” exemption, CEQA exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. The Guidelines state in that section that “A project is exempt from CEQA 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 in question may have a significant effect on the environment, the activity is not subject to CEQA.”

The M&O project meets the above criteria based on the proposed project description, the conditions at and around the project location, and because no increase to student enrollment is proposed. The M&O project would qualify for the “common sense” exemption.

As discussed further below, construction or operation of the proposed M&O Building would not cause a significant effect on the environment. The site is currently developed with a baseball field.

Aesthetics and Visual Resources

The nearest designated State Scenic Highway is State Route 1, located approximately 4.5 miles from the project site. The project site is not visible from State Route 1. Therefore, the project would not damage scenic resources within a highway officially designated as a state scenic highway. In addition, the M&O building would blend with the existing campus structures and would not visually contrast or cause an impact on the visual character of the campus.

Biological Resources

The Kentfield campus is almost entirely developed and habitat for native plants and wildlife is limited. The site features school structures and buildings with associated hardscape, paving, and parking lots. Vegetation on-site consists primarily of landscaping including small areas covered with turf grass and planters with ornamental trees and shrubs. Native trees including several coast redwood (*Sequoia sempervirens*) and several coast live oak (*Quercus agrifolia*) are present within the project site; however, the coast redwoods and coast live oaks have been planted as part of the landscaping and are not naturally occurring. Corte Madera Creek runs through the project site and is entirely channelized and lined with concrete. Naturally occurring habitat has been removed and ornamental vegetation has been planted adjacent to the creek. Due to the site’s developed condition, it does not contain suitable habitat for special status species; however, marginal nesting habitat for birds is present within the trees and vegetation on-site. Based on the project design features, the project would not have a significant effect on biological resources due to unusual circumstances.

Cultural and Historic Resources

Although the project would include ground-disturbing activities such as grading and limited excavation for building foundations, the project site is located in a previously disturbed area with no known cultural resource sensitivity, and the possibility of discovering cultural resources is low (County of Marin 2003; WLC Architects 2018). No structures would be altered or demolished. There would be no impact on cultural resources, including historic resources.

Geology and Soils

Liquefaction is the process by which soil is temporarily transformed to fluid form during intense and prolonged ground shaking or because of a sudden shock or strain. Liquefaction typically occurs in areas where the groundwater is less than 30 feet from the surface and where the soils are composed of poorly consolidated fine to medium sand. According to the College of Marin Facilities Master Plan 2016-2021, the Kentfield campus occupies land designated as low-, moderate-, and high liquefaction hazard zones. Specifically, the site of proposed M&O building would be located in a high-liquefaction hazard zone. However, as discussed in the Facilities Plan, College Standard Construction Policy requires all buildings subject to liquefaction hazards be designed with larger foundations and other features to reduce impacts of liquefaction (College of Marin 2016). Furthermore, pursuant to *Berkeley Hills Watershed Coalition v. City of Berkeley* (Matthew Wadlund, et al., Real Parties in Interest) (2019) Cal. App. 5th, "measures taken to comply with building codes or to address... common and typical concerns during construction projects do not preclude Class 3 exemption." Therefore, compliance with campus standard construction measures would reduce impacts related to liquefaction to less than significant.

Hazards and Hazardous Materials

A search of the EnviroStor environmental database and the California Department of Toxic Substances Control Hazardous Waste and Substances Sites (Cortese) List was conducted in February 2019. The records review illustrated that this project site is not located on a site included on any list compiled pursuant to Section 65962.5 of the Government Code (Department of Toxic Substances Control 2019).

Hydrology and Water Quality

The 1 percent Annual Chance Flood Hazard, formally referred to as the 100 Year Flood Zone, is an area identified as having a one percent risk of flooding each year. A portion of the Kentfield Campus is designated as FEMA flood hazard Zone AE, 1 percent chance of flood (College of Marin 2016). The M&O building would be located in a designated FEMA flood hazard zone AE. However, as discussed under Section 3, *Project Description* above, no housing units are proposed.

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP) that covers the project area. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

Therefore, project impacts to hydrology and water quality would be less than significant.

Other Environmental Resources

The following areas were reviewed and found that the project would have no impacts to the resources based on the type of project and its location: agricultural and forest resources, air quality, energy, geology and soils, greenhouse gas emissions, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems and wildfire.

5. Summary

Based on this analysis, the proposed College of Marin Kentfield Campus Maintenance and Operations Building Project meets all criteria for a CEQA exemption under Guidelines Section 15061(b)(3), and would not cause a significant effect on the environment. Therefore, it is concluded that the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15061.

6. References

- California Department of Toxic Substances Control (DTSC). 2019a. EnviroStor. <https://www.envirostor.dtsc.ca.gov/public/>. (accessed February 2019).
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Exhibit H

brick.

The College of Marin at Kentfield needed a

new **Maintenance and**

Operations facility where college staff could work smarter and more efficiently.

Strategically located where an old baseball field once stood – and constrained by a natural waterway – the site provides a central location easily accessible to the entire campus. Newly-planted trees complement the waterway as well as provide for the site a visual and acoustic buffer from a nearby residential neighborhood.

With this project, brick was given the challenge of consolidating many disparate Maintenance and Operations departments, along with campus police into a cogent group of buildings that form a new college service area of the Kentfield campus.



The use of prefabricated steel buildings saved construction time, cost, and energy use – While brightly colored accents kept the building's facade lively and upbeat. Large windows provide abundant natural light throughout the facility – warehouse included – with the main office spaces enjoying views of the majestic Mt. Tamalpais.

The buildings sit on a four-foot-tall concrete base that serves a dual-purpose – To survive the location's periodic flooding, as well as provide a natural loading dock for the warehouse and shop functions.

With these new buildings, the College of Marin at Kentfield now has the modern facility that its staff needed in order to take full advantage of their potential for productivity.





Consultant Team: Structural Engineers: **IDA Engineers** | Landscape: **Creo** | Lighting: **WSP** | MEP, LEED: **PAE Engineers** | Civil: **CSW Stuber-Stroeh Engineering Group** | General Contractor: **Nibbi** | Millwork: **Mission Bell** | Interiors: **South Bay Construction**
Project Team

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rob zirkle

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matt combrink

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mattison ly

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casey crawmer

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