RESOLUTION NO. 09-08-2012 A.3.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE MARIN COMMUNITY COLLEGE DISTRICT CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COLLEGE OF MARIN, CHILD STUDY CENTER, KENTFIELD CAMPUS, LARKSPUR ANNEX, ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND A MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING THE COLLEGE OF MARIN CHILD STUDY CENTER PROJECT.

WHEREAS, the Marin Community College District (the “District”) proposes to construct certain improvements more commonly known as the College of Marin Child Study Center project (“Project”) at the Larkspur Annex of the Kentfield campus; and

WHEREAS, the District is the lead agency for the Project and, after review through the Initial Study and determination of a finding pursuant to the California Code of Regulations §15064, directed the preparation of the Draft Environmental Impact Report (“Draft EIR”) for the Project, including a Notice of Preparation, which was issued October 18, 2011; and

WHEREAS, a Draft EIR (SCH No. 2011102036) was prepared for the Project pursuant to and in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”) and the Guidelines for Implementation of CEQA (Title 14, California Code of Regulations (“CCR”), Sections 15000 et seq.) (“CEQA Guidelines”); and

WHEREAS, the District posted a Notice of Availability of the Draft EIR at the College of Marin, Kentfield Campus, at the office of the Clerk-Recorder County of Marin, and at the State Clearinghouse; and

WHEREAS, the Draft EIR informed the public of the District’s efforts in addressing the environmental effects and adopting feasible mitigation measures associated with the Project, the District’s intent to pursue the program and Project, and invited the public to examine the Draft EIR in support of such findings; and

WHEREAS, written comments on the Draft EIR were received from the public and reviewing public agencies during the 45-day public review period from June 15, 2012 to July 30, 2012; and

WHEREAS, such comments were responded to through a Response to Comments document in the and said document was made available in a manner prescribed by CEQA and the CEQA Guidelines; and
WHEREAS, Public Resources Code section 21092.5(a) requires the District provide a written response to any public agency that commented on the Draft EIR and the Response to Comments document is included in the Final EIR; and

WHEREAS, the District has reviewed and considered the Draft and Final EIR and Mitigation Monitoring and Reporting Program (the “MMRP”), which is part of the Final EIR, with respect to the Project, including all comments and responses thereto; and

WHEREAS, pursuant to the Public Resources Code section 21082.1, the District staff has independently reviewed and analyzed the information contained in the Draft and Final Environmental Impact Reports (“Draft and Final EIR” or “Final EIR”) and the conclusions of the Draft and Final EIR reflect the independent judgment of the District; and

WHEREAS, the District has taken all actions required by applicable law related to the preparation, circulation, and review of the Draft and Final EIR.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Marin Community College District at the meeting held on September 8, 2012, the following:

SECTION 1:

The Draft and Final EIR are adequate and complete documents completed in accordance with CEQA and the CEQA Guidelines.

SECTION 2:

The Board of Trustees hereby certifies that a full and fair public comment period on the Draft EIR was provided and it received comments thereon and provided responses thereto, which comments and responses are included in the Final EIR; the District as the lead agency has reviewed and considered the Draft and Final EIR and the information contained therein prior to deciding whether to approve the proposed Project, including all comments received thereon and responses thereto; and the Board of Trustees finds that the Draft and Final EIR reflect the independent judgment and analysis of the Board of Trustees and the District. These actions having been taken, the Board of Trustees hereby approves, certifies, and adopts the Draft EIR and Final EIR, including the Draft EIR and other associated documents, for the Project, said Draft and Final EIR is attached hereto and incorporated herein by reference as Exhibit “A.”
SECTION 3:

The Board of Trustees hereby makes and adopts the CEQA Findings as set forth in Exhibit “B,” which is attached hereto and incorporated herein by reference. The CEQA Findings identify the following: the project will not result in any significant impacts for the study area of Traffic and Circulation, therefore no mitigation is required; significant or potential impacts will be reduced to a less than significant level with incorporation of mitigation measures for the study areas of Land Use and Planning, Aesthetics, Biological Resources, Hydrology and Water Quality, Hazards and Hazardous Materials, Air Quality, and Noise; and no significant impacts will be unavoidable in any of the study areas.

SECTION 4:

A mitigation monitoring and reporting program has been drafted to meet the requirements of Public Resources Code section 21081.6 as a Mitigation Measure Monitoring and Reporting Program (“MMRP”). This program is designed to ensure compliance with project changes and mitigation measures imposed to avoid or substantially lessen the significant effects identified in the Draft and Final EIR. The Board of Trustees hereby makes and adopts the MMRP, as set forth in the mitigation monitoring and report checklist, which is included in the Final EIR, Exhibit “A,” and incorporates the MMRP herein by reference.

SECTION 5:

The Board of Trustees finds that the project alternatives identified in the Draft and Final EIR would not achieve the primary objectives of the Project. Accordingly, and for reasons set forth herein, including in the Draft and Final EIR (Exhibit A) and the CEQA Findings (Exhibit B) attached hereto, the Board of Trustees hereby rejects such other alternatives.

SECTION 6:

The Final EIR which includes the Draft EIR, Appendices, Response to Comments, and MMRP, and the Exhibits referenced herein, are on file and available at the Marin Community College District, Swinerton Management and Consulting, 835 College Avenue, Building MS-3, Kentfield, CA 94904.

SECTION 7:

The Board of Trustees hereby adopts and approves construction of the Project as of September 8, 2012. Due to schedule constraints of the California clapper rail breeding season, the Board of Trustees acknowledges that construction will begin immediately following this certification.
SECTION 8:

The President of the Board of Trustees shall sign this resolution and the Secretary shall attest and certify to the passage and adoption thereof.

SECTION 9:

The Board of Trustees directs District staff to file with the County Clerk-Recorder of the County of Marin and the State Clearinghouse a Notice of Determination, pursuant to Title 14, CCR section 15094.

This Resolution is APPROVED AND ADOPTED by the Board of Trustees of the Marin Community College District on September 8, 2012.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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President, Board of Trustees

ATTEST:

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Secretary to Board of Trustees