

Camille Leung

From: Camille Leung
Sent: Thursday, August 20, 2020 12:42 PM
To: 'Katie Kostiuik'; 'BEVERLY GARRITY'; 'Mark Stegmaier'; 'Rebecca Katkin'; 'Doug Machado'; 'chrisjohnson_mcc@yahoo.com'; 'linda HASTINGSHOUSEWEDDINGS.COM'
Cc: Ruemel Panglao; Timothy Fox
Subject: Notice of Mitigated Neg Dec for McGregor Project - PLN2014-00490 - Montara
Attachments: CEQA for Design Review.pptx

Hi CDRC,

FYI, the Mitigated Negative Declaration (MND) for the project (PLN2014-00490) at 15th Street, Montara is available at:

<https://planning.smcgov.org/ceqa-docs>

The public comment period goes from August 17, 2020 until September 7, 2020 at 5pm.

The project will be agendized for CDRC review on September 10, 2020. Please review the MND prior to that date. As it happens, there are no other projects to be heard on that day. It will likely be of great interest to the community. It is the project I was alluding to several months ago, where no CDP or other permits are required, so the CDRC is the decision maker and, as such, is required to certify the Neg Dec (by making findings listed below) before it can approve the project, should the CDRC desire to do so. This review is in addition to the findings necessary for the Design Review Permit. I attached Tim Fox's CEQA presentation for your reference.

For your reference, the findings required by CEQA for the MND are listed below:

14 CCR § 15074

§ 15074. Consideration and Adoption of a Negative Declaration or Mitigated Negative Declaration.

- (a) Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed negative declaration or mitigated negative declaration before making its recommendation.
- (b) Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.
- (c) When adopting a negative declaration or mitigated negative declaration, the lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

- (d) When adopting a mitigated negative declaration, the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.
- (e) A lead agency shall not adopt a negative declaration or mitigated negative declaration for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, without first considering whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.
- (f) When a non-elected official or decision-making body of a local lead agency adopts a negative declaration or mitigated negative declaration, that adoption may be appealed to the agency's elected decision-making body, if one exists. For example, adoption of a negative declaration for a project by a city's planning commission may be appealed to the city council. A local lead agency may establish procedures governing such appeals.

Thanks!