**TOWN OF FAIRFAX**
**STAFF REPORT**

**TO:** Mayor, Members of the Town Council

**FROM:** Michael Rock, Town Manager
Jim Moore, Director of Planning and Building Services
Larry Kennings, Contract Planner

**DATE:** June 22, 2011

**SUBJECT:** Good Earth Project (720 Center Blvd): Consider Adoption of Resolution 11-26 approving the Traffic Impact Permit and adopting the Mitigated Negative Declaration for the Project including all the Mitigation Measures Enumerated in the Initial Study for the Good Earth Project

## RECOMMENDATION

(1) Review, discuss and/or amend the conditions of approval put forth by the Planning Commission and Design Review Board, including revisions by staff as a result of the June 1, 2011 Town Council meeting and/or as a result of the community meeting held on Saturday June 4, 2011, for the relocation of the Good Earth market.

(2) Accept the Initial Study and approve the Mitigated Negative Declaration for the project; with additions including revised conditions developed at the Community Meeting held on June 4, 2011 incorporated by staff.

(3) Approve Resolution No. 11-26 approving the Traffic Impact Permit for the Good Earth project based on the findings set forth in the attached Resolution.

## BACKGROUND

At the June 1, 2011 Town Council meeting staff presented a detailed staff report and supporting documents and plans for Council review; a copy of that staff report is attached as **Exhibit A**.

At that meeting, after hearing concerns from members of public living in the vicinity of the proposed project, Council decided to continue this public hearing item until the special June 22nd Town Council meeting in order for staff to hold a "community meeting" to further discuss ways to better mitigate noise, traffic and other potential impacts that may be associated with the project should it receive approval. The community meeting was held on Saturday, June 4, 2011.

At the June 4th community meeting revisions/edits that strengthened previously proposed mitigations where made along with the creation of new mitigation measures and "contingency mitigations" were developed. Those revised and new mitigations measures have been incorporated into the Initial Study / Mitigated Negative Declaration, the Mitigation Monitoring Plan and the Conditions of Approval (attached as **Exhibit B**) and are high-lighted in the documents.

**AGENDA ITEM # 14**

The changes to the Conditions of Approval also include a limited number of revisions that where requested by the applicant in the letter dated May 30th, 2011 that was discussed at the Town Council meeting on June 1, and at the community meeting on June 4, 2011. These changes represent staff's best effort to accommodate the applicant's requests while preserving the effectiveness of the mitigation measures.

## DISCUSSION

In addition to approving the Traffic Impact Permit, under CEQA Guideline 15074, the Council must also review and adopt the Initial Study/Mitigated Negative Declaration with the Mitigation Monitoring Plan for the project; attached as **Exhibit B**.

A resolution with revised conditions of project approval that encompasses both actions is attached for your consideration as **Exhibit C**.

Any and all letters from the public received since the Town Council meeting on June 1, 2011 are attached as **Exhibit D**.

## ATTACHMENTS

Exhibit A – June 1, 2011 Town Council Staff Report
Exhibit B – Initial Study/Mitigated Negative Declaration, MMP and COA (revised)
Exhibit C – Resolution No. 11-26
Exhibit E – Letters from neighbors

**TOWN OF FAIRFAX**
**STAFF REPORT**

**TO:** Mayor, Members of the Town Council

**FROM:** Michael Rock, Town Manager
Jim Moore, Director of Planning and Building Services
Larry Kennings, Contract Planner

**DATE:** June 1, 2011

**SUBJECT:** Good Earth Project (720 Center Blvd): Consider Adoption of Resolution 11-26 approving the Traffic Impact Permit and adopting the Mitigated Negative Declaration for the Project including all the Mitigation Measures Enumerated in the Initial Study for the Good Earth Project

## RECOMMENDATION

(1) Review, discuss and/or amend the conditions of approval put forth by the Planning Commission and Design Review Board for the relocation of the Good Earth market.

(2) Accept the Initial Study and approve the Mitigated Negative Declaration for the project.

(3) Approve Resolution No. 11-26 approving the Traffic Impact Permit for the Good Earth project based on the findings set forth in the attached Resolution

## BACKGROUND

The Good Earth Market proposes relocating operations from their current store at 1966 Sir Francis Drake Blvd. (west end of Town) to the former Albertson's building in the Fair-Anselm Shopping Center at 720 Center Boulevard, Fairfax, CA. Good Earth, a provider of natural foods, has operated their current store in Fairfax since 1969. The renovated facility will include an on-site bakery, prepared food kitchen and service deli, meat/fish/poultry department, farmer's market/organic produce & bulk grains department, a nutrition and health care venue, and increased selection of groceries. The proposed project will result in the renovation of the existing vacant Albertson's Grocery Store, built in 1984, to include 22,789 square feet of total space. A new clerestory roof addition and 416.5 square foot second story office space addition will be added to the existing roof. Other outside improvements include updated paint, window additions on the south and east walls, and outdoor covered seating areas. Facilities for bicyclists will be provided on site.

The site is located in the Highway Commercial (CH) Zone, which allows supermarkets and grocery stores on parcels with a minimum size of 7,500 square feet and a minimum width of 50 feet (Town Code § 17.096.040).

The project site is 2.12 acres and is relatively flat, gently sloping to the southeast. An approximate 8-foot cut slope inclined at approximately 1.5:1 (horizontal: vertical) is located to the north of the existing structure. The existing structure is approximately 21,306 square feet in

EXHIBIT # A

size. The proposed facility will remove 177 square feet from the first floor and add 196 square feet to the first floor and 1,464 square feet to the second floor (clerestory).

There are four (4) major design enhancement elements that will be added to this building while not increasing the footprint. These include: (i) clerestory on the roof ridge that will be 30 ft. wide and 110ft long [north-south direction], (ii) new east entrance/exits with patio/ porch areas for customer seating, (iii) additional fenestration on the south and east sides of the building, and (iv) a south entrance with a 28ft high window wall.

The roof of the existing building is 23 feet high. The clerestory addition will raise the total height of the building to 28 feet 6 inches at the ridge. The proposed height is consistent with the Highway Commercial height limitation of 28 feet 6 inches and two stories.

The store will have two parking lots, the east parking lot facing Pastori Avenue will have 35 spaces and the west parking lot (entered from Center Blvd.) will have 61 parking spaces assigned to the store. The total designated parking for the store is 96 spaces. The existing parking areas will be resurfaced. The Fair-Anselm center has 248 total spaces (north and south of Center Blvd., all of which are available for use by Good Earth customers). The lighting for the parking lots will replace the current 35 foot high light standards with new 18 foot high sodium light fixtures (including a concrete pedestal). The new light fixtures will have a foot-candle target range of two (2) to five (5) foot-candles for a level light distribution. The fixtures will have cutoff luminaries with no more than 2.5% rated lumens above the 90% angle to reduce nighttime glare.

The existing sewer system will be upgraded with a grease interceptor (1,500 gallons). The restroom fixtures will have low flush water, electric eye activated faucets, and all staff hand sinks will be knee operated with automatic shut-offs. All wash-down areas will have automatic shut-off hoses.

The existing electrical feeds to the building will be replaced with new transformers to eliminate the overhead electrical lines. New electrical lines will be undergrounded. New switchgear, meeting the current Electrical Codes, will be installed with capacity for 1,600 amps.

Waste management system modifications include upgrading the current operations by adding a cardboard baler, a 10-cy waste compactor with deodorizer system, and a recycle storage holding area. Equipment will be placed on the loading dock (which will remain in its current location) and screened with new fencing.

Site landscaping will be enhanced with eleven parking lot planter islands, planting strips, and three (3) landscaped nodes located at the store entrances. The north hillside adjacent to Sir Francis Drake Blvd. will be planted with oak trees and planting plan including a low-water plantings and drip irrigation system.

Two (2) "pocket parks" are proposed for the west parking lot. One is proposed adjacent to the Java Hut and the other will be located at a mid-point of the west wall of the store. A "bikers" rest stop is proposed for the southeast corner of the west parking lot, including a trellis and amenities for bicycle riders, including an air pump.

Landscaping is proposed in the parking lots to act as effective bio-swales for storm water treatment. Pervious concrete pavers are proposed for the east entrance patio area. Stormwater run-off from the roof and parking lots will be directed into parameter bio-swales to reduce the existing storm water run-off to 0.24 cubic feet per second (cfs).

There will two seating areas including a wood trellis for shade across the front expanse of the

building. The outdoor seating required a Use Permit, which was approved by the Planning Commission. There will be a bicycle rest stop and an electric car charging station will be located in the west parking lot.

The color palette for the new store will consist of earth tone paints from Benjamin Moore (BM) and Scofield. The window frames will be brushed dark bonze with all insulated glass. The clerestory will be a standing seam metal roof painted a BM Sierra Tan with a BM Black Bean Soup color for the fascia. Walls of the clerestory will be painted BM Roxbury Caramel. New and existing roof components, including metal, will be painted a BM Tan. The existing solid concrete walls on the east and south side of the building will be painted Scofield Antique Amber. The wall plane will be broken up with windows to cover more than 80%. The stone panels on the west wall will be retained and will introduce a stucco finished wainscoting. Both portions will be painted Scofield Antique Amber.

The proposed project would not require a zone change.

## DISCUSSION

### *Actions by the Planning Commission and Design Review Board*

On April 21, 2011 the Planning Commission unanimously approved Resolution No. 11-03 and Application No.11-09 for the Good Earth relocation project with the necessary findings. On May 11, 2011 the Design Review Board unanimously approved the final design review for the remodel and expansion of the Good Earth market with conditions.

### *Initial Study/Mitigated Negative Declaration*

The Initial Study/Draft MND has determined that there are no potential impacts that would be considered significant. The project is consistent with the Town of Fairfax General Plan and Zoning for the property and is suitable use for the existing on site structure. Use patterns for the proposed store are consistent with previous uses of the property and there is ample parking and access provided to the site. The Initial Study/Draft MND found no significant cumulative impacts related to the proposed project. In response to concerns voiced by adjacent neighbors regarding potential noise impacts, the technical noise study was revised and the Initial Study was expanded to recognize the additional noise data. The section on cultural resources was also modified to recognize a potential Native American site. Standard mitigation measures for cultural resources were also added.

### *Review of Application*

Copies of the project plans and technical reports were submitted to the Ross Valley Fire Department, Sanitary District No. 1, the Marin Municipal Water District, Marin County Environmental Health, Fairfax Police Department, and Fairfax Public Works. Public review copies were placed in the Fairfax Branch of the Marin County Public Library and the Town Hall.

## Council Role/Action

Under Chapter 17.56.100 of the Town Code, the Town Council must hold a public hearing to consider, and approve, the Traffic Impact Permit ("TIP") after the TIP's approval by the Planning Commission. As noted above, the Planning Commission approved the TIP on April 21, 2011. As part of the Town Council's approval, it must consider the traffic study and proposed mitigation plan prepared in connection with the project, and thereafter make one of the findings set forth in Section 17.056.110 of the Town Code.

The traffic study prepared by KD Anderson and Associates and dated March 3, 2011 is attached as part of Exhibit C for your review. In light of the analysis and impact mitigation recommendations in the traffic study, staff recommends that the Council adopt finding (a) from Section 17.056.110: The project's average daily traffic, when added to the existing daily traffic, will not cause the performance of intersection or roadway linkages to fall below the acceptable level of service or otherwise further reduce the system performance if it is already below the acceptable level of service, nor will it cause a significant degradation in service levels for impacted intersections at their peak traffic periods.

In addition to approving the TIP, under CEQA Guideline 15074, the Council must also review and adopt the Initial Study/Mitigated Negative Declaration for the project attached as Exhibit A. A resolution encompassing both actions is attached for your consideration as Exhibit B.

Exhibit A – Initial Study/Mitigated Negative Declaration
Exhibit B – Resolution No. 11-26
Exhibit C – Applicants Supplemental Information; with full reports of studies performed
Exhibit D – Planning Commission Staff Report and Conditions of Approval
Exhibit E – Letters from neighbors

**NOTICE OF INTENTION TO CIRCULATE**
**PROPOSED MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY FOR A 21,150SF COMMERCIAL DEVELOPMENT AT 720 CENTER BOUVLEVARD IN THE TOWN OF FAIRFAX**

**Project Location**
The project site is located on the northern side of Center Boulevard at the intersection with Pastori Avenue, 720 Center Boulevard, which is the site of the former Albertson's market. The existing structure and two existing parking areas will be renovated and modernized as part of the project.

**Project Description**
The project involves relocation of the existing Good Earth Market from its current site at Sir Francis Drake Boulevard / Claus Drive to a currently vacant building at the intersection of Center Boulevard and Pastori Avenue.

The Good Earth Market will be transferring store operations from their current store at 555 Sir Francis Drake Blvd (west end of Town) to the east end of Town in the former Albertson's market in the Fair Anselm shopping center at 720 Center Blvd. Good Earth is a provider of natural foods. The renovated facility will include an on-site bakery, prepared food kitchen and service deli, meat/ fish/ poultry department, farmer's market/ organic produce & bulk grains department, a nutrition and health care venue, and increased selection of groceries. The new facility will renovate the existing Albertson's Grocery Store to include 21,150 square feet of total space.

The proposed project would not require a zone change. The existing parking lots on the east and west sides of the store building will be renovated and repaved including adding new landscaping and light standards. The new Good Earth will continue to have an entrance from Center Blvd (current entrance) and will introduce a new entrance with patio/porch, trellis, and seating areas on the east side (facing Pastori). The exterior of the building will be upgraded to include a clerestory element on the ridge of the roof.

The interior store improvements will include a complete remodel: new décor, insulated windows, upgraded equipment, and energy saving lighting and HVAC [heating and air conditioning], as well as, mechanical refrigeration with commuter controlled energy management system. In addition, the building will have a seismic upgrade to the Standards of the International Building Code, Edition 2011.

Delivery truck will arrive Monday through Saturday. Most delivered goods will be processed through the loading dock area at the northeast corner of the building. One 60-foot long grocery truck will arrive between 5:00AM and 6:00AM, Monday through Friday. Two 45-foot long produce trucks will arrive between 6:00AM and 7:00AM, Monday through Saturday. Trash trucks will make pickups after 8:00AM.



EXHIBIT # B

The project does include measures to encourage bicycle use. The Landscape Plan presents a Bike Rider Rest Station, air pump, and area bike trail map. In addition rack space for 20 bicycles will be provided.

**Project Proponent**
LRG Capital and Good Earth Market, property owners and tenants, represented by Construction & Development Management, Inc.

**Findings**
In accordance with the Town of Fairfax' policies regarding implementation of the California Environmental Quality Act (Public Resources Code §21000 et seq.)and the CEQA Guidelines, the Town of Fairfax has conducted an Initial Study to determine whether development of the above described project may have a significant effect on the environment. On the basis of that study, the Town hereby finds:

The project will not have significant environmental impacts for the following reasons:

1. The site was formerly used as a market, with adequate parking and loading facilities. The proposed project will utilize and upgrade the existing structure and parking areas. The project conforms to the current zoning designation and the Town's General Plan.

2. The development will not require the extension of any public sewer or water lines, or the expansion of any public services.

3. A clerestory has been added to the roof for increased natural lighting and enhanced design and the proposed structure does not exceed the permitted height limit of 28.5 feet.

4. The square footage of the project of 21,150 square feet of commercial space is not out of character with other surrounding development.

5. The project will not damage any scenic resources, nor will it degrade the existing visual character of its surroundings. Exterior design elements and site landscaping have been added to existing structure and parking areas. Site lighting will not create substantial light or glare.

6. The project will be compatible with the Bay Area Air Quality Management District plan and the Town of Fairfax General Plan.

7. The project will have no substantial adverse effect on sensitive biological resources.

8. The project will not cause a substantial adverse effect on cultural or historical resources.

9. The project will not expose people to substantial adverse geological events.

10. The project will not create a significant hazard to the public or the environment as may be caused by hazardous materials or hazardous conditions or facilities.

11. The project will not degrade or deplete water resources. The landscape elements installed on the site will reduce the amount of impervious surface and will include bioswales to treat stormwater runoff.

12. The project related traffic will not result in a significant adverse impact. The existing roadways and intersections have adequate capacity to meet the standards established by the Town.

**Public Review**

The Initial Study and proposed Mitigated Negative Declaration was be circulated for a 30-day public review period, pursuant to Public Resources Code (CEQA) Section 21091 (B). Written comments shall be submitted to the Town of Fairfax Department of Planning and Building Services, 142 Bolinas Road, Fairfax, CA. 94930, or interested persons can contact Linda Neal, Senior Planner, at (415)453-1584. A written response to all written and oral comments received during the 30-day public review period will be prepared for incorporation into the Final Mitigated Negative Declaration and will be presented for approval by the Town of Fairfax. The project was be reviewed by the Planning Commission at their April 21, 2011 public meeting, by the Design Review Board at their May 11, 2011public meeting and by the Town Council at their June 1, 2011public meeting. The project will receive a second review by the Town Council on June 22, 2011.

**Lead Agency**

The lead agency for this Mitigated Negative Declaration is the Town of Fairfax.

**Determination**

On the basis of the evaluation in this Mitigated Negative Declaration and the Initial Study:

I find that although the proposed project could have an adverse effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A Negative Declaration has been prepared.

3/9/11
Date:

Linda Neal
Linda Neal
Senior Planner

# TOWN OF FAIRFAX
## Environmental Checklist Form

**1. Project Title:**

Good Earth

**2. Lead Agency Name and Address:**

Town of Fairfax
Planning Department
142 Bolinas Road
Fairfax, CA 94940

**3. Lead Agency Contact Person and Phone Number:**

Jim Moore
Town of Fairfax, Planning Director
Planning Department
142 Bolinas Road
Fairfax, CA 94940

**4. Project Location:**

720 Center Boulevard, Fairfax, California

**5. Project Sponsor's Name and Address:**

John Fry
Construction & Development Management, Inc.
444 Airport Boulevard, Suite 203
Watsonville, CA 95076
(831)-728-5588

**6. General Plan Designation:**

Highway Commercial

**7. Description of Project:**

The following is an explanation of the physical modifications to the former Albertson's grocery store located at 720 Center Boulevard, Fairfax, CA.

The Good Earth Market will be transferring store operations from their current store at 1966 Sir Francis Drake Blvd (west end of Town) to the east end of Town in the former Albertsons building in the Fair-Anselm shopping center at 720 Center Blvd., Fairfax, CA. Good Earth is a provider of natural foods. The renovated facility will include an on-site bakery, prepared food kitchen and service deli, meat/ fish/ poultry department, farmer's market/ organic produce & bulk grains department, a nutrition and health care venue, and

increased selection of groceries. The new facility will renovate the existing vacant Albertson's Grocery Store, built in 1984, to include 21,150 square feet of total space including a first floor conference room and 1,464 square feet of office space on the second floor.

The proposed project would not require a zone change. The existing parking lots on the east and west sides of the store building will be renovated and repaved including adding new landscaping and light standards. The new Good Earth will continue to have an entrance from Center Blvd (current entrance) and will introduce a new entrance with patio/porch, trellis, and seating areas on the east side (facing Pastori Avenue). The exterior of the building will be upgraded to include a clerestory element on the ridge of the roof.

The store interior improvements will include a complete remodel: new décor, insulated windows, upgraded equipment, and energy saving lighting and HVAC (heating and air conditioning), as well as, mechanical refrigeration with commuter controlled energy management system. In addition, the building will have a seismic upgrade to the Standards of the International Building Code, Edition 2011.

Project Design

Site Improvements

The store will have two parking lots, the east parking lot facing Pastori Avenue will have 35 spaces and the west parking lot (entered from Center Blvd) will have 61 parking spaces assigned to the store. The total designated parking for the store is 96 spaces. The Fair Anselm center has 248 total spaces. The current Fairfax Parking Ordinance requires 2 spaces per 1,000 square feet of grocery store. The proposed 96 spaces will provide 4.54 spaces per 1,000 square feet of building area. There are 56 standard spaces, three (3) compact spaces and two (2) accessible spaces proposed for the west lot and 21 standard spaces, 12 compact spaces, and two (2) accessible spaces proposed for the east lot.

The parking lot will be re-surfaced with a two (2) inch asphaltic concrete layer. The traffic pattern will be a one-way system with 45 degree angled parking and 15 foot wide drive aisles. The parking lot configuration is designed to eliminate vehicle staging along Center Boulevard.

The lighting for the parking lots will replace the current 35 foot high light standards with new 18 foot high sodium light fixtures (including a concrete pedestal). The new light fixtures will have a foot-candle target range of two (2) to five (5) foot-candles for a level light distribution. The fixtures will have cutoff luminaries with no more than 2.5% rated lumens above the 90% angle to reduce nighttime glare.

Utilities

The existing sewer system will be upgraded with a grease interceptor (1,500 gallons). The restroom fixtures will have low flush water, electric eye activated faucets, and all staff hand sinks will be knee operated with automatic shut-offs. All wash-down areas will have automatic shut-off hoses.

The existing electrical feeds to the building will be replaced with new transformers to eliminate the overhead electrical lines. New electrical lines will be undergrounded. New switchgear, meeting the current Electrical Codes, will be installed with capacity for 1,600 amps.

Waste management system modifications include upgrading the current operations by adding a cardboard baler, a 10cy waste compactor with deodorizer system, and a recycle storage holding area. Equipment will be placed on the loading dock (which will remain in its current location) and screened with new fencing.

Landscaping

Site landscaping will be enhanced with eleven parking lot planter islands, planting strips, and three (3) landscaped nodes located at the store entrances. The north hillside adjacent to Sir Francis Drake Blvd will be planted with sixteen oak trees. The planting plan includes a low-water drip irrigation system.

Two (2) "pocket parks" are proposed for the west parking lot. One is proposed adjacent to the Java Hut and the other will be located at a mid-point of the west wall of the store. A "bikers" rest stop is proposed for the southeast corner of the west parking lot, including a trellis and amenities for bicycle riders, including an air pump.

Landscaping is proposed in the parking lots to act as effective bio-swales for storm water treatment. Pervious concrete pavers are proposed for the east entrance patio area. Stormwater run-off from the roof and parking lots will be directed into parameter bio-swales to reduce the existing storm water run-off to 0.24 cubic feet per second (cfs).

Building Modifications

Four (4) major design enhancement elements will be added to the existing building while not increasing the footprint. These include: (i) clerestory on the roof ridge that will be 30ft wide and 110ft long [north-south direction], (ii) new east entrance/exits with patio/ porch areas for customer seating, (iii) additional fenestration on the south and east sides of the building, and (iv) a south entrance with a 28ft high window wall.

Clerestory: The roof of the existing building is 23 feet high. The clerestory addition will raise the total height of the building to 28 feet 6 inches at the ridge. The propose height is consistent with the Code for Highway Commercial. The clerestory is designed to increase light exposure for the store interior, it will reduce the expansive roof mass seen from the hillsides and when driving along both Center Blvd and Sir Francis Drake Blvd., and will house the HVAC equipment on an interior mechanical equipment platform inside the clerestory rather than placed on the roof.

East Parking Lot and Patio/Porch: The main entrance is designed to welcome the traveler into the Town of Fairfax on both Center Boulevard and Sir Francis Drake Boulevard. There will two seating areas including a wood trellis for shade across the front expanse of the building. There will be a bicycle rest stop and an electric car charging station will be located in the west parking lot.

South Entrance Fenestration will enhance the building's presentation to the shoppers who are across the street in the Fair-Anselm Center. This fenestration will be part of the clerestory.

Colors and Materials: The color palette for the new store will consist of earth tone paints from Benjamin Moore (BM) and Scofield. The window frames will be brushed dark bonze with all insulated glass. The clerestory will be a standing seam metal roof painted a BM Sierra Tan with a BM Black Bean Soup color for the facia. Walls of the Clerestory will be painted BM Roxbury Caramel. New and existing roof components, including metal, will be painted a BM Tan. The existing solid concrete walls on the east and south side of the building will be painted Scofield Antique Amber. The mass will be broken up with windows to cover more than 80% of the wall surface. The stone panels on the west wall will be retained and trimmed with a stucco finished wainscoting. Both portions will be painted Scofield Antique Amber.

(a) Construction's Interim Requirements

The building renovation work will have overlapping schedules in order to reduce the construction timeline for tenant improvements, the building shell modifications, and the site improvements. The total construction duration is planned for five (5) months. The staging area will be in the east (Pastori Avenue) parking lot so that trucks and equipment will not travel into Town to make the deliveries. Trucks and deliveries will make a left turn from the Pastori / Sir Francis Drake intersection, immediately directing them into the east parking lot. The site work and building demolition will be completed in 60 days. The remaining work will be done inside the building to minimize the noise during the construction hours of 7am to 4pm.

**8. Surrounding Land Uses and Setting:**

The proposed project is located on a site used for the former Albertson's grocery store in the Fair-Anselm shopping center. The project is located just northwest of the Center Boulevard/Pastori intersections. South of the subject property are commercial structures of the Fair-Anselm center. Fairfax Creek is south of these buildings. North of the property is Sir Francis Drake Boulevard. A hilly, wooded residential neighborhood is north of Sir Francis Drake Boulevard. East of the property is a single-family residential neighborhood with some commercial and restaurants fronting Sir Francis Drake Boulevard. West of the property is a drive-thru coffee house and parking lots. West of the parking lot is a three story apartment building north of Center Boulevard, and the post office to the south of Center Boulevard. The main downtown of Fairfax lies further west of the subject property.

**9. Other agencies whose approval is required (e.g., permits, financing approval, or participation agreement):**

Ross Valley Fire Department, Marin County Health Department, Marin Municipal Water District, Ross Valley Sanitary District No. 1, and Bay Area Air Quality Management Distirct,

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- ☐ Aesthetics
- ☐ Biological Resources
- ☐ Hazards and Hazardous Materials
- ☐ Mineral Resources
- ☐ Public Services
- ☐ Utilities/Service Systems
- ☐ Agricultural Resources
- ☐ Cultural Resources
- ☐ Hydrology/Water Quality
- ☐ Noise
- ☐ Recreation
- ☐ Mandatory Findings of Significance
- ☐ Air Quality
- ☐ Geology/Soils
- ☐ Land Use/ Planning
- ☐ Population/ Housing
- ☐ Transportation/ Traffic

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____
Signature Date

_____ _____
Signature Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each questions. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 5, "Earlier Analyses", may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

   a) the significance criteria or threshold, if any, used to evaluation each questions; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significant.

POTENTIAL IMPACTS

Issues:

| **I. AESTHETICS** – Would the project: | **Potentially significant impact** | **Less than significant with mitigation incorporation** | **Less than significant impact** | **No impact** |
|---|---|---|---|---|
| a) Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | ☒ |
| b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☐ | ☒ |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☒ | ☐ |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☒ | ☐ |

A. Environmental Setting

The project site is located in a highly urbanized, previously developed site. The project site is adjacent to Sir Francis Drake Boulevard, a main-east-west arterial for west Marin County. Sir Francis Drake Boulevard is not designated as a state scenic highway.

B. Discussion

a.) ***No Impact.*** The project site is not located near a scenic vista. The proposed project will introduce a use and design that is compatible with the surrounding uses in the area.

b.) ***No Impact.*** The project site will not damage any scenic resources and is not located in a state scenic highway corridor. The project will introduce uses and designs that will be compatible with the surrounding uses in this area including landscaped feature that will be compatible with the Town of Fairfax downtown area and the aesthetic value of the surrounding neighborhoods.

c.) ***Less Than Significant Impact.*** The proposed project will introduce a use and design that is consistent with the Highway Commercial zoning and compatible with the surrounding uses in this area. New features created by the project, specifically the clerestory portion of the roof, would enhance the existing visual character.

d.) ***Less Than Significant Impact.*** The proposed project will introduce new lighting for the parking lots to replacing the existing 35 foot high light standards with a new 18 foot high sodium light fixtures (on top a concrete pedestal). The new light fixtures will have a foot-candle target range of two (2) to five (5) foot-candles for a level light distribution. The fixtures will have cutoff

luminaries with no more than 2.5% rated lumens above the 90% angle to reduce nighttime glare. The project will introduce some nighttime glare but the proposed improvements will not represent a significant impact.

***Sources:*** http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm

| **II. AGRICULCTURAL RESOURCES –** Would the project: | **Potentially significant impact** | **Less than significant with mitigation incorporation** | **Less than significant impact** | **No impact** |
|---|---|---|---|---|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, non-agricultural use? | ☐ | ☐ | ☐ | ☒ |

A. Environmental Setting

The project site is located in a highly urbanized, previously developed site. No agricultural lands exist in the adjacent area.

B. Discussion

a) ***No Impact.*** The project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance..

b) ***No Impact.*** The project site is not currently under a Williamson Act contract. Current zoning for the site is Highway Commercial. The project would not conflict with the zoning of the site; therefore there would be no impact.

c) ***No Impact.*** There are no agriculture uses in the project area and no uses proposed for the project site would result in the cumulative loss of farmland.

***Sources:*** *The Town of Fairfax General Plan;*

| III. AIR QUALITY – Would the project: | **Potentially significant impact** | **Less than significant with mitigation incorporation** | **Less than significant impact** | **No impact** |
|---|---|---|---|---|

| | | | | |
|---|---|---|---|---|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☐ | ☒ |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | ☐ | ☐ | ☒ | ☐ |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | ☐ | ☐ | ☒ | ☐ |
| d) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☒ | ☐ | ☐ |
| e) Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☒ | ☐ |

A. Environmental Setting

The project site is located in the highly urbanized downtown area in the Town of Fairfax. The project is located in Marin County, which is in the San Francisco Bay Area Air Basin. Ambient air quality standards have been established at both the State and Federal level. The Bay Area meets all ambient air quality standards with the exception of ground-level ozone, respirable particulate matter ($PM_{10}$) and fine particulate matter ($PM_{2.5}$).

Illingworth & Rodkin prepared an Air Quality and Greenhouse Gas CEQA Evaluation in February, 2011. Their report is the basis for the environmental determinations in the discussion section below.

B. Discussion

a.) ***No Impact.*** The proposed project will be subject to the Bay Area Air Quality Management District (BAAQMD) plans to achieve ambient air quality standards and compatible with the Town of Fairfax General Plan. The most recent clean air plan is the *Bay Area 2010 Clean Air Plan* that was adopted by BAAQMD in September 2010. The proposed project will not conflict with the latest Clean Air planning efforts since (1) the project will have emissions well below the BAAQMD thresholds, (2) development of the project site will reuse a land use that has traditionally had a similar type of use, and (3) development will be near existing transit with regional connections. The project, a 21,150 square-foot market, is too small to incorporate project-specific transportation control measures listed in the latest Clean Air Plan (i.e., *Bay Area 2010 Clean Air Plan*).

The project will also be subject to new requirements under rule making developed at the State and local level regarding greenhouse gas emissions and be subject to local policies that may affect emissions of greenhouse gases.

b.) ***Less than Significant Impact.*** The proposed project will be compatible with the BAAQMD and the Town of Fairfax General Plan. The project will have emissions less than the significant thresholds adopted by BAAQMD for evaluating impacts to ozone and particulate matter.

Therefore, the project will not contribute substantially to existing or projected violations of those standards. Carbon monoxide emissions from traffic generated by the project will be the pollutant of greatest concern at the local level. The project will generate a small amount of traffic (less than 100 new trips per busiest hour), so the contribution of project-generated traffic to these levels will be minimal and the project will not cause or contribute to a violation of an ambient air quality standard.

c.) ***Less than Significant Impact.*** The proposed project will be compatible with the BAAQMD and the Town of Fairfax General Plan. The Bay Area is considered a non-attainment area for ground-level ozone and fine particulate matter ($PM_{2.5}$) under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for respirable particulates or particulate matter with a diameter of less than 10 micrometers ($PM_{10}$) under the California Clean Air Act, but not the Federal act. The area has attained both State and Federal ambient air quality standards for carbon monoxide. The BAAQMD has established thresholds of significance for ozone precursor pollutants (ROG and NOx), $PM_{10}$ and $PM_{2.5}$ and apply to both construction period and operational period impacts.

Due to the project size, construction period emissions will be less than significant. In their latest update to the *CEQA Air Quality Guidelines*, BAAQMD identified the size of land use projects that could result in significant air pollutant emissions. For construction impacts, the "supermarket" project size was identified at 277,000 square feet. For operational impacts, the project size was identified at 42,000 square feet. Projects of smaller size will be expected to have less-than-significant impacts with respect to construction- and operational-period emissions. Since the project proposes 21,150 square feet of "supermarket" type uses, it is concluded that emissions will be below the BAAQMD significance thresholds for both construction exhaust and operational emissions. In addition, the project will relocate existing operational emissions resulting in a net change in the size of the market of approximately 12,600 square feet.

d.) ***Less than Significant Impact with Mitigation Incorporation.*** The proposed project is designed to complement the existing uses surrounding the site. Construction period mitigation measures will reduce impacts to a less than significant level. Construction activities will include renovation of the building, landscape improvements, utility upgrades, and repaving of the parking area. Construction activities would last about six months. These will not be intensive operations. There will be no site grading, which typically has the greatest construction period emissions. Emissions will be well below the BAAQMD thresholds and are not expected to cause adverse impacts to nearby sensitive receptors. Operation of the project will include localized emissions from trucks delivering goods, which could expose sensitive receptors to unhealthy air pollutant levels.

The only source of toxic air contaminants (TACs) emitted by the project will come primarily from delivery trucks. On a weekly basis, the project will receive approximately nine large truck and 85 medium truck/van deliveries. Many of these trucks will be diesel powered and emit diesel particulate matter or DPM, which is a known TAC. Emissions of TACs could pose an air quality impact to nearby sensitive uses.

For sources of TAC emissions, the BAAQMD has identified significance thresholds as part of their new CEQA Air Quality Guidelines. Projects that cause the following effects will be considered to have a significant project-level impact:

- Project causes an excess cancer risk level of more than 10 in one million, or a non-cancer (i.e., chronic or acute) hazard index greater than 1.0 would be a cumulatively considerable contribution;
- Project causes an incremental increase of greater than 0.3 micrograms per cubic meter ($\mu g/m^3$) annual average $PM_{2.5}$ would be a cumulatively considerable contribution.

In order to address this impact, emission from the truck deliveries were estimated and a simple screening-level model was used to predict concentrations at the nearest sensitive receptor. Residences along Pastori Avenue are considered the closest sensitive receptors. Impacts to these residences were evaluated.

Emissions from delivery trucks were computed using the California Air Resources Board's EMFAC2007 model assuming a year 2010 fleet of trucks. DPM emissions were modeled in grams per miles for travel and grams per hour for idling. Annual emissions were computed based on truck travel movements on site and idling. Emissions were input to the SCREEN3 dispersion model. This model predicts concentrations of air contaminants at a receptor position. Since this is a screening model, a set of hourly meteorological conditions conducive to high concentrations are input to the model, which assumes flat terrain with no obstructions. Modeled emissions are also input to the model. An hourly concentration representative of daytime conditions is predicted. This concentration is converted to annual concentrations to compute the increased cancer risk or $PM_{2.5}$ concentration caused if a receptor were exposed to this concentration for 70 years. Model inputs and output are provided in Attachment 1of the Illingworth & Rodkin report.

Using the modeled long-term average DPM concentrations, the individual cancer risks were computed using the most recent methods recommended by BAAQMD[4] and the California Office of Environmental Using the modeled long-term average DPM concentrations, the individual cancer risks were computed using the most recent methods recommended by BAAQMD[4] and the California Office of Environmental

Health Hazard Assessment (OEHHA)[5]. The factors used to compute cancer risk are highly dependent on modeled concentrations, exposure period or duration, and the type of receptor. The exposure level is determined by the modeled concentration; however, it has to be averaged over a representative exposure period. The averaging period is dependent on many factors, but mostly the type of sensitive receptor that would reside at a site. This assessment conservatively assumed long-term residential exposures. OEHHA has developed exposure assumptions for typical types of sensitive receptors. These include nearly continuous exposures of 70 years for residences. It should be noted that the cancer risk calculations for 70-year residential exposures reflect use of BAAQMD's most recent cancer risk calculation method, adopted in January 2010. This method applies a Cancer Risk Adjustment Factor of 1.7 to the cancer risks for residential exposures to account for age sensitivity to toxic air contaminants. Age-sensitivity factors reflect the greater sensitivity of infants and small children to cancer causing TACs. This analysis, therefore, presents the most conservative computation of cancer risk for various types of exposures.

This assessment predicts a worst-case condition, in terms of community risk, for the following reasons:

- A simple screening level model is used that assumes wind is mostly blowing lightly from the source to the receptor under generally stable conditions;
- Reduced emissions from future changes in the truck fleet are not taken into account;
- All delivery trucks were assumed to be diesel powered and utilize the parking area closest to the residences on Pastori Avenue; and
- Receptors are assumed to be almost continuously exposed to these emissions for 70 years.

Results of this analysis indicate an increased cancer risk of 6.6 excess cases per million people. This is below the BAAQMD significance threshold of 10 in one million. The $PM_{2.5}$ concentration associated with this exposure is predicted to be 0.01 $\mu g/m^3$ on an annual basis, which is below the BAAQMD threshold of 0.3 $\mu g/m^3$. Potential non-cancer health effects due to chronic exposure to DPM were not estimated since the concentration threshold for non-cancer effects is considerably higher than concentrations that will result in significant cancer risks that were described above.

The chronic inhalation reference exposure level for DPM is 5 μg/m3 the predicted maximum annual exposure is 0.01 μg/m3, which is much lower than the REL. Thus, the Hazard Index, which is the ratio of the annual DPM concentration to the reference exposure level, will be much lower than significance criterion of a Hazard Index greater than 1.0.

Furthermore, an inspection of the existing structure by Consulting Associates of California (CAC) in October, 2010, identified incidents of asbestos in the building materials. CAC documents the two primary regulations governing asbestos related work in California: the US EPA's National Emission Standard for Hazardous Air Pollutants (NESHAP) – administered by the Bay Area Air Quality Management District's (BAAQMD) Regulation 11, Rule 2; and Cal-OSHA's Asbestos in the Construction Industry Standard (CCR Title 8, Section 1529). The NESHAP regulation requires that regulated friable asbestos-containing materials (RACMs) be removed and appropriately disposed prior to renovation or demolition activities that would disturb them. The classifications of friable (RACM's) and non-friable (ACM's) and are identified in the CAC report.

CAC provides recommendations for treatment and/or removal of asbestos. Implementation of the mitigations listed below would render this impact less than significant.

***AIR-1:*** Further analysis of the drywall and joint compound using the Point Count Method would be necessary to confirm that the asbestos content of the composite material is less than 1% asbestos. The alternative is to treat materials as RACM and remove it in accordance with BAAQMD requirements.

***AIR-2:*** In accordance with Title 8, California Code of Regulations (CCR) Section 1529, the Asbestos in the Construction Industry Standard and NESHAP/BAAQMD Regulation 11, Rule 2, the drywall joint compound and texture, floor mastic and transite panels require removal and proper disposal prior to demolition/renovation activities that would impact those materials. A copy of the CAC report shall be submitted to the BAAQMD when applying for a renovation permit for the site.

e.) ***Less than Significant Impact.*** The proposed project is designed to complement the existing uses surrounding the site. The proposed project will re-introduce a use that was previously compatible with the site. Delivery trucks, passenger vehicles and other activities associated with a supermarket will not introduce objectionable odors affecting a substantial number of people. The project will generate localized emissions associated with bakery operations. These emissions may be noticeable from time to time by adjacent receptors. However, they will be localized and are not likely to adversely affect people off site in that they will result in confirmed odor complaints.

***Sources:*** *The Town of Fairfax General Plan; Fairfax Center Properties Good Earth Market Project in Fairfax, CA – Air Quality and Greenhouse Gas CEQA Evaluation, Illingworth & Rodkin, February 18, 2011*

| **IV. BIOLOGICAL RESOURCES** – Would the project: | **Potentially significant impact** | **Less than significant with mitigation incorporation** | **Less than significant impact** | **No impact** |
|---|---|---|---|---|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, polices, or regulations, or by the | ☐ | ☐ | ☐ | ☒ |

| | | | | |
|---|---|---|---|---|
| California Department of Fish and Game or U.S. Fish and Wildlife Service? | | | | |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or by the U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☒ |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☒ |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☐ | ☐ | ☒ |
| e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☒ |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plans | ☐ | ☐ | ☐ | ☒ |

A. Environmental Setting

The project site is located in the highly urbanized downtown area in the Town of Fairfax. The proposed project is located on a site previously occupied by an Albertson's grocery store on the north side of the Fair-Anselm shopping center. It has since declined into an unused vacant building. San Anselmo Creek parallels the southern boundary of the Fair-Anselm shopping Center

B. Discussion

a.) ***No Impact.*** No special status species occur on site. The proposed project will not have a substantial adverse impact on the special status species listed in the Fairfax General Plan.

b.) ***No Impact.*** There are no riparian or sensitive natural communities on the project site. The proposed project will not have a substantial adverse impact on areas identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

c.) ***No Impact.*** No wetlands as defined by Section 404 of the Clean Water Act occur on site.

d.) ***No Impact.*** The project site is not near an established resident or migratory wildlife corridor. The proposed project does not include disturbances to the San Anselmo Creek.

e.) ***No Impact.*** There are no local policies or ordinances protecting biological resources on the project site.

f.) ***No Impact.*** There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans that govern the project site.

***Sources:*** *The Town of Fairfax General Plan*

| **V. CULTURAL RESOURCES** – Would the project: | **Potentially significant impact** | **Less than significant with mitigation incorporation** | **Less than significant impact** | **No impact** |
|---|---|---|---|---|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the California Environmental Quality Act? | ☐ | ☐ | ☒ | ☐ |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 | ☐ | ☐ | ☒ | ☐ |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☐ | ☒ | ☐ |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☐ | ☐ | ☒ |

A. Environmental Setting

The project site is located in the highly urbanized downtown area in the Town of Fairfax. The proposed project is located on a site previously occupied by an Albertson's grocery store that has since declined into an unused vacant building. The Northwest Information Center at Sonoma State University was contacted to conduct an archival records query of pertinent resources records for the site. A cultural resource occurring on the site was previously documented in a 1987 literature review. Due to construction of the existing building and surrounding parking lot, these features are not presently evident. Local, state, and federal inventories indicate that there are no recorded historical buildings or structures on the site.

B. Discussion

a-d) ***Less than Significant Impact.*** Development of the proposed project, including trenching and landscaping, will not cause substantial adverse changes in the significance of a historical or cultural resource; therefore there will be a less than significant impact. There are no known instances of unique historical features, geologic features or human remains on the project site. The documented cultural resource on site will not be substantially affected by the proposed project by following the recommendations below.

*CUL-1: Prior to construction activities,* the project sponsor shall also conduct an archival research to determine the appropriate locations for archaeological resources for areas that are slated for asphalt, concrete or vegetation removal.

*CUL-2:* Prior to trenching activities on site, the project sponsor shall contract with a licensed archeologist to supervise subsurface testing of the proposed project area, including the identification methods shovel-testing, surface transects units, or geoarchaeological techniques.

*CUL-3:* It is also recommended that the project sponsor conduct a resources assessment of historic-period buildings or structures for the project site.

*CUL-4:* In the event that archaeological resources or artifacts are discovered on site due to trenching for the proposed grease pit, further work should be monitored by an archaeologist. Artifacts or items of significance should be documented and recorded in accordance with recommendations from the archaeologist. Additionally, the project sponsor shall consult with the local Native American tribe to include or recommend monitors during all phases of investigation of archaeological resources including survey, testing, evaluation, data recovery and construction monitoring. In the event that human remains are encountered, all work must stop in the immediate vicinity of the discovery and the County Coroner and a qualified archaeologist must be notified so that an evaluation can be performed.

It is also recommended that any identified cultural resources be recorded on DPR 523 historic resource recordation forms.

***Sources:*** *The Town of Fairfax General Plan; Rapid response record search results for the proposed project at 720 Center Boulevard (APN 002-131-12), Fairfax, CA, Jillian Guldenbrein, NWIC, NWIC File No.: 10-1170; Cassidy DeBaker, email correspondence May 23, 2011*

| VI. GEOLOGY AND SOILS – Would the project: | **Potentially significant impact** | **Less than significant with mitigation** | **Less than significant impact** | **No impact** |
|---|---|---|---|---|

| | | incorporation | | |
|---|---|---|---|---|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | ☐ | ☐ | ☐ | ☒ |
| ii) Strong Seismic Ground shaking? | ☐ | ☒ | ☐ | ☐ |
| iii) Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☒ | ☐ |
| iv) landslides? | ☐ | ☐ | ☒ | ☐ |
| b) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☐ | ☒ |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☒ | ☐ |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | ☐ | ☐ | ☒ | ☐ |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal system where sewers are not available for the disposal of waste water? | ☐ | ☐ | ☐ | ☒ |

A. Environmental Setting

The project site is located in the highly urbanized downtown area in the Town of Fairfax. The proposed project is located on a site previously occupied by the Albertson's grocery store. The site has been vacant for approximately five years. The site is relatively flat, gently sloping to the southeast. An approximate eight-foot cut slope inclined at approximately 1.5:1 (horizontal:vertical) is located to the north of the existing structure. The asphalt paved parking lot is in poor condition due to age, heavy traffic loading, and surface water intrusion.

Miller Pacific Engineering Group (MPEG) conducted a Geotechnical Investigation in November, 2010. The regional topography is characterized by northwest-southeast trenching mountain ridges and intervening valleys that were formed by movement between the North American and the Pacific Plates. Continued deformation and erosion during the later Tertiary and Quaternary Age formed the prominent Marin coastal ridges and the inland depression that is now the San Francisco Bay. The more recent seismic activity within the Coast Range Geomorphic Province is concentrated along the San Andreas Fault zone, a complex group of generally north to northwest trending faults.

Regional geologic mapping shows the site is located near a geologic contact between alluvial and colluvial soils. Alluvial soils consist of gravel, sand and silt that are poorly to moderately sorted and deposited via streams and rivers. Colluvium generally consists of poorly sorted clays, sands and gravels deposited due to the weathering of nearby slopes.

B. Discussion

a, i). ***No Impact.*** The proposed project is not located near a fault rupture zone as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map. The project site is approximately seven miles east of the San Andreas Fault Zone. According to MPEG, there is no threat from a rupture of a known earthquake fault, therefore there is no impact.

a, ii). ***Less than Significant with mitigation incorporation.*** The potential for strong seismic shaking at the project site is high. The San Andreas Fault, San Gregorio and Hayward Faults present the highest potential for severe ground shaking. The significant adverse impact associated with strong seismic shaking is potential damage to structures and improvements. The impacts can be mitigated to less than significant levels by incorporating the mitigation listed below:

a, iii). ***Less than Significant.*** The Safety Element of the Town of Fairfax General Plan and MPEG indicates that the project site is located in an area of moderate to high geologic hazards resulting from liquefaction. MPEG has determined that the proposed project will not expose people to substantial adverse effects from liquefaction, therefore the impact is less than significant.

a, iv). ***No Impact.*** The proposed project is not located near an area susceptible to landslides.

b). ***No Impact.*** The proposed project involves the renovation of an existing structure that is currently vacant. The project site, where structures and improvements are proposed, has been previously disturbed. Improvements to existing parking lots shall conform to recommendations by MPEG. A small embankment northwest of the building will be planted with oak trees, otherwise no site grading or structures are proposed for this location. There is no potential for a loss of topsoil on the project site, therefore there is no impact.

c & d). ***Less than Significant.*** The proposed project, as indicated in the MPEG report, is not located on expansive soils, unstable soils or that will become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. The project site is located in an area that will be susceptible to ground shaking due to an earthquake, but this impact will be considered less than significant if the proposed project adheres to the CBC and the mitigations that follow below.

e). ***No Impact.*** The proposed project does not include the use of septic tanks or alternative waste water disposal system, therefore there is no impact.

***Recommended Geologic Hazards and Design Mitigation Measures***

A licensed geotechnical engineer shall review the plans and specification for the project when they are nearing completion to confirm the intent of the geotechnical recommendations provided in the MPEG

report have been incorporated, and if needed, suggest supplemental recommendations. A licensed geotechnical engineer shall also be present during construction to observe and/or test site preparation and grading. The engineer shall also observe foundation excavation for the structures and associated improvements to confirm that the soils encountered during construction are consistent with the design criteria outlined in the MPEG report.

***GEO-1:*** Site preparation and grading shall conform to the recommendations and criteria set forth for Site Grading in the MPEG report, Page 4.

***GEO-2:*** New structures and features shall be designed in accordance with the provisions of the California Building Code (CBC). Based on the interpreted subsurface conditions of the site, the CBC Coefficients (Table C, page 5, MPEG report) shall be used to calculate the deign base shear of the proposed improvements.

***GEO-3:*** The Structural Engineer should utilize the concrete slab-on-grade design recommendation (Table D page 6, MPEG report) to verify the structural integrity of the existing structure. If new foundations are required, they should be designed utilizing the shallow foundation design criteria given in Table D (MPEG report, page 6).

***GEO-4:*** To improve performance of the flooring, a water sealant shall be applied to the concrete slab prior to placing water based adhesive. A consultation with a flooring manufacturer is recommended

***GEO-5:*** The walls of the 1,500 gallon grease interceptor shall be designed to resist the lateral soil and hydrostatic pressures as indicated in Table E (MPEG report, page 7).

***Sources:*** Fairfax General Plan, Safety element Maps: SE-1, 2 & 3; Association of Bay Area Governments Hazard Maps and Information; Miller Pacific Engineering Group, Geotechnical Investigation & Recommendations, Fairfax Grocery Store, November 3, 2010

| **VII. HAZARDS AND HAZARDOUS MATERIALS** – Would the project: | **Potentially significant impact** | **Less than significant with mitigation incorporation** | **Less than significant impact** | **No impact** |
|---|---|---|---|---|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☐ | ☒ | ☐ |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☒ | ☐ | ☐ |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | ☒ |
| d) Be located on a site which is included on a list of hazardous materials sites compiled | ☐ | ☐ | ☐ | ☒ |

| | | | | |
|---|---|---|---|---|
| pursuant to Government Code Section 65962.5 and , as a result, would it create a significant hazard to the public or the environment? | | | | |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | ☐ | ☐ | ☐ | ☒ |

A. Environmental Setting

The project site is located in the highly urbanized downtown area in the Town of Fairfax. The proposed project is located on a site previously occupied by the Albertson's market. The site has been vacant for approximately five years.

B. Discussion

a) ***Less than Significant Impact with mitigation incorporation..*** The proposed project does not include the routine transport, use, or disposal of hazardous materials. An inspection of the existing structure by CAC in October, 2010, identified incidents of asbestos in the building materials. CAC provides recommendations for treatment and/or removal of asbestos. Implementation of the mitigations listed in the Air Quality section above would render this impact less than significant.

b) ***Less than Significant Impact with mitigation incorporation.*** The proposed project includes the renovation of an existing structure previously used as a grocery store. The existing and proposed uses are consistent with the Town of Fairfax General Plan and Zoning for this site. The project does not include a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Asbestos identified by CAC can be reduced to less than significant levels by implementing the mitigations listed in the Air Quality section above.

c) ***No Impact.*** The proposed project will not emit hazardous emissions or handle hazardous or acutely hazardous materials and is not located within one quarter mile of an existing or proposed school. The nearest school to the project site, the Little Arrows Preschool, is approximately 1,250 feet

away (.25 miles).

d) ***No Impact.*** The proposed project is not located on a site that is listed on the Leaking Underground Storage Tank (LUST) cleanup sites list or on any hazardous materials sites list.

e) ***No Impact.*** The project site is not located near a private airstrip and is not within a flight path of an airport.

f) ***No Impact.*** The proposed project will not physically interfere with an adopted emergency response plan or emergency evacuation plan. The project includes the renovation of an existing structure.

g) ***Less than Significant Impact.*** The proposed project, which includes the renovation of an existing structure zoned for the specific use, will conform to the Town of Fairfax General Plan and Development Code for Highway Commercially zoned properties. The site plan is consistent with the recommended setbacks and standards from the State of California Department of Forestry and Fire Protection as well as the Town of Fairfax Fire Department for projects within the Wildland Urban Interfaces (WUI).

***Sources:*** Town of Fairfax General Plan; Consulting Associates of California, Results of Pre-Demolition asbestos Assessment at 720 Center Boulevard in Fairfax, CA, October 8, 2010

| **VIII. HYDROLOGY AND WATER QUALITY** – Would the project: | **Potentially significant impact** | **Less than significant with mitigation incorporation** | **Less than significant impact** | **No impact** |
|---|---|---|---|---|
| a) Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☐ | ☒ |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | ☐ | ☐ | ☐ | ☒ |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. | ☐ | ☐ | ☒ | ☐ |
| d) Substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result | ☐ | ☐ | ☒ | ☐ |

in flooding on- or –off site.

| | | | | |
|---|---|---|---|---|
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☒ | ☐ |
| f) Otherwise substantially degrade water quality? | ☐ | ☐ | ☒ | ☐ |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate map or other flood hazard delineation map? | ☐ | ☐ | ☐ | ☒ |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | ☐ | ☐ | ☐ | ☒ |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | ☐ | ☐ | ☐ | ☒ |
| j) Inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒ |

A. Environmental Setting

The project site is located in the highly urbanized downtown area in the Town of Fairfax. The proposed project is located on a site previously occupied by the Albertson's market. The site has been vacant for approximately five years. The subject property is almost entirely covered with existing impervious surfaces consisting of the existing parking lots and the building roof area.

The proposed project is located within the Fair-Anselm Shopping Center, which is divided into two main parcels, north and south of Center Boulevard. The proposed project will be located on the parcel north of Center Boulevard. San Anselmo Creek boarders the shopping center to the south. The proposed project is not located within the 100-year floodplain of San Anselmo Creek.

The project site is approximately two (2) acres and relatively flat, gently sloping to the southeast two (2) to four (4) percent. An approximate eight-foot cut slope inclined at approximately 1.5:1 (horizontal:vertical) is located to the north of the existing structure. The asphalt paved parking lot is in poor condition due to age, heavy traffic loading, and surface water intrusion.

The regional topography is characterized by northwest-southeast trenching mountain ridges and intervening valleys that were formed by movement between the North American and the Pacific Plates. Regional geologic mapping shows the site is located near a geologic contact between alluvial and colluvial soils. Alluvial soils consist of gravel, sand and silt that are poorly to moderately sorted and deposited via streams and rivers. Colluvium generally consists of poorly sorted clays, sands and gravels deposited due to the weathering of nearby slopes.

B. Discussion

a) ***No Impact.*** The proposed project includes the renovation of an existing vacant structure on an unused vacant site on the eastern edge of downtown Fairfax. The proposed project is consistent with the General Plan and Zoning for the property. The project includes Low Impact Design (LID) Best Management Practices (BMPs) for stormwater runoff control and will be reducing the existing run-off by 0.24 cfs (cubic feet per second).

b) ***No Impact.*** The proposed project includes the renovation of an existing vacant structure on the eastern edge of downtown Fairfax. The proposed project is consistent with the General Plan and Zoning for the property. The previous tenants, Albertsons, operated a grocery store similar in use to the proposed project. The new store will continue to be served by the existing infrastructure and will not deplete groundwater supplies or interfere substantially with groundwater recharge.

c-f) ***Less than Significant Impact.*** The proposed project will include the renovation of the existing facility including a clerestory roof addition. The project also includes the resurfacing and landscaping of both parking areas. by Oberkamper and Associates in February, 2011. Oberkamper modeled the watershed area of the site using the software program *Hydroflow Hydrographs* in order to determine the existing and proposed flows for a 100-year storm event. Storm drainage leaves the property and enters the Town drainage facilities in the street right-of-way in three directions: west along Center Boulevard, east along Center Boulevard, and east towards Pastori Avenue. The site was divided into three drainage areas: A, B and C. Based on the Hydrograph results the proposed project will increase the pervious surfaces onsite by constructing landscaping islands and biofiltration swales. The biofiltration swales are designed to provide treatment of storm water runoff through filtration within the biofiltration swale. The proposed improvements will decrease the rate of runoff from the site by 0.24 cubic feet per second (cfs).

By capturing increased storm water runoff and treating it on site through LIDs and biofiltration swales, the proposed project will not result in altering the existing drainage pattern of the site or area resulting in substantial erosion or siltation. The project will not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or–off site and it will not contribute runoff water that will exceed the capacity of the existing or planned stormwater drainage systems. Treating runoff on-site will not provide substantial additional sources of polluted runoff and will effectively reduce the amount of degraded storm-water runoff from the site. Therefore the impact is less than significant.

g-j) ***No Impact.*** The proposed project does not include housing and is not located within a 100-year floodplain. The project will not place structures or impede or redirect flood flows. There are no mapped levees or dams in the project vicinity that could impact the project due to failure. The project site is not located near a large body of water and will not be subject to seiche, tsunami or a significant mudflow.

| **IX. LAND USE AND PLANNING** – would the project: | **Potentially significant impact** | **Less than significant with mitigation incorporation** | **Less than significant impact** | **No impact** |
|---|---|---|---|---|
| a) Physically divide an established community? | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with any applicable land use plan, | ☐ | ☐ | ☐ | ☒ |

| | | | | |
|---|---|---|---|---|
| policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | | | | |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | ☐ | ☐ | ☐ | ☒ |

A. Environmental Setting

The project site is located in the highly urbanized downtown area in the Town of Fairfax. The proposed project is located on a site previously occupied by an Albertson's grocery store that has since declined into an unused vacant building.

B. Discussion

a) ***No Impact.*** The proposed project is located on vacant former supermarket site on the eastern edge of downtown Fairfax. The proposed project is consistent with the General Plan and Zoning for the property. The proposed project will not divide an established community.

b) ***No Impact.*** The proposed project is consistent with the Town of Fairfax General Plan. The proposed project is consistent with the existing zoning of Highway Commercial (CH).

c) ***No Impact.*** There are no habitat conservation plans or natural community conservation plans for the project site. The proposed project is consistent with the Town of Fairfax General Plan. The proposed project is consistent with the existing zoning of Highway Commercial (CH).

***Sources:*** *The Town of Fairfax General Plan*

| **X. MINERAL RESOURCES** – Would the project: | **Potentially significant impact** | **Less than significant with mitigation incorporation** | **Less than significant impact** | **No impact** |
|---|---|---|---|---|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☒ |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | ☐ | ☐ | ☐ | ☒ |

A. Environmental Setting

The project site is located in the highly urbanized downtown area in the Town of Fairfax. The proposed project is located on a site previously occupied by an Albertson's grocery store that has since declined into an unused vacant building.

B. Discussion

a). ***No Impact.*** The proposed project is located on a previously disturbed former supermarket site on the eastern edge of downtown Fairfax. There are no known mineral resources located on the project site.

b). ***No Impact.*** There are no known mineral resources on the project site as delineated in the Fairfax General Plan or other land use plans.

***Sources:*** *The Town of Fairfax General Plan*

| **XI. NOISE-** would the project result in: | **Potentially significant impact** | **Less than significant with mitigation incorporation** | **Less than significant impact** | **No impact** |
|---|---|---|---|---|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☐ | ☒ | ☐ |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☒ | ☐ |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☒ | ☐ |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☒ | ☐ |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ |

A. Environmental Setting

The project site is located in the highly urbanized area in the Town of Fairfax. The proposed project is located on a site previously occupied by an Albertson's grocery store that has since declined into an unused vacant building. The current zoning for the property in Highway Commercial (CH).

The proposed project will relocate the existing Good Earth 8,500 square foot grocery store at 1966 Sir Francis Drake Boulevard to the new location at 720 Center Boulevard. The new 21,150 square feet Good Earth store will have primary access off Pastori Avenue and Center Boulevard. The new facility will have 100 parking spaces, 32 in the east lot and 68 in the north lot.

The primary source of noise at the project site is traffic on Center Boulevard, a two-lane street fronting the project site to the south, and Sir Francis Drake Boulevard on the north side of the site.

B. Discussion

a). ***Less Than Significant Impact.*** Environmental Consulting Services conducted a noise impact and mitigation study of the project in February, 2011. While the project will result in temporary noise impacts due to construction, it was determined that the permanent noise impacts from the grocery store activities will not be significant. Although the individual noise levels created by loading dock area vehicle activities would briefly exceed noise levels specified by the Noise Ordinance at the nearest residences, the duration of the incidents would be much less than 7.5 minutes in any 15 minute period specified in the ordinance. These anticipated Market activities in a designated commercial area would not be considered a significant impact, since the Pastori area still remains relatively quieter than other receptor locations in the project area that are more affected by traffic noise, and the noise levels would still be considered "acceptable" according to Fairfax Noise Planning Guidelines (Exhibit 3). The proposed project will not result in noise impacts in excess of the standards established by the Fairfax General Plan or applicable standards of other agencies, therefore the impact is considered less than significant.

b). ***Less Than Significant Impact.*** The proposed project will introduce periods of temporary construction impacts. Duration and usage levels associated with specific equipment are documented in the Environmental Consulting Services report. Sensitive receptors, residences on Pastori Avenue, may experience temporary groundbourne noise or vibrations but it is not considered significant. See below for mitigations regarding project generated noise impacts.

c). ***Less Than Significant Impact.*** The proposed project will introduce periods of temporary construction impacts. Duration and usage levels associated with specific equipment are documented in the Environmental Consulting Services report. See below for mitigations regarding project generated noise impacts.

d.) ***Less Than Significant Impact.*** The proposed project involves the renovation of an existing structure to accommodate a 21,150 square foot grocery store. Activities associated with the use of the facility include daily truck deliveries and passenger vehicles trips to the project site. The proposed project will also introduce periods of temporary construction impacts. Duration and usage levels associated with specific equipment are documented in the Environmental Consulting Services report. See below for mitigations regarding project generated noise impacts.

e.) ***No Impact.*** The project is not located within an airport land use plan or, within two miles of a public airport or public use airport. The project will not expose people residing or working in the project area to excessive noise levels, therefore there is no impact.

f.) ***No Impact.*** The project is not located near a private airport. The project will not expose people residing or working in the project area to excessive noise levels, therefore there is no impact.

***Recommended Noise Mitigation Measures***

As described in the ECS report, the proposed project will not result in operational or construction

activities that will be considered significant impacts of exceed the Town of Fairfax noise planning standards. The following mitigation measures are suggested to reduce individual noise events impacts in nearby receptors areas.

***Operational Noise Mitigation Measures***
***N-O.1:*** Turn off delivery trucks while unloading products at the loading dock.

***N-O.2:*** The applicant will implement the use of noise mitigation materials and/or equipment standard in the building industry for the rear surfaces of the eastern back wall of the building; the vertical face of the loading dock; and the dock surface of the loading dock.

***N-OM.2:*** In the event that N-C.8 does not reasonably mitigate noise impacts to the surrounding residential neighborhood as defined by monitoring results at the most sensitive receptor locations and noise in exceeds above 40dBA between 10:00 pm and 7:00 am and above 50 dba between 7:00 am and 10:00 pm (per 8.20.050 of the Town Code), then an acoustical wall or other reasonable mitigation measures will be constructed that will be placed in locations that further mitigate noise impacts to less than significant levels. The acoustical noise wall or other reasonable mitigation measure will be implemented within 12 months and the success of the mitigation measures will be evaluated again after implementation of the contingent mitigation measures.

***N-O.3:*** The baling equipment will only be operated between the hours of 10am and 5pm.

***Construction Noise Mitigation Measures***
***N-C.1:*** Choose construction equipment that is of quiet design, has a high-quality muffler system, and is well maintained. This includes trucks and equipment used to haul materials to and from the site.

***N-C.2:*** Install superior mufflers and engine enclosure panels as needed on gas, diesel or pneumatic impact machines.

***N-C.3:*** Erect temporary plywood enclosures around stationary equipment that produce excessive noise at nearby receptors.

***N-C.4:*** Restrict construction hours to 8am to 8pm.

***N-CM.4:*** In the event that construction noise complaints, from at least three individual residences within one week, are made to the Chief Building Official, then construction hours will be restricted to 8am to 5pm.

***N-C.5:*** Eliminate unnecessary idling of machines when not in use.

***N-C.6:*** Use good maintenance and lubrication procedures to reduce operating noise.

***N-C.7:*** If possible, locate equipment as far from sensitive receptors as possible.

***Sources:*** Town of Fairfax General Plan; Fairfax Noise Ordinance; Environmental Consulting Services, Noise Impact and Mitigation Study Good Earth Market, April 28, 2011 (revised)

| **XII. POPULATION AND HOUSING –** Would the project: | **Potentially significant impact** | **Less than significant with** | **Less than significant impact** | **No impact** |
|---|---|---|---|---|

| | | mitigation incorporation | | |
|---|---|---|---|---|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐ | ☐ | ☒ | ☐ |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |

C. Environmental Setting

The project site is located in the highly urbanized area in the Town of Fairfax. The proposed project is located on a site previously occupied by an Albertson's grocery store that has since declined into an unused vacant building. The current zoning for the property in Highway Commercial (CH).

D. Discussion

a). ***Less Than Significant Impact.*** The proposed project will introduce a new 21,150 square feet Good Earth grocery store in a building previously used for an Albertson's grocery store. The Good Earth market is currently located at 1966 Sir Francis Drake Blvd; the existing store will move all operations to the new location at 720 Center Boulevard. While the new store will be 12,560 square feet larger than the existing store, it does not represent a significant increase in the size of the business and therefore will not substantially result in direct population growth, therefore the impact is considered less than significant.

b). ***No Impact.*** The proposed project will be located on a site previously used as a grocery store. The project is consistent with the commercial zoning for the property and there is no housing located on site. Therefore, there is no impact.

c). ***No Impact.*** The proposed project will be located on a site previously used as a grocery store. The project is consistent with the commercial zoning for the property and therefore will not displace people in need of replacement housing. Therefore, there is no impact.

***Sources:*** *The Town of Fairfax General Plan*

| **XIII. PUBLIC SERVICES** | **Potentially significant impact** | **Less than significant with mitigation incorporation** | **Less than significant impact** | **No impact** |
|---|---|---|---|---|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered | | | | |

| | | | | |
|---|---|---|---|---|
| governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: | | | | |
| a) Fire protection? | ☐ | ☐ | ☒ | ☐ |
| b) Police protection? | ☐ | ☐ | ☒ | ☐ |
| c) Schools? | ☐ | ☐ | ☒ | ☐ |
| d) Parks? | ☐ | ☐ | ☒ | ☐ |
| e) Other public facilities? | ☐ | ☐ | ☐ | ☒ |

A. Environmental Setting

The proposed project site, located in the urbanized downtown area in the Town of Fairfax, is already served by public services. The project site is in an area zoned for Highway Commercial (CH). The proposed project will be relocate an existing 8,500 square foot store in the central downtown area to the new 21,150 square facility at the east end of downtown Fairfax.

B. Discussion

a) ***Less Than Significant Impact.*** The Town of Fairfax Fire Department currently provides fire protection services to the Fair-Anselm shopping center and proposed project site. Development of the project will not result in adverse physical impacts or cause significant environmental impacts therefore there will be a less than significant impact.

b) ***Less Than Significant Impact.*** The Town of Fairfax Police Department currently provides policing services to the proposed project site. Development of the project will not induce substantial population growth therefore the impacts will be less than significant.

c). ***Less Than Significant Impact.*** The proposed project will include the renovation of an existing vacant grocery store. The Good Earth will be relocating their store to the new facility thereby increasing the existing operation from 8,500 square feet to 21,150 square feet. This increase will not result in a substantial increase of employees to the project site; therefore there will be no additional demand for school facilities. There will be no impacts associated with school facilities.

d). ***Less Than Significant Impact.*** The proposed project will include the renovation of an existing vacant grocery store. The Good Earth will be relocating their store to the new facility thereby increasing the existing operation from 8,500 square feet to 21,150 square feet. This increase will not result in a substantial increase of employees to the project site; therefore there will be no additional demand for school facilities. There will be no impacts associated with parks and recreational facilities.

e). ***No Impact.*** The proposed project will be located on a site previously used as a grocery store. The project is consistent with the commercial zoning for the property and will not result in a substantial increase of employees to the project site.

| **XIV. RECREATION** | **Potentially** | **Less than** | **Less than significant** | **No impact** |
|---|---|---|---|---|

| | significant impact | significant with mitigation incorporation | impact | |
|---|---|---|---|---|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be facilitated? | ☐ | ☐ | ☒ | ☐ |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☒ |

A. Environmental Setting

The proposed project, located in the urbanized downtown area in the Town of Fairfax, includes the renovation of an existing, vacant grocery store. The project site is in an area zoned for Highway Commercial (CH). The proposed project will relocate an existing 8,500 square foot Good Earth grocery store from its present location at 1966 Sir Francis Drake Boulevard to the Fair-Anselm location on the eastern edge of downtown. The new store will include 21,150 square feet for the new Good Earth.

B. Discussion

a) ***Less Than Significant Impact.*** The proposed project will include the renovation of an existing vacant grocery store. The Good Earth will be relocating their store to the new facility thereby increasing the existing operation from 8,500 square feet to 21,150 square feet. This increase will not result in a substantial increase of employees or visitors to the project site; therefore the project will not result in the physical deterioration of neighborhood or recreation facilities.

b) ***No Impact.*** The proposed project does not include the construction of recreational facilities. The project will include the renovation of an existing vacant grocery store. The Good Earth will be relocating their store to the new facility thereby increasing the existing operation from 8,500 square feet to 21,150 square feet. This increase will not result in a substantial increase of employees to the project site; therefore there will be no additional demand for recreational facilities.

| **XV. TRANSPORATION/TRAFFIC – Would the project:** | **Potentially significant impact** | **Less than significant with mitigation incorporation** | **Less than significant impact** | **No impact** |
|---|---|---|---|---|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase either in the number of vehicle trips, the volume to capacity ratio on | ☐ | ☒ | ☐ | ☐ |

roads, or congestion at intersections?)

| | | | | |
|---|---|---|---|---|
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | ☐ | ☒ | ☐ | ☐ |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | ☐ | ☐ | ☐ | ☒ |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)? | ☐ | ☐ | ☐ | ☒ |
| e) Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☒ |
| f) Result in inadequate parking capacity? | ☐ | ☐ | ☐ | ☒ |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)? | ☐ | ☒ | ☐ | ☐ |

A. Environmental Setting

The proposed project involves the relocation of the existing Good Earth Market from its current site at 1966 Sir Francis Drake Blvd to a currently vacant building at 720 Center Blvd. The proposed project will increase the size of the store from the existing 8,500 square feet to 21,150 square feet at the new location. Access to the new store will be via driveways on Center Blvd and Pastori Drive. The two signalized intersections on Sir Francis Drake Blvd at Claus Drive and at Pastori Avenue operate at LOS C and LOS B, respectively. The three all-way stop controlled intersections on Center Blvd at Bolinas Road, Pacheco Avenue and Pastori Avenue operate at LOS C, C-D and B-C respectively. At the unsignalized intersection of Sir Francis Drake Blvd / Pacheco Avenue motorists waiting to turn left onto Sir Francis Drake Blvd experience long delays that are indicative of LOS F.

Sir Francis Drake Blvd carries 16,215 vehicles per day east of Claus Drive, with this volume increasing to 20,460 in the area east of Pastori Avenue. The daily traffic volume on Center Blvd ranges from 9,985 between Pacheco Avenue and Pastori Avenue to 9,380 east of Pastori Avenue. Pastori Avenue carries 1,980 vehicles per day between Sir Francis Drake Blvd and Center Blvd.

Bicycle lanes exist on Center Blvd from Pacheco Avenue to Pastori Avenue, and these lanes are connected through the Pastori Avenue intersection to the Lansdale Avenue bicycle route. Sidewalks exist on both sides of Center Blvd west of Pastori Avenue and on Sir Francis Drake Blvd east and west (north side only) of Pastori Avenue. There are no existing sidewalks on Pastori Avenue (this improvement is included in the Town's CIP and will be installed by the Town as the project proceeds).

B. Discussion

a) ***Less Than Significant Impact.*** KD Anderson & Associates, Inc. (KDA) prepared a traffic impact analysis on March 1, 2011. The larger store could generate 2,811 vehicle trip ends each day, with 36% of those trips attracted to the site from the stream of traffic already passing on Sir Francis Drake or Center Blvd. While the new store would generate more traffic than the existing store, on a daily basis the larger store is only expected to add a total of 548 new daily trip ends onto Fairfax streets (i.e., 274 inbound and 274 outbound).

Under existing conditions, the intersections on the major street system adjacent to the proposed project deliver peak hour traffic conditions that meet adopted Town of Fairfax minimum standard for Level of Service (LOS).

The Good Earth Market will continue to attract patrons from Fairfax and from neighboring Marin County communities. Based on census data for locations within the markets trade area it is expected that the store's traffic will be most heavily oriented to the east (70%). As indicated in the KDA report, the length of delays at the Sir Francis Drake Blvd / Claus Drive intersection near the existing store will be shortened if the proposed project proceeds, but the intersections near the new store will see longer delays, particularly in the evening peak hour. However, projected Levels of Service will remain with the Town's LOS D threshold. The project will add traffic to the Broadway / Center Blvd / Pacheco Avenue intersection, but the resulting totals will not satisfy peak hour warrants for signalization.

The net trips generated by this project (project trips less traffic from existing Good Earth Market) were superimposed onto the Year 2011 background condition, and "Existing plus Project" traffic conditions were identified to determine the significance of project impacts. Development of the project does not result in any new locations exceeding the Town's LOS D minimum standard.

The only appreciable issue associated with immediate development of the project is the conflict between vehicles exiting the east parking lot and peak period queues on Pastori Avenue and on Center Blvd. Additionally, local residents are concerned that the project will create significant impacts with regards to vehicles entering and exiting the project site as well as creating congestion due to vehicle travel thru the Belle Avenue neighborhood. To address these issues, the following mitigations are proposed to help reduce the impacts to less than significant.

***TRAF-1:*** Sign the two exits from the eastern parking lot as "right turn only-24/7".

***TRAF-2:*** Move the Pastori Avenue driveway as far to the south from Sir Francis Drake Blvd as is feasible (20 feet).

***TRAF-3:*** Signs will be posted on Belmont Avenue, Kent Avenue, and Belle Avenue to indicate that "residential traffic and emergency vehicles only". These locations will be determined prior to operation of the Proposed Project by the Town. The Town will develop the most stringent criteria and enforcement method to ensure compliance with the signage. This mitigation measure will be associated with a citation in the amount determined by the Town and not to exceed $1,000.

***TRAF-4:*** The town will explore eliminating the right turn only on red from Pastrori Ave to Sir Francis Drake Blvd and creating one-way traffic on specific surface streets in the Belle Avenue and Kent Avenue and Belmont Avenue. These traffic circulation improvements will be implemented within twelve months of the beginning of operation of business of the Good Earth. Additionally, the Town of Fairfax will evaluate the length of the left hand turning lane and traffic signal timing to improve the traffic conditions at the intersection of Sir Francis Drake Blvd and Pastori.

***TRAF- 5:*** Signs will be posted on Belmont Avenue, Kent Avenue, and Belle Avenue indicating residential parking only. Residents will be provided parking stickers and visitor passes. Vehicles parked in the residential neighborhood without a parking pass would be cited by the Town of Fairfax.

***TRAF-6:*** A mid-block crosswalk will be placed at the intersection of Belle Avenue and Pastori Avenue to facilitate pedestrian traffic from the Belle Avenue residential area to the Good Earth store and downtown Fairfax.

b). ***Less than Significant Impact with mitigation incorporation.*** KDA discussed issues with Town of Fairfax staff to determine assumptions for five year conditions. KDA and the Town agreed that regional background traffic growth could be based on comparison of new year 2011 traffic counts and year 2007 data presented in the General Plan Circulation Element, or based on long term traffic volume growth rates implied form the Marin County regional travel demand forecasting model.

KDA reviewed the Marin County Department of Public Works regional travel demand forecasting model that projects future traffic volumes on major streets based on assumptions for regional development and circulation system improvements. The regional model excludes many of the minor streets that form the circulation system in the San Anselmo – Fairfax area, but does provide an indication of the overall growth rate that could be expected on major roads.

KDA compared the baseline and Year 2030 model forecasts, and was able to derive short term growth rates. The volume of traffic on Sir Francis Drake Boulevard could be expected to increase by roughly 1% annually if long term growth rates are experienced over the next five years. A higher growth rate is projected on Center Boulevard, where an annual growth rate of roughly 1.8% is identified. Traffic volume on Sir Francis Drake Boulevard and on Bolinas Road is expected to increase by less than 1% annually according to the traffic model.

Based on these assumptions, it can be assumed that the proposed project will not exceed a level of service standard established by the County for Sir Francis Drake Boulevard; therefore the impact will be less than significant.

***TRAF-7:*** The project shall contribute its "fair share" to the cost of improving the two intersections where LOS deficiencies are projected in Year 2016 whether the project proceeds or not. The fair share should be based on the project's traffic as a percentage of the total volume occurring in the future. For example, the net new trips generated by the project are 4.2% of the total traffic through the Broadway / Center Boulevard / Pacheco Avenue intersection under adjusted Year 2016 condition. If a traffic signal was selected, the Good Earth project should contribute 4.2% of the cost of signalizing the Pacheco Avenue intersections on Center Boulevard and on Sir Francis Drake Boulevard, which is estimated at roughly $500,000. Thus, the project's fair share is $21,000.

Similarly, the net new trips generated by the Good Earth project are 9.1% of the total traffic through the Center Boulevard / Pastori Avenue intersection under adjusted Year 2016 conditions. If a traffic signal is selected as the ultimate solution, the cost of signalizing this intersection is roughly $250,000, making the project's share $22,750.

c.) ***No Impact.*** Current air traffic patterns will be maintained. The proposed project does not include improvements that will impact air traffic patterns, therefore there will be no impact.

d.) ***No Impact.*** The project will not involve design features that will increase hazards and will not introduce incompatible uses.

e.) ***Less Than Significant Impact.*** The proposed project will not alter any roadways that would affect emergency access. All construction activity will take place on the proposed project site and will not require road closures. Road improvements, such as the creation of sidewalks, bike lanes or parking spaces will not require the full closure of Center Boulevard or Pastori Avenue.

f.) ***No Impact.*** The proposed project includes the renovation of an existing structure that previously was used as a grocery store. The proposed project includes 96 total parking spaces. The project will provide ample parking for employees and visitors to the project site and will not result in inadequate parking capacity; therefore, there is no impact.

g.) ***Less Than Significant Impact with mitigation incorporation.*** KDA's review of the proposed project indicates that it may result in incremental increase in demand for the area's non-automotive transportation facilities.

Development of the project will also result in the bicycle traffic to and from the site. To address this issue one mitigation is proposed:

***TRAF-8:*** Provide on-site bicycle parking facilities, as proposed, including racks space for 20 bikes, a Bike Rider Rest Station, air pump, and area bike trail map.

***Sources:*** Town of Fairfax General Plan; Traffic Impact Analysis for Good Earth Market Fairfax, California, KD Anderson & Associates, Inc., March 1, 2011

| **XVI. UTILITIES AND SERVICE SYSTEMS** – Would the project: | **Potentially significant impact** | **Less than significant with mitigation incorporation** | **Less than significant impact** | **No impact** |
|---|---|---|---|---|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☒ | ☐ |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☒ | ☐ |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | ☐ | ☐ | ☐ | ☒ |

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| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | ☐ | ☐ | ☐ | ☒ |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☒ | ☐ |
| g) Comply with federal, state and local statutes and regulations related to solid waste? | ☐ | ☐ | ☐ | ☒ |

A. Environmental Setting

The proposed project, located in the urbanized downtown area in the Town of Fairfax, includes the renovation of an existing, vacant grocery store. The project site is in an area zoned for Highway Commercial (CH). The proposed project will relocate an existing 8,500 square foot Good Earth grocery store from a location in the central downtown of Fairfax to the Fair-Anselm location on the eastern edge of downtown. The new store will include 21,150 square feet for the new Good Earth store. The existing building is currently served by existing infrastructure.

B. Discussion

a) ***Less Than Significant Impact.*** The proposed project includes the renovation of an existing facility previously used as a grocery store. No new infrastructure improvements are proposed for wastewater treatment, although the new store will include an upgraded sewer connection with a grease interceptor (1,500 gallons). The restroom fixtures will have low flush water, electric eye activated faucets, and all staff hand sinks will be knee operated with automatic shut-offs. All wash-down areas will have automatic shut-off hoses. The impact to wastewater treatment is considered less than significant.

b) ***No Impact.*** The proposed project includes the renovation of an existing facility previously used as a grocery store. No new infrastructure improvements are proposed or required for off-site wastewater treatment, although the new store will include an upgraded sewer connection with a grease interceptor (1,500 gallons). The proposed project will not result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, therefore there is no impact.

c) ***Less Than Significant Impact.*** See Discussion for Hydrology and Water Quality issues c-f above.

d) ***No Impact.*** The project will continue to be served by the Marin Municipal Water District. There is adequate supply to meet the demands of the proposed project and it will not generate the need to expand entitlements.

e) ***No Impact.*** The project will continue to be served by the Ross Valley Sanitation District. There is adequate capacity to continue serving the site.

f) ***No Impact.*** The project will recycle all materials removed during the renovation using Green Halo systems.

g) ***No Impact.*** The project will comply with all federal, state and local statutes and regulations

related to solid waste.

***Sources:***

| XVII. MANDATORY FINDINGS OF SIGNIFICANCE- | Potentially significant impact | Less than significant with mitigation incorporation | Less than significant impact | No impact |
|---|---|---|---|---|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☐ | ☐ | ☒ |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | ☐ | ☐ | ☒ | ☐ |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☒ | ☐ |

Discussion

a) ***No Impact.*** The proposed project includes the renovation of an existing structure that was previously used for an identical use. The project also includes the repaving, alteration and landscaping of the existing paved parking lots. There is no known habitat for fish or wildlife species or rare endangered plant or animal or important examples of the major periods of California history or prehistory on the project site. The project will not have the potential to degrade the quality of the environment, substantially reduce or cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community. Therefore there is no impact.

b) ***Less than Significant Impact.*** The proposed project will introduce a 21,150 square foot grocery store to the east end of downtown Fairfax. The new store will replace the existing 8,500 square foot Good Earth Market at Sir Francis Drake and Claus in the center of downtown. While the increase in size does not represent a significant increase in square foot size of the new store, it will contribute traffic impacts to an area of Town that currently does not experience the level of traffic volumes associated with the new store. The KDA traffic analysis of the new store indicated that there are no significant impacts with regards to Level of Service (LOS) impacts, however, KDA recommends the project shall contribute its "fair share" to the cost of improving the two intersections where LOS deficiencies are projected in Year 2016 whether the project proceeds or not. The fair share should be based on the project's traffic as a percentage of the total volume occurring in the future. As such, the project does not have impacts that are considered cumulatively significant.

c) ***Less than Significant Impact.*** The proposed project will introduce a 21,150 square foot grocery store to the east end of downtown Fairfax. The new store will replace the existing 8,500 square foot Good Earth Market at Sir Francis Drake and Claus in the center of downtown. The new store will generate environmental impacts that can be reduced to less than significant levels by implementation of the mitigations listed above. Therefore, the proposed project will not cause substantial adverse environmental effects on human beings, either directly or indirectly.

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| ***AIR-1:*** Incidents of asbestos occur in the existing building materials. Regulations require that regulated friable asbestos-containing materials (RACMs) be removed and appropriately disposed prior to renovation or demolition activities that would disturb them. | Further analysis of the drywall and joint compound using the Point Count Method would be necessary to confirm that the asbestos content of the composite material is less than 1% asbestos. The alternative is to treat materials as RACM and remove it in accordance with BAAQMD requirements. | Project Sponsor will submit detailed clean-up plan before building permits are issued | Prior to demolition of interior surfaces | |
| ***AIR-2:*** Incidents of asbestos occur in the existing building materials. Regulations require that regulated friable asbestos-containing materials (RACMs) be removed and appropriately disposed prior to renovation or demolition activities that would disturb them. | In accordance with Title 8, California Code of Regulations (CCR) Section 1529, the Asbestos in the Construction Industry Standard and NESHAP/BAAQMD Regulation 11, Rule 2, the drywall joint compound and texture, floor mastic and transite panels require removal and proper disposal prior to demolition/renovation activities that would impact those materials. A copy of the CAC report shall be submitted to the BAAQMD when applying for a renovation permit for the site. | Project Sponsor will submit detailed clean-up plan before building permits are issued | Prior to demolition of interior surfaces | |
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| ***CUL-1:*** Cultural and historic resources may occur on the project site where trenching and digging activities are proposed. | Prior to construction activities, the project sponsor should conduct an archival research to determine the appropriate locations for archaeological resources for areas that are slated for asphalt, concrete or | Project sponsor should conduct archived records search | Pre construction | |

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| | vegetation removal. | | | |
| ***CUL-2:*** Cultural and historic resources may occur on the project site where trenching and digging activities are proposed. | Prior to trenching and digging activities on site, the project sponsor shall contract with a licensed archeologist to supervise subsurface testing of the proposed project area, including the identification methods shovel-testing, surface transects units, or geoarchaeological techniques. | Project sponsor will retain a licensed archeologist to supervise initial subsurface investigation and construction activities | During construction | |
| ***CUL-3:*** Undocumented historic structures or buildings may occur on the project site. | It is recommended that the project sponsor conduct a resources assessment of historic-period buildings or structures for the project site | Project sponsor should conduct archived records search | Pre construction | |
| ***CUL-4:*** Trenching and digging activities could uncover cultural and historic resources that occur on the project site. | In the event that archaeological resources or artifacts are discovered on site due to trenching for the proposed grease pit, further work should be monitored by an archaeologist. Artifacts or items of significance should be documented and recorded in accordance with recommendations from the archaeologist. Additionally, the project sponsor shall consult with the local Native American tribe to include or recommend monitors during all phases of investigation of archaeological resources including survey, testing, evaluation, data recovery and construction monitoring. In the event that human remains are encountered, all work must stop in the immediate vicinity of the discovery and the County Coroner and a qualified archaeologist must be notified so that an evaluation can be performed. | Project sponsor will retain a licensed archeologist to document and provide appropriate recommendations for any discovered archaeological resources or artifacts.<br><br>In the event that resources are discovered on site, the Project sponsor will contact the local Native American Tribe | During construction<br><br>Any identified cultural resources shall be recorded on DPR 523 historic resource recordation forms. | |
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| ***GEO-1:*** The potential for strong seismic shaking at the project site is high | Site preparation and grading shall conform to the recommendations and criteria set forth for Site Grading in the MPEG report, Page 4. | Project sponsor will retain a qualified structural geotechnical engineer | During construction | |

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| ***GEO-2:*** The potential for strong seismic shaking at the project site is high | New structures and features shall be designed in accordance with the provisions of the California Building Code (CBC). Based on the interpreted subsurface conditions of the site, the CBC Coefficients (Table C, page 5, MPEG report) shall be used to calculate the deign base shear of the proposed improvements. | Project sponsor will retain a qualified structural geotechnical engineer | Prior to obtaining building permits | |
| ***GEO-3:*** The potential for strong seismic shaking at the project site is high | The Structural Engineer should utilize the concrete slab-on-grade design recommendation (Table D page 6, MPEG report) to verify the structural integrity of the existing structure. If new foundations are required, they should be designed utilizing the shallow foundation design criteria given in Table D (MPEG report, page 6). | Project sponsor will retain a qualified structural geotechnical engineer | Prior to obtaining building permits | |
| ***GEO-4:*** The potential for strong seismic shaking at the project site is high | To improve performance of the flooring, a water sealant shall be applied to the concrete slab prior to placing water based adhesive. A consultation with a flooring manufacturer is recommended | Project sponsor will consult with flooring manufacturer | During construction | |
| ***GEO-5:*** The potential for strong seismic shaking at the project site is high | The walls of the 1,500 gallon grease interceptor shall be designed to resist the lateral soil and hydrostatic pressures as indicated in Table E (MPEG report, page 7). | Project sponsor will retain a qualified structural geotechnical engineer | During design phase/prior to obtaining building permits | |
| | | | | |
| ***N-O-1:*** Delivery trucks will introduce local sources of noise during business hours | Turn off delivery trucks while unloading products at the loading dock. | Ongoing | With each delivery | |
| *N-O-2:* | The applicant will implement the use of noise mitigation materials and/or equipment standard in the building industry for the rear surfaces of the eastern back wall of the building; the vertical face of the loading dock; and the dock surface of the loading | Project sponsor will install or apply. | During construction | |

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| | dock | | | |
| ***N-OM-2:*** | In the event that N-O-2 does not reasonably mitigate noise impacts to the surrounding residential neighborhood as defined by monitoring results at the most sensitive receptor locations and noise in exceeds above 40dBA between 10:00 pm and 7:00 am and above 50 dBA between 7:00 am and 10:00 pm (per 8.20.050 of the Town Code), then an acoustical wall or other reasonable mitigation measures will be constructed that will be placed in locations that further mitigate noise impacts to less than significant levels. The acoustical noise wall or other reasonable mitigation measure will be implemented within 12 months and the success of the mitigation measures will be evaluated again after implementation of the contingent mitigation measures. | Project sponsor | Within 12 months after operation of market begins | |
| ***N-O-23:*** | The baling equipment will only be operated between the hours of 10am and 5pm. | Project sponsor will regulate pickup schedule. | When operation of market begins | |
| ***N-C-1:*** Construction operations may cause noise impacts during regular construction hours | Choose construction equipment that is of quiet design, has a high-quality muffler system, and is well maintained. This includes trucks and equipment used to haul materials to and from the site. | Project sponsor to submit construction schedule including list of equipment | Prior to beginning of construction | |
| ***N-C-2:*** | Install superior mufflers and engine enclosure panels as needed on gas, diesel or pneumatic impact machines. | Project sponsor to obtain signed agreement with contractor | Prior to beginning construction | |

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| ***N-C-3:*** | Erect temporary plywood enclosures around stationary equipment that produce excessive noise at nearby receptors. | Project contractor per agreement with project sponsor | With beginning of construction | |
| ***N-C-4:*** | Restrict construction hours to 8am to ~~5~~8pm. | Project sponsor to obtain signed agreement with contractor | With beginning of construction | |
| ***N-CM-4:*** | In the event that construction noise complaints ~~of~~from ~~more than of~~ at least three individual residences within one week are made to the Chief Building Official, then construction hours will be restricted to 8am to 5pm. | Planning and Building Services. | As needed | |
| ***N-C-5:*** | Eliminate unnecessary idling of machines when not in use. | Project sponsor to obtain signed agreement with contractor | With beginning of construction | |
| ***N-C.6:*** | Use good maintenance and lubrication procedures to reduce operating noise. | Project sponsor to obtain signed agreement with contractor | With beginning of construction | |
| ***N-C-7:*** | If possible, locate equipment as far from sensitive receptors as possible. | Project sponsor to obtain signed agreement with contractor | With beginning of construction | |
| ~~***N-C.8:***~~ | ~~The applicant will implement the use of noise mitigation materials and/or equipment standard in the building industry for the rear surfaces of the eastern back wall of the building; the vertical face of the loading dock; and the dock surface of the loading dock~~ | | | |
| ~~***N-CM.8:***~~ | ~~In the event that N-C.8 does not reasonably mitigate noise impacts to the surrounding residential neighborhood as defined by monitoring results at the most sensitive receptor locations and noise in excedenceds above XX40 dBA between 10:00 pm and 7:00 am and above 50 dba between 7:00 am and 10:00 pm (per 8.20.050 of the Town~~ | | | |

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| | ~~Code), then an acoustical wall or other reasonable mitigation measures will be constructed that will be placed in locations that further mitigate noise impacts to less than significant levels. The acoustical noise wall or other reasonable mitigation measure will be implemented within XX12 months and the success of the mitigation measures will be evaluated again after implementation of the contingent mitigation measures.~~ | | | |
| ~~***N-C.9:***~~ | ~~The baling equipment will only be operated between the hours of 10am and 5pm.~~ | | | |
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| ***TRAF-1:*** The proposed project could create a conflict between vehicles exiting the east parking lot and peak period queues on Pastori Avenue and on Center Blvd. | Sign the two exits from the eastern parking lot as "right turn only-24/7". | Construction / Building plans to be updated | Prior to occupancy permit | |
| ***TRAF-2:*** The proposed project could create a conflict between vehicles exiting the east parking lot and peak period queues on Pastori Avenue and on Center Blvd. | Move the Pastori Avenue driveway as far to the south from Sir Francis Drake Blvd as is feasible (20 feet). | Construction / Building plans to be updated | During development of parking lot | |

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| ***TRAF-3:*** Implement the use of signage on surface streets within the vicinity of the Proposed Project to reduce the impact thru traffic in residential neighborhoods | Signs will be posted on Belmont Avenue, Kent Avenue, and Belle Avenue to indicate that "residential l traffic and emergency vehicles only". These locations will be determined prior to operation of the Proposed Project by th e Town. The Town will develop the most stringent criteria and enforcement method to ensure compliance with the signage. This mitigation measure will be associated with a citation in the amount determined by the Town and not to exceed $1,000. | The Town | Upon completion of market project | |
| ***TRAF-4:*** Reduce the likelyhood for non-residential traffic to use residential surface streets as a shortcut to Sir Francis Drake Blvd | The town will explore eliminating the right turn only on red from Pastrori Ave to Sir Francis Drake Blvd and creating one way traffic on specific surface streets in the Belle Avenue and Kent Avenue and Belmont Avenue. These traffic circulation improvements will be implemented within twelve months of the beginning of operation of business of the Good Earth. Additionally, the Town of Fairfax will evaluate the length of the left hand turning lane and traffic signal timing to improve the traffic conditions at the intersection of Sir Francis Drake Blvd and Pastori. | The Town | Within twelve months of beginning of operation | |
| ***TRAF-5:*** | Signs will be posted on Belmont Avenue, Kent Avenue, and Belle Avenue indicating residential parking only. Residents will be provided parking stickers and visitor passes. Vehicles parked in the residential neighborhood without a parking pass would be cited by the Town of Fairfax. | The Town | Upon completion of market project | |
| ***TRAF-6:*** | A mid-block crosswalk will be placed at the intersection of Belle Avenue and Pastori Avenue to facilitate pedestrian traffic from the Belle Avenue residential area to the Good Earth store and downtown Fairfax. | The Town | Upon completion of market project | |

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| ***TRAF-3~~7~~:*** The proposed project will contribute to long-term traffic congestion in the Town of Fairfax | The project shall contribute its "fair share" to the cost of improving the two intersections where LOS deficiencies are projected in Year 2016 whether the project proceeds or not. The fair share should be based on the project's traffic as a percentage of the total volume occurring in the future. For example, the net new trips generated by the project are 4.2% of the total traffic through the Broadway / Center Boulevard / Pacheco Avenue intersection under adjusted Year 2016 condition. If a traffic signal was selected, the Good Earth project should contribute 4.2% of the cost of signalizing the Pacheco Avenue intersections on Center Boulevard and on Sir Francis Drake Boulevard, which is estimated at roughly $500,000. Thus, the project's fair share is $21,000.<br><br>Similarly, the net new trips generated by the Good Earth project are 9.1% of the total traffic through the Center Boulevard / Pastori Avenue intersection under adjusted Year 2016 conditions. If a traffic signal is selected as the ultimate solution, the cost of signalizing this intersection is roughly $250,000, making the project's share $22,750. | The project sponsor shall contribute to the fund prior to issuance of building permits | TBA | |
| ***TRAF-~~4~~8:*** Development of the project will also result in the bicycle traffic to and from the site | Provide on-site bicycle parking facilities, as proposed, including racks space for 20 bikes, a Bike Rider Rest Station, air pump, and area bike trail map. | Project sponsor will develop project with required improvements | Prior to occupancy permit | |

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| ~~***TRAF-5:*** Implement the use of signage on surface streets within the vicinity of the Proposed Project to reduce the impact thru traffic in residential neighborhoods~~ | ~~Signs will be posted on Belmont Avenue, Kent Avenue, and Belle Avenue to indicate that "residential l traffic and emergency vehicles only". These locations will be determined prior to operation of the Proposed Project by th e Town. The Town will develop the most stringent criteria and enforcement method to enforce sure compliance with the signage. This mitigation measure will be associated with a citation in the amount of $XX.determined by the Town and not to exceed $1,000.~~ | | | |
| ~~***TRAF-6:*** Reduce the likelyhood for non-residential traffic to use residential surface streets as a shortcut to Sir Francis Drake Blvd~~ | ~~The town will explore eliminating the right turn only on red from Pastrori Ave to Sir Francis Drake Blvd and creating one way traffic on specific surface streets in the Belle Avenue and Kent Avenue and Belmont Avenue. These traffic circulation improvements will be implemented within twelve months of the beginning of operation of business of the Good Earth. Additionally, the Town of Fairfax will evaluate the length of the left hand turning lane and traffic signal timing to improve the traffic conditions at the intersection of Sir Francis Drake Blvd and Pastori.~~ | | | |
| ~~***TRAF-7:***~~ | ~~Signs will be posted on Belmont Avenue, Kent Avenue, and Belle Avenue indicating residential parking only. Residents will be provided parking stickers and visitor passes. Vehicles parked in the residential neighborhood without a parking pass would be cited by the Town of Fairfax.~~ | | | |
| ~~***TRAF-8:***~~ | ~~A mid-block crosswalk will be placed at the intersection of Belle Avenue and Pastori Avenue to facilitate pedestrian traffic from the Belle Avenue residential area to the Good Earth store and downtown Fairfax.~~ | | | |

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| ***AIR-1:*** Incidents of asbestos occur in the existing building materials. Regulations require that regulated friable asbestos-containing materials (RACMs) be removed and appropriately disposed prior to renovation or demolition activities that would disturb them. | Further analysis of the drywall and joint compound using the Point Count Method would be necessary to confirm that the asbestos content of the composite material is less than 1% asbestos. The alternative is to treat materials as RACM and remove it in accordance with BAAQMD requirements. | Project Sponsor will submit detailed clean-up plan before building permits are issued | Prior to demolition of interior surfaces | |
| ***AIR-2:*** Incidents of asbestos occur in the existing building materials. Regulations require that regulated friable asbestos-containing materials (RACMs) be removed and appropriately disposed prior to renovation or demolition activities that would disturb them. | In accordance with Title 8, California Code of Regulations (CCR) Section 1529, the Asbestos in the Construction Industry Standard and NESHAP/BAAQMD Regulation 11, Rule 2, the drywall joint compound and texture, floor mastic and transite panels require removal and proper disposal prior to demolition/renovation activities that would impact those materials. A copy of the CAC report shall be submitted to the BAAQMD when applying for a renovation permit for the site. | Project Sponsor will submit detailed clean-up plan before building permits are issued | Prior to demolition of interior surfaces | |

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| ***CUL-1:*** Cultural and historic resources may occur on the project site where trenching and digging activities are proposed. | Prior to construction activities, the project sponsor should conduct an archival research to determine the appropriate locations for archaeological resources for areas that are slated for asphalt, concrete or vegetation removal. | Project sponsor should conduct archived records search | Pre construction | |
| ***CUL-2:*** Cultural and historic resources may occur on the project site where trenching and digging activities are proposed. | Prior to trenching and digging activities on site, the project sponsor shall contract with a licensed archeologist to supervise subsurface testing of the proposed project area, including the identification methods shovel-testing, surface transects units, or geoarchaeological techniques. | Project sponsor will retain a licensed archeologist to supervise initial subsurface investigation and construction activities | During construction | |
| ***CUL-3:*** Undocumented historic structures or buildings may occur on the project site. | It is recommended that the project sponsor conduct a resources assessment of historic-period buildings or structures for the project site | Project sponsor should conduct archived records search | Pre construction | |
| ***CUL-4:*** Trenching and digging activities could uncover cultural and historic resources that occur on the project site. | In the event that archaeological resources or artifacts are discovered on site due to trenching for the proposed grease pit, further work should be monitored by an archaeologist. Artifacts or items of significance should be documented and recorded in accordance with recommendations from the archaeologist. Additionally, the project sponsor shall consult with the local Native American tribe to include or recommend monitors during all phases of investigation of archaeological resources including survey, testing, evaluation, data recovery and construction monitoring. In the event that human remains are encountered, all work must stop in the immediate vicinity of the discovery and the County Coroner and a qualified archaeologist must be | Project sponsor will retain a licensed archeologist to document and provide appropriate recommendations for any discovered archaeological resources or artifacts.<br><br>In the event that resources are discovered on site, the Project sponsor will contact the local Native American Tribe | During construction<br><br>Any identified cultural resources shall be recorded on DPR 523 historic resource recordation forms. | |

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| | notified so that an evaluation can be performed. | | | |
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| ***GEO-1:*** The potential for strong seismic shaking at the project site is high | Site preparation and grading shall conform to the recommendations and criteria set forth for Site Grading in the MPEG report, Page 4. | Project sponsor will retain a qualified structural geotechnical engineer | During construction | |
| ***GEO-2:*** The potential for strong seismic shaking at the project site is high | New structures and features shall be designed in accordance with the provisions of the California Building Code (CBC). Based on the interpreted subsurface conditions of the site, the CBC Coefficients (Table C, page 5, MPEG report) shall be used to calculate the deign base shear of the proposed improvements. | Project sponsor will retain a qualified structural geotechnical engineer | Prior to obtaining building permits | |
| ***GEO-3:*** The potential for strong seismic shaking at the project site is high | The Structural Engineer should utilize the concrete slab-on-grade design recommendation (Table D page 6, MPEG report) to verify the structural integrity of the existing structure. If new foundations are required, they should be designed utilizing the shallow foundation design criteria given in Table D (MPEG report, page 6). | Project sponsor will retain a qualified structural geotechnical engineer | Prior to obtaining building permits | |
| ***GEO-4:*** The potential for strong seismic shaking at the project site is high | To improve performance of the flooring, a water sealant shall be applied to the concrete slab prior to placing water based adhesive. A consultation with a flooring manufacturer is recommended | Project sponsor will consult with flooring manufacturer | During construction | |
| ***GEO-5:*** The potential for strong seismic shaking at the project site is high | The walls of the 1,500 gallon grease interceptor shall be designed to resist the lateral soil and hydrostatic pressures as indicated in Table E (MPEG report, page 7). | Project sponsor will retain a qualified structural geotechnical engineer | During design phase/prior to obtaining building permits | |
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| ***N-O-1:*** Delivery trucks will introduce local sources of noise during | Turn off delivery trucks while unloading products at the loading dock. | Ongoing | With each delivery | |

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| business hours | | | | |
| ***N-O-2:*** | The applicant will implement the use of noise mitigation materials and/or equipment standard in the building industry for the rear surfaces of the eastern back wall of the building; the vertical face of the loading dock; and the dock surface of the loading dock | Project sponsor will install or apply. | During construction | |
| ***N-OM-2:*** | In the event that N-O-2 does not reasonably mitigate noise impacts to the surrounding residential neighborhood as defined by monitoring results at the most sensitive receptor locations and noise in exceeds above 40dBA between 10:00 pm and 7:00 am and above 50 dBA between 7:00 am and 10:00 pm (per 8.20.050 of the Town Code), then an acoustical wall or other reasonable mitigation measures will be constructed that will be placed in locations that further mitigate noise impacts to less than significant levels. The acoustical noise wall or other reasonable mitigation measure will be implemented within 12 months and the success of the mitigation measures will be evaluated again after implementation of the contingent mitigation measures. | Project sponsor | Within 12 months after operation of market begins | |
| ***N-O-3:*** | The baling equipment will only be operated between the hours of 10am and 5pm. | Project sponsor will regulate pickup schedule. | When operation of market begins | |
| ***N-C-1:*** Construction operations may cause noise impacts during | Choose construction equipment that is of quiet design, has a high-quality muffler system, and is well maintained. This includes trucks and equipment | Project sponsor to submit construction schedule including list of equipment | Prior to beginning of construction | |

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| regular construction hours | used to haul materials to and from the site. | | | |
| ***N-C-2:*** | Install superior mufflers and engine enclosure panels as needed on gas, diesel or pneumatic impact machines. | Project sponsor to obtain signed agreement with contractor | Prior to beginning construction | |
| ***N-C-3:*** | Erect temporary plywood enclosures around stationary equipment that produce excessive noise at nearby receptors. | Project contractor per agreement with project sponsor | With beginning of construction | |
| ***N-C-4:*** | Restrict construction hours to 8am to 8pm. | Project sponsor to obtain signed agreement with contractor | With beginning of construction | |
| ***N-CM-4:*** | In the event that construction noise complaints from at least three individual residences within one week are made to the Chief Building Official, then construction hours will be restricted to 8am to 5pm. | Planning and Building Services. | As needed | |
| ***N-C-5:*** | Eliminate unnecessary idling of machines when not in use. | Project sponsor to obtain signed agreement with contractor | With beginning of construction | |
| ***N-C-6:*** | Use good maintenance and lubrication procedures to reduce operating noise. | Project sponsor to obtain signed agreement with contractor | With beginning of construction | |
| ***N-C-7:*** | If possible, locate equipment as far from sensitive receptors as possible. | Project sponsor to obtain signed agreement with contractor | With beginning of construction | |
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| ***TRAF-1:*** The proposed project could create a conflict between vehicles exiting the east parking lot and peak period queues on Pastori Avenue and on Center Blvd. | Sign the two exits from the eastern parking lot as "right turn only-24/7". | Construction / Building plans to be updated | Prior to occupancy permit | |
| ***TRAF-2:*** The proposed project could create a conflict between vehicles exiting the east parking lot and peak period queues on Pastori Avenue and on Center Blvd. | Move the Pastori Avenue driveway as far to the south from Sir Francis Drake Blvd as is feasible (20 feet). | Construction / Building plans to be updated | During development of parking lot | |
| ***TRAF-3:*** Implement the use of signage on surface streets within the vicinity of the Proposed Project to reduce the impact thru traffic in residential neighborhoods | Signs will be posted on Belmont Avenue, Kent Avenue, and Belle Avenue to indicate that "residential l traffic and emergency vehicles only". These locations will be determined prior to operation of the Proposed Project by th e Town. The Town will develop the most stringent criteria and enforcement method to ensure compliance with the signage. This mitigation measure will be associated with a citation in the amount determined by the Town and not to exceed $1,000. | The Town | Upon completion of market project | |

| | | | | |
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| ***TRAF-4:*** Reduce the likelihood for non-residential traffic to use residential surface streets as a shortcut to Sir Francis Drake Blvd | The town will explore eliminating the right turn only on red from Pastrori Ave to Sir Francis Drake Blvd and creating one-way traffic on specific surface streets in the Belle Avenue and Kent Avenue and Belmont Avenue. These traffic circulation improvements will be implemented within twelve months of the beginning of operation of business of the Good Earth. Additionally, the Town of Fairfax will evaluate the length of the left hand turning lane and traffic signal timing to improve the traffic conditions at the intersection of Sir Francis Drake Blvd and Pastori. | The Town | Within twelve months of beginning of operation | |
| ***TRAF-5:*** | Signs will be posted on Belmont Avenue, Kent Avenue, and Belle Avenue indicating residential parking only. Residents will be provided parking stickers and visitor passes. Vehicles parked in the residential neighborhood without a parking pass would be cited by the Town of Fairfax. | The Town | Upon completion of market project | |
| ***TRAF-6:*** | A mid-block crosswalk will be placed at the intersection of Belle Avenue and Pastori Avenue to facilitate pedestrian traffic from the Belle Avenue residential area to the Good Earth store and downtown Fairfax. | The Town | Upon completion of market project | |
| | | | | |
| ***TRAF-7:*** The proposed project will contribute to long-term traffic congestion in the Town of Fairfax | The project shall contribute its "fair share" to the cost of improving the two intersections where LOS deficiencies are projected in Year 2016 whether the project proceeds or not. The fair share should be based on the project's traffic as a percentage of the total volume occurring in the future. For example, the net new trips generated by the project are 4.2% of the total traffic through the Broadway / Center Boulevard / Pacheco Avenue | The project sponsor shall contribute to the fund prior to issuance of building permits | TBA | |

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| | intersection under adjusted Year 2016 condition. If a traffic signal was selected, the Good Earth project should contribute 4.2% of the cost of signalizing the Pacheco Avenue intersections on Center Boulevard and on Sir Francis Drake Boulevard, which is estimated at roughly $500,000. Thus, the project's fair share is $21,000.<br><br>Similarly, the net new trips generated by the Good Earth project are 9.1% of the total traffic through the Center Boulevard / Pastori Avenue intersection under adjusted Year 2016 conditions. If a traffic signal is selected as the ultimate solution, the cost of signalizing this intersection is roughly $250,000, making the project's share $22,750. | | | |
| ***TRAF-8:*** Development of the project will also result in the bicycle traffic to and from the site | Provide on-site bicycle parking facilities, as proposed, including racks space for 20 bikes, a Bike Rider Rest Station, air pump, and area bike trail map. | Project sponsor will develop project with required improvements | Prior to occupancy permit | |

**Conditions of Approval**
(With Planning Commission Final Edits on 4/21/2011 in ***Bold Italics***)
(With June 1, 2011 Town Council & June 4, 2011 Community Meeting edits in **Bold**)

1. Must comply with all mitigation measures identified in the Initial Study and Mitigated Negative Declaration.

2. Further analysis of the drywall and joint compound using the Point Count Method would be necessary to confirm that the asbestos content of the composite material is less than 1% asbestos. The alternative is to treat materials as RACM and remove it in accordance with BAAQMD requirements.

3. In accordance with Title 8, California Code of Regulations (CCR) Section 1529, the Asbestos in the Construction Industry Standard and NESHAP/BAAQMD Regulation 11, Rule 2, the drywall joint compound and texture, floor mastic and transite panels require removal and proper disposal prior to demolition/renovation activities that would impact those materials. A copy of the CAC report shall be submitted to the BAAQMD when applying for a renovation permit for the site.

4. A licensed geotechnical engineer shall review the plans and specification for the project when they are nearing completion to confirm the intent of the geotechnical recommendations provided in the MPEG report have been incorporated, and if needed, suggest supplemental recommendations. A licensed geotechnical engineer shall also be present during construction to observe and/or test site preparation and grading. The engineer shall also observe foundation excavation for the structures and associated improvements to confirm that the soils encountered during construction are consistent with the design criteria outlined in the MPEG report.

5. Site preparation and grading shall conform to the recommendations and criteria set forth for Site Grading in the MPEG report, Page 4.

6. New structures and features shall be designed in accordance with the provisions of the California Building Code (CBC). Based on the interpreted subsurface conditions of the site, the CBC Coefficients (Table C, page 5, MPEG report) shall be used to calculate the deign base shear of the proposed improvements.

7. The project sponsor shall verify the structural integrity of the existing structure. If new foundations are required, they should be designed utilizing the shallow foundation design criteria given in Table D (MPEG report, page 6).

8. To improve performance of the flooring, a water sealant shall be applied to the concrete slab prior to placing water based adhesive. A consultation with a flooring manufacturer is recommended

9. The walls of the 1,500 gallon grease interceptor shall be designed to resist the lateral soil and hydrostatic pressures as indicated in Table E (MPEG report, page 7).

10. As described in the ECS report, the proposed project will not result in operational or construction activities that would be considered significant impacts of exceed the Town of Fairfax noise planning standards. The following mitigation measures are suggested to reduce individual noise events impacts in nearby receptors areas.

11. For long term operations of the store, delivery trucks shall turn-off engines while unloading products at the loading dock.

12. During the construction phase of the project, the project sponsor shall choose construction equipment that is of quiet design, has a high-quality muffler system, and is well maintained. This includes trucks and equipment used to haul materials to and from the site.

13. All construction vehicles shall have installed superior mufflers and engine enclosure panels as needed on gas, diesel or pneumatic impact machines.

14. During construction, the project sponsor shall erect temporary plywood enclosures around stationary equipment that produce excessive noise at nearby receptors.

15. Construction hours shall be restricted to 8am to **8pm** Monday thru Friday, subject to further restriction in accordance with condition 2 of the ~~(see also "~~Community Agreement ~~#2~~section below~~)~~.

16. Eliminate unnecessary idling of machines when not in use.

17. The project sponsor shall employ good maintenance and lubrication procedures to reduce operating noise.

18. The project sponsor shall, if possible, locate equipment as far from sensitive receptors as possible.

19. Sign the two exits from the eastern parking lot (Pastori Avenue) as "right turn only".

20. Move the Pastori Avenue driveway as far to the south from Sir Francis Drake Blvd as is feasible (20 feet).

21. The project shall contribute its "fair share" to the cost of improving the two intersections where LOS deficiencies are projected in Year 2016 whether the project proceeds or not. The fair share should be based on the project's traffic as a percentage of the total volume occurring in the future. For example, the net new trips generated by the project are 4.2% of the total traffic through the Broadway / Center Blvd / Pacheco Avenue intersection under adjusted Year 2016 condition. If a traffic signal was selected, the Good Earth project should contribute 4.2% of the cost of signalizing the Pacheco Avenue intersections on Center Blvd and on Sir Francis Drake Blvd, which is estimated at roughly $500,000. Thus, the project's fair share is $21,000.

    Similarly, the net new trips generated by the Good Earth project are 9.1% of the total traffic through the Center Blvd / Pastori Avenue intersection under adjusted Year 2016 conditions. If a traffic signal is selected as the ultimate solution, the cost of signalizing this intersection is roughly $250,000, making the project's share $22,750.

22. Provide on-site bicycle parking facilities, as proposed, including racks space for 20 bikes, a Bike Rider Rest Station, air pump, and area bike trail map.

Planning Commission Condition

1. ***All agency requirements must be complied with as stated below unless an agency relaxes a requirement in writing to the Town.***

Ross Valley Fire Department

1. Provide a 20 foot access road within 150 feet of all portions of the first floor exterior wall (CFC Section 503.1.1)
2 At least one of the required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.
3 Access shall be provided to within 50 feet of the required fire department connection (FDC) to the sprinkler system.
4 Revise the Site Plan to indicate the relation of the FDC to the closest hydrant.
5 Prior to the issuance of the construction permit, approval of the construction documents by the Fire Department is required.
6 Prior to the issuance of the construction permit, references to the 2010 California Fire Code (with local amendments) shall be included in the construction documents.

Marin Municipal Water District

1. Purchase additional water entitlement (above the current entitlement of 1.70 acre-feet).
2. Upgrade the dedicated fire line connection to current District standards.
3. Prior to obtaining water service, plans for compliance with the District's Water Conservation Ordinance 414 shall be submitted to the District for review to confirm compliance.
4. Prior to obtaining water service, an analysis of backflow protection shall be submitted to the Backflow Prevention Program Coordinator. Should backflow protection be required, said protection shall be installed as a condition of water service.

Marin County Environmental Health Department

1 Prior to the start of any new construction or remodeling, a complete set of plans drawn to scale shall be submitted to Environmental Health Services for review and approval.

Planning and Building Services

1 Collect and assess weekend traffic data.
2 Identify trip generation rates at existing Good Earth Market.
3 Participate in transportation mode survey.
4 Prepare summary memo for 1-3 above, submit to Planning and Building Services ***by May 2, 2011.***
~~5 There shall be no cleaning/hosing of floor mats outside the building.~~
5 All cleaning/hosing of floor mats will be done in the designated area on the loading dock as indicated on the Construction Documents; and/or per the Sanitary~~tion~~ District and applicable ~~Environmental Health~~ cCode requirements.
6 The applicants shall obtain sign permits and building permits before erecting any signs on the building.
7 The applicant shall submit to the Town a letter of credit ~~or~~, bond, or saving passbook in an amount of 20% ~~to the Town in an amount that will cover~~of the cost of landscaping and irrigation materials and installation prior to issuance of a building permit. The amount shall be retained for an18 month warranty period after the project has its final inspection and all the landscaping and irrigation is installed.
8. This approval is limited to the development illustrated on the plans prepared by William S. Bagnall Architects Inc. pages A-0, A-1, A-2, A2.1, A-3, A-4, A-5, A-6, A-7, A-8, A-9 and A-10, parking plan layout page C-1, by Oberkamper & Associates Civil Engineers Inc., and the Landscape Plans, pages L1.0 and L2.0 by Roth Lamotte Landscape Architecture.

9 Prior to issuance of a building permit the applicant or his assigns shall:

a. Submit a construction plan to the Public Works Department which may include but is not limited to the following:

Construction delivery routes approved by the Department of Public Works.
Construction schedule (deliveries, worker hours, etc.)
Notification to area residents
Emergency access routes

b. The applicant shall prepare, and file with the Public Works Director, a video of the roadway conditions on the construction delivery routes (routes must be approved by Public Works Director/ the Public Works Director can waive this requirement).

c. Submit a bond, Letter of Credit, or savings passbook to the Town in an amount ~~that will~~of $30,000 to cover the cost of grading, weatherization and repair of possible roadway damage. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Town Engineer. Upon approval of the contract costs, the applicant shall submit a bond or letter of credit equaling 100% of the estimated construction costs and pay for the Town Engineer's time to review and confirm the contractor's estimate.

d. Prior to submittal of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the developments conformance with their recommendations.

~~10. During the construction process the following shall be required:~~

a. The ~~*civil*~~ geotechnical ***engineer*** shall be on-site during the grading process (if there is any grading to be done) and shall submit written certification to the Town staff that the grading has been completed as recommended.

b. All construction related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the building official on a case by case basis with prior notification from the project sponsor.

c. Any proposed temporary closure of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.

11. Prior to issuance of an occupancy permit the following shall be completed:

a. The ~~geotechnical~~ civil engineer shall field check the completed project and submit written certification to the Town Staff that the grading and drainage elements have been installed in conformance with the approved parking lot ~~landscaping~~ plans and the recommendations of the soils report.

b. The Planning Department shall field check the completed project to verify that all design review and planning commission conditions have been complied with including installation of landscaping and irrigation.

12. Excavation shall not occur between October 1st and April 1st. The Town Engineer has the authority to waive this condition depending upon the weather.

13. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping

the roadway daily, if necessary.

14. During construction developer and all employees, contractors and subcontractors must comply with all requirements set forth in Ordinance # 637 (Chapter 8.32 of the Town Code), "Urban Runoff Pollution Prevention".

15. Notwithstanding section # 17.072.050 of the Fairfax Zoning Ordinance, any changes, modifications, additions or alterations made to the approved set of plans will require a modification of application # 11-09. Any construction based on job plans that have been altered without the benefit of an approved modification of application 11-09 will result in the job being immediately stopped and red tagged.

16. Any ***substantiated*** damages to the roadways accessing the site resulting from construction activities shall be the responsibility of the property owner.

17. The applicant or owner shall defend, indemnity, and hold harmless the Town of Fairfax or its agents, officers, and employees from any claim, action, or proceeding against the Town of Fairfax or its agents, officers, or employees to attach, set aside, void, or annul an approval of the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or owner's duty to so defend, indemnity, and hold harmless shall be subject to the Town's promptly notifying the applicant or owner of any said claim, action, or proceeding and the Town's full cooperation in the applicant's or owner's defense of said claims, actions, or proceedings.

**Community Agreement**

**[Please note: the conditions below were developed as a result of an agreement reached among community members, Town representative and the developer at a ~~during~~ June 4, 2011 community meeting. These conditions~~y~~ have also been incorporated into the relevant sections of the Initial Study / Mitigated Negative Declaration and Mitigation Monitoring Plan.]**

**1. The baling equipment will only be operated between the hours of 10:00AM and 5:00PM. (N-O-~~2~~3)**

**2. In the event that construction noise complaints from at least three individual residences within one week are made to the Chief Building Official, then construction will be restricted to 8:00AM to 5:00PM. (N-CM-4)**

**3. The applicant will implement the use of noise mitigation materials and/or equipment standard in the building industry for the rear surfaces of the eastern back wall of the building; the vertical face of the loading dock; and the dock surface of the loading dock. (~~N-C-8~~ N-O-2) In the event that N-O-2 ~~N-C-8~~ does not reasonably mitigate noise impacts to the surrounding residential neighborhood as defined by monitoring results at the most sensitive receptor locations and noise exceeds above 40dBA between 10:00PM and 7:00AM and above 50 dBA between 7:00AM and 10:00PM (per Section 8.20.050 of the Town Code), then an acoustical wall, or other reasonable mitigation measures, will be constructed that will be placed in locations that further mitigate noise impacts to less than significant levels. The acoustical noise wall, or other reasonable mitigation measure, will be implemented within 12 months and the success of the mitigation measures will be evaluated again after implementation of the contingent mitigation measures. (N-OM-2 ~~N-CM-8~~)**

**~~5~~4. Signs will be posted on Belmont Avenue, Kent Avenue, and Belle Avenue to indicate that "residential traffic and emergency vehicles" are present.~~;~~ These locations of these signs will be determined prior to operation of the proposed project by the Town. The Town will develop**

**the most stringent criteria and enforcement method to ensure compliance with the signage. This mitigation measure will be associated with a citation in the amount determined by the Town and not to exceed $1,000. (TRAF-3)**

**5~~6~~. The Town will explore eliminating the right turn only on red from Pastori Avenue to Sir Francis Drake Boulevard and creating one-way traffic on specific surface streets in the Belle Avenue and Kent Avenue and Belmont Avenue. These traffic circulation improvements will be implemented within twelve months of the beginning of operation of business of the Good earth. Additionally, the Town of Fairfax will evaluate the length of the left hand turning lane and traffic signal timing to improve the traffic conditions at the intersection of Sir Francis Drake Boulevard and Pastori Avenue. (TRAF-4)**

**6~~7~~. Signs will be posted on Belmont Avenue, Kent Avenue, and Belle Avenue indicating residential parking only. Residents will be provided parking stickers and visitor passes. Vehicles parked in the residential neighborhood without a parking pass would be cited by the Town of Fairfax. (TRAF-5)**

**7~~8~~. A mid-block crosswalk will be placed at the intersection of Belle Avenue and Pastori Avenue to facilitate pedestrian traffic from the Belle Avenue residential area to the Good Earth store and downtown Fairfax. (TRAF-6)**

# RESOLUTION NO. 11-26

**A Resolution of the Fairfax Town Council Approving the Traffic Impact Permit and adopting the Mitigated Negative Declaration for the Good Earth Natural Foods Project (720 Center Blvd) Including all the Mitigation Measures Enumerated in the Initial Study**

**WHEREAS**, the Town of Fairfax has received an application to relocate operations of the Good Earth Market from 1966 Sir Francis Drake Boulevard to the Fair Anselm Shopping Center at 720 Center Boulevard (the "Project"); and

**WHEREAS**, the Planning Commission held a duly noticed Public Hearing on April 21, 2011 at which time all interested parties were given a full opportunity to be heard and to present evidence, and at which time the Planning Commission approved the Traffic Impact Permit, Use Permit, Initial Study and Mitigated Negative Declaration for the Project; and

**WHEREAS**, the Town Council also held a duly noticed Public Hearing on June 1 and June 22, 2011 at which time all interested parties were given a full opportunity to be heard and to present evidence on the Traffic Impact Permit and Initial Study and Mitigated Negative Declaration for the Project;
and

**WHEREAS**, based on the traffic study and other documentary evidence in the record, as well as testimony at the public hearing, the Town Council has determined that the applicant has met the burden of proof required to support the findings necessary for the Project's requested discretionary permits.

**NOW, THEREFORE BE IT RESOLVED**, the Town Council of the Town of Fairfax hereby finds and determines as follows:

1. The potential environmental impacts from the Project can be mitigated to a level of insignificance;

2. The Project's average daily traffic, when added to the existing daily traffic, will not cause the performance of intersection or roadway linkages to fall below the acceptable level of service or otherwise further reduce the system performance if it is already below the acceptable level of service, nor will it cause a significant degradation in service levels for impacted intersections at their peak traffic periods.

3. The Initial Study/ Draft Negative Declaration for the Project is hereby adopted.

4. The Traffic Impact Permit required by Chapter 17.56 of the Town Code is hereby granted and the Project is approved, subject to compliance with the Initial Study/Draft Negative Declaration, the conditions of approval attached hereto as Exhibit A and all applicable Town Code requirements.

The foregoing resolution was adopted at a regular meeting of the Town Council, held in said Town, on the 22nd day of June 2011, by the following vote:

AYES:
NOES:
ABSTAIN:

_____
Mayor, Larry Bragman

Attest:

_____
Town Clerk, Judy Anderson

EXHIBIT # C

**Conditions of Approval**

1. Must comply with all mitigation measures identified in the Initial Study and Mitigated Negative Declaration.

2. Further analysis of the drywall and joint compound using the Point Count Method would be necessary to confirm that the asbestos content of the composite material is less than 1% asbestos. The alternative is to treat materials as RACM and remove it in accordance with BAAQMD requirements.

3. In accordance with Title 8, California Code of Regulations (CCR) Section 1529, the Asbestos in the Construction Industry Standard and NESHAP/BAAQMD Regulation 11, Rule 2, the drywall joint compound and texture, floor mastic and transite panels require removal and proper disposal prior to demolition/renovation activities that would impact those materials. A copy of the CAC report shall be submitted to the BAAQMD when applying for a renovation permit for the site.

4. A licensed geotechnical engineer shall review the plans and specification for the project when they are nearing completion to confirm the intent of the geotechnical recommendations provided in the MPEG report have been incorporated, and if needed, suggest supplemental recommendations. A licensed geotechnical engineer shall also be present during construction to observe and/or test site preparation and grading. The engineer shall also observe foundation excavation for the structures and associated improvements to confirm that the soils encountered during construction are consistent with the design criteria outlined in the MPEG report.

5. Site preparation and grading shall conform to the recommendations and criteria set forth for Site Grading in the MPEG report, Page 4.

6. New structures and features shall be designed in accordance with the provisions of the California Building Code (CBC). Based on the interpreted subsurface conditions of the site, the CBC Coefficients (Table C, page 5, MPEG report) shall be used to calculate the deign base shear of the proposed improvements.

7. The project sponsor shall verify the structural integrity of the existing structure. If new foundations are required, they should be designed utilizing the shallow foundation design criteria given in Table D (MPEG report, page 6).

8. To improve performance of the flooring, a water sealant shall be applied to the concrete slab prior to placing water based adhesive. A consultation with a flooring manufacturer is recommended

9. The walls of the 1,500 gallon grease interceptor shall be designed to resist the lateral soil and hydrostatic pressures as indicated in Table E (MPEG report, page 7).

10. As described in the ECS report, the proposed project will not result in operational or construction activities that would be considered significant impacts of exceed the Town of Fairfax noise planning standards. The following mitigation measures are suggested to reduce individual noise events impacts in nearby receptors areas.

11. For long term operations of the store, delivery trucks shall turn-off engines while unloading products at the loading dock.

12. During the construction phase of the project, the project sponsor shall choose construction equipment that is of quiet design, has a high-quality muffler system, and is well maintained. This includes trucks and equipment used to haul materials to and from the site.

13. All construction vehicles shall have installed superior mufflers and engine enclosure panels as needed on gas, diesel or pneumatic impact machines.

14. During construction, the project sponsor shall erect temporary plywood enclosures around stationary equipment that produce excessive noise at nearby receptors.

15. Construction hours shall be restricted to 8am to 8pm Monday thru Friday, subject to further restriction in accordance with condition 2 of the Community Agreement section below.

16. Eliminate unnecessary idling of machines when not in use.

17. The project sponsor shall employ good maintenance and lubrication procedures to reduce operating noise.

18. The project sponsor shall, if possible, locate equipment as far from sensitive receptors as possible.

19. Sign the two exits from the eastern parking lot (Pastori Avenue) as "right turn only".

20. Move the Pastori Avenue driveway as far to the south from Sir Francis Drake Blvd as is feasible (20 feet).

21. The project shall contribute its "fair share" to the cost of improving the two intersections where LOS deficiencies are projected in Year 2016 whether the project proceeds or not. The fair share should be based on the project's traffic as a percentage of the total volume occurring in the future. For example, the net new trips generated by the project are 4.2% of the total traffic through the Broadway / Center Blvd / Pacheco Avenue intersection under adjusted Year 2016 condition. If a traffic signal was selected, the Good Earth project should contribute 4.2% of the cost of signalizing the Pacheco Avenue intersections on Center Blvd and on Sir Francis Drake Blvd, which is estimated at roughly $500,000. Thus, the project's fair share is $21,000.

    Similarly, the net new trips generated by the Good Earth project are 9.1% of the total traffic through the Center Blvd / Pastori Avenue intersection under adjusted Year 2016 conditions. If a traffic signal is selected as the ultimate solution, the cost of signalizing this intersection is roughly $250,000, making the project's share $22,750.

22. Provide on-site bicycle parking facilities, as proposed, including racks space for 20 bikes, a Bike Rider Rest Station, air pump, and area bike trail map.

<u>Planning Commission Condition</u>

1. All agency requirements must be complied with as stated below unless an agency relaxes a requirement in writing to the Town.

Ross Valley Fire Department

1. Provide a 20 foot access road within 150 feet of all portions of the first floor exterior wall (CFC Section 503.1.1)
2 At least one of the required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.
3 Access shall be provided to within 50 feet of the required fire department connection (FDC) to the sprinkler system.
4 Revise the Site Plan to indicate the relation of the FDC to the closest hydrant.
5 Prior to the issuance of the construction permit, approval of the construction documents by the Fire Department is required.
6 Prior to the issuance of the construction permit, references to the 2010 California Fire Code (with local amendments) shall be included in the construction documents.

Marin Municipal Water District

1. Purchase additional water entitlement (above the current entitlement of 1.70 acre-feet).
2. Upgrade the dedicated fire line connection to current District standards.
3. Prior to obtaining water service, plans for compliance with the District's Water Conservation Ordinance 414 shall be submitted to the District for review to confirm compliance.
4. Prior to obtaining water service, an analysis of backflow protection shall be submitted to the Backflow Prevention Program Coordinator. Should backflow protection be required, said protection shall be installed as a condition of water service.

Marin County Environmental Health Department

1 Prior to the start of any new construction or remodeling, a complete set of plans drawn to scale shall be submitted to Environmental Health Services for review and approval.

Planning and Building Services

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2 Identify trip generation rates at existing Good Earth Market.
3 Participate in transportation mode survey.
4 Prepare summary memo for 1-3 above, submit to Planning and Building Services by May 2, 2011.
5 All cleaning/hosing of floor mats will be done in the designated area on the loading dock as indicated on the Construction Documents; and/or per the Sanitary District and applicable code requirements.
6 The applicants shall obtain sign permits and building permits before erecting any signs on the building.
7 The applicant shall submit to the Town a letter of credit, bond, or saving passbook in an amount of 20% of the cost of landscaping and irrigation materials and installation prior to issuance of a building permit. The amount shall be retained for an18 month warranty period after the project has its final inspection and all the landscaping and irrigation is installed.
8. This approval is limited to the development illustrated on the plans prepared by William S. Bagnall Architects Inc. pages A-0, A-1, A-2, A2.1, A-3, A-4, A-5, A-6, A-7, A-8, A-9 and A-10, parking plan layout page C-1, by Oberkamper & Associates Civil Engineers Inc., and the Landscape Plans, pages L1.0 and L2.0 by Roth Lamotte Landscape Architecture.

9 Prior to issuance of a building permit the applicant or his assigns shall:

a. Submit a construction plan to the Public Works Department which may include but is not limited to the following:

Construction delivery routes approved by the Department of Public Works.
Construction schedule (deliveries, worker hours, etc.)
Notification to area residents
Emergency access routes

b. The applicant shall prepare, and file with the Public Works Director, a video of the roadway conditions on the construction delivery routes (routes must be approved by Public Works Director/ the Public Works Director can waive this requirement).

c. Submit a bond, Letter of Credit, or savings passbook to the Town in an amount of $30,000 to cover the cost of grading, weatherization and repair of possible roadway damage. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Town Engineer. Upon approval of the contract costs, the applicant shall submit a bond or letter of credit equaling 100% of the estimated construction costs and pay for the Town Engineer's time to review and confirm the contractor's estimate.

d. Prior to submittal of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the developments conformance with their recommendations.

10. During the construction process the following shall be required:

a. The geotechnical engineer shall be on-site during the grading process (if there is any grading to be done) and shall submit written certification to the Town staff that the grading has been completed as recommended.

b. All construction related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the building official on a case by case basis with prior notification from the project sponsor.

c. Any proposed temporary closure of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.

11. Prior to issuance of an occupancy permit the following shall be completed:

a. The civil engineer shall field check the completed project and submit written certification to the Town Staff that the grading and drainage elements have been installed in conformance with the approved parking lot plans and the recommendations of the soils report.

b. The Planning Department shall field check the completed project to verify that all design review and planning commission conditions have been complied with including installation of landscaping and irrigation.

12. Excavation shall not occur between October 1st and April 1st. The Town Engineer has the authority to waive this condition depending upon the weather.

13. The roadways shall be kept clean and the site free of dust by watering down the site or sweeping the roadway daily, if necessary.

14. During construction developer and all employees, contractors and subcontractors must comply with all requirements set forth in Ordinance # 637 (Chapter 8.32 of the Town Code), "Urban Runoff Pollution Prevention".

15. Notwithstanding section # 17.072.050 of the Fairfax Zoning Ordinance, any changes, modifications, additions or alterations made to the approved set of plans will require a modification of application # 11-09. Any construction based on job plans that have been altered without the benefit of an approved modification of application 11-09 will result in the job being immediately stopped and red tagged.

16. Any substantiated damages to the roadways accessing the site resulting from construction activities shall be the responsibility of the property owner.

17. The applicant or owner shall defend, indemnity, and hold harmless the Town of Fairfax or its agents, officers, and employees from any claim, action, or proceeding against the Town of Fairfax or its agents, officers, or employees to attach, set aside, void, or annul an approval of the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or owner's duty to so defend, indemnity, and hold harmless shall be subject to the Town's promptly notifying the applicant or owner of any said claim, action, or proceeding and the Town's full cooperation in the applicant's or owner's defense of said claims, actions, or proceedings.

Community Agreement

Please note: the conditions below were developed as a result of an agreement reached among community members, Town representative and the developer at a June 4, 2011 community meeting. These conditions have also been incorporated into the relevant sections of the Initial Study / Mitigated Negative Declaration and Mitigation Monitoring Plan.

1. The baling equipment will only be operated between the hours of 10:00AM and 5:00PM. (N-O-2)

2. In the event that construction noise complaints from at least three individual residences within one week are made to the Chief Building Official, then construction will be restricted to 8:00AM to 5:00PM. (N-CM-4)

3. The applicant will implement the use of noise mitigation materials and/or equipment standard in the building industry for the rear surfaces of the eastern back wall of the building; the vertical face of the loading dock; and the dock surface of the loading dock. (N-O-2) In the event that N-O-2 does not reasonably mitigate noise impacts to the surrounding residential neighborhood as defined by monitoring results at the most sensitive receptor locations and noise exceeds above 40dBA between 10:00PM and 7:00AM and above 50 dBA between 7:00AM and 10:00PM (per Section 8.20.050 of the Town Code), then an acoustical wall, or other reasonable mitigation measures, will be constructed that will be placed in locations that further mitigate noise impacts to less than significant levels. The acoustical noise wall, or other reasonable mitigation measure, will be implemented within 12 months and the success of the mitigation measures will be evaluated again after implementation of the contingent mitigation measures. (N-OM-2)

4. Signs will be posted on Belmont Avenue, Kent Avenue, and Belle Avenue to indicate that "residential traffic and emergency vehicles" are present. The locations of these signs will be determined prior to operation of the proposed project by the Town. The Town will develop the most stringent criteria and enforcement method to ensure compliance with the signage. This mitigation measure will be associated with a citation in the amount determined by the Town and not to exceed $1,000. (TRAF-3)

5. The Town will explore eliminating the right turn only on red from Pastori Avenue to Sir Francis Drake Boulevard and creating one-way traffic on specific surface streets in the Belle Avenue and Kent Avenue and Belmont Avenue. These traffic circulation improvements will be implemented within twelve months of the beginning of operation of business of the Good earth. Additionally, the Town of

Fairfax will evaluate the length of the left hand turning lane and traffic signal timing to improve the traffic conditions at the intersection of Sir Francis Drake Boulevard and Pastori Avenue. (TRAF-4)

6. Signs will be posted on Belmont Avenue, Kent Avenue, and Belle Avenue indicating residential parking only. Residents will be provided parking stickers and visitor passes. Vehicles parked in the residential neighborhood without a parking pass would be cited by the Town of Fairfax. (TRAF-5)

7. A mid-block crosswalk will be placed at the intersection of Belle Avenue and Pastori Avenue to facilitate pedestrian traffic from the Belle Avenue residential area to the Good Earth store and downtown Fairfax. (TRAF-6)

**From:** ericakalve@aol.com [mailto:ericakalve@aol.com]
**Sent:** Tuesday, June 14, 2011 12:34 PM
**To:** Jim Moore; lesprague@aol.com; pooteypie@comcast.net
**Subject:** revised MMRP
Dear Jim,

I apologize for not being able to provide this sooner, my schedule has been very impacted lately and it is difficult to find additional time to really focus on this project as much as I would like. I am only able to update the mitigation measures associated with the noise at this time because of the time constraints (the revised document is attached for your review). I believe that we are firm on these proposed mitigation measures so it is really important for the project proponent(s) to understand that we are not willing to change the content or order of the proposed measures. We feel that there is plenty of compromise being provided from our end, as it is typical in the noise mitigation world to require delivery schedule restrictions to 7am to 7pm. From speaking with a noise expert who is also my friend, this delivery schedule restrictions is typical across the country and he has won every case that has challenged that. We are giving the proponent an opportunity to operate and test the 5am to 7am deliveries without impacting noise conditions to the surrounding area before revising their delivery schedule. I believe that if they do their absolute best, and implement best practices with their contract trucking company and employees that they will satisfy the conditions of the mitigation measure and the first contingency mitigation measure (schedule adjustment) will not be triggered.
Due to the time constraints that I am up against, I am unable to update the traffic mitigation measures. However, Debra Baker has provided some excellent suggestions for the traffic section that I think should be considered and appropriate updates to the MMRP may be necessary. Primarily, she suggests that changes in the traffic circulation patterns should be based on the results of a detailed traffic study that is conducted by a licensed traffic engineer. We discussed the potential for removing the no right turn on red from the intersection of Pastori Ave and Sir Francis Drake Blvd, which would potentially negate the need for the mitigation measure that requires the driveway to be moved 20 feet south on Pastori Ave. Each of the changes has a cascading effect on other components of the traffic patterns within the Pastori/Belmont/Kent/Belle area that it may be difficult to fully define mitigation measures that don't potentially result in unintended secondary significant impacts to the area. As I mentioned, my schedule is so impacted, I don't have the time that is required to really sit down and craft a creative mitigation measure that anticipates this potential issue and plans accordingly. I believe that it may be prudent to use contingent measures again, each one hinging on a traffic study and recommendations from a professional engineer and the Town traffic council oversite.

Additionally, I believe people in our community have raised concerns regarding the ability of the town police department to enforce some of the other mitigation measures, such as residential traffic only or the parking permit program. We are also concerned that the permit program could end up with some sort of fee structure for the property owner, and we would like to ensure that it doesn't result in a fee structure through the mitigation measure, with definition regarding how many permanent and temporary parking passes per residential unit (some of us have two units on our property) will be distributed. Finally, it would be best to have a 1 hour parking limit without a pass so that there is time for visitors to come up to the home, obtain the pass, and then place it in their car without worrying about being ticketed. Unfortunately, the traffic solutions that were developed during our public outreach meeting seem loose and undefined and as I mentioned above, there is a really high potential for secondary impacts to develop and it is difficult to anticipate all these issues and plan for them accordingly... Debra, I will leave it to you to forward some of the issues you pointed out in your email to me last night. I suggest that we have a brief conference call if it makes sense to go over the noise and traffic measures.

I am available this afternoon to discuss or tomorrow morning if necessary. Just let me know what time and number to call. Thank you very much for your time, we look forward to finalizing this so that it meets the needs of the community members prior to approval of the proposed project.

Sincerely,
Erica

EXHIBIT # D

## Linda Neal

**From:** lesprague@aol.com
**Sent:** Wednesday, June 15, 2011 2:38 PM
**To:** Linda Neal
**Subject:** Fwd: Good Earth

-----Original Message-----
From: lesprague@aol.com
To: jmoore@townoffairfax.org
Cc: pooteypie@comcast.net
Sent: Tue, Jun 14, 2011 1:22 pm
Subject: Fwd: Good Earth

Hi Jim,

Below are Debra's traffic concerns, as mentioned in Erica's recent email. Thanks.

Regards,
Laine

TRAF-1 - Right turn only from eastern parking lot will push traffic on to Belmont & Kent to return to SFD, so this needs to be mitigated by possibly moving the driveway to allow more cars to exit or designating the Pastori driveway an "entrance only"
TRAF-2 - Will the driveway be moved if the light is changed at SFD on Pastori to allow a right turn on a red light?
TRAF-5 - Residential traffic and emergency vehicles only will be difficult to enforce. Stop signs/white stop lines with STOP should be placed on the corner of Kent at Belmont and on Belmont at Kent, heading east. This will help deter traffic in the area since motorists use Kent Ave. to avoid the stop light at SFD & Pastori.
TRAF-6 - Addressing the right turn on red only at Pastori & SFD will give an indication of how traffic will flow once GE is open, and this change should happen quickly. Designating one way traffic on Belle, Belmont, and Kent will make traffic problematic for residents and is not advised
TRAF-7 - How many residential parking permits per household are allowed and for how many vehicles?
TRAF-8 - The mid-block crosswalk at Belle & Pastori will interfere with traffic exiting the parking lot if there is a right turn only from the parking lot. Move the crosswalk further towards Center Blvd.?

No traffic changes can really be made without a traffic impact study on Kent Avenue, as this is the main artery, besides Pastori, so Kent Ave. will be heavily impacted by more traffic.