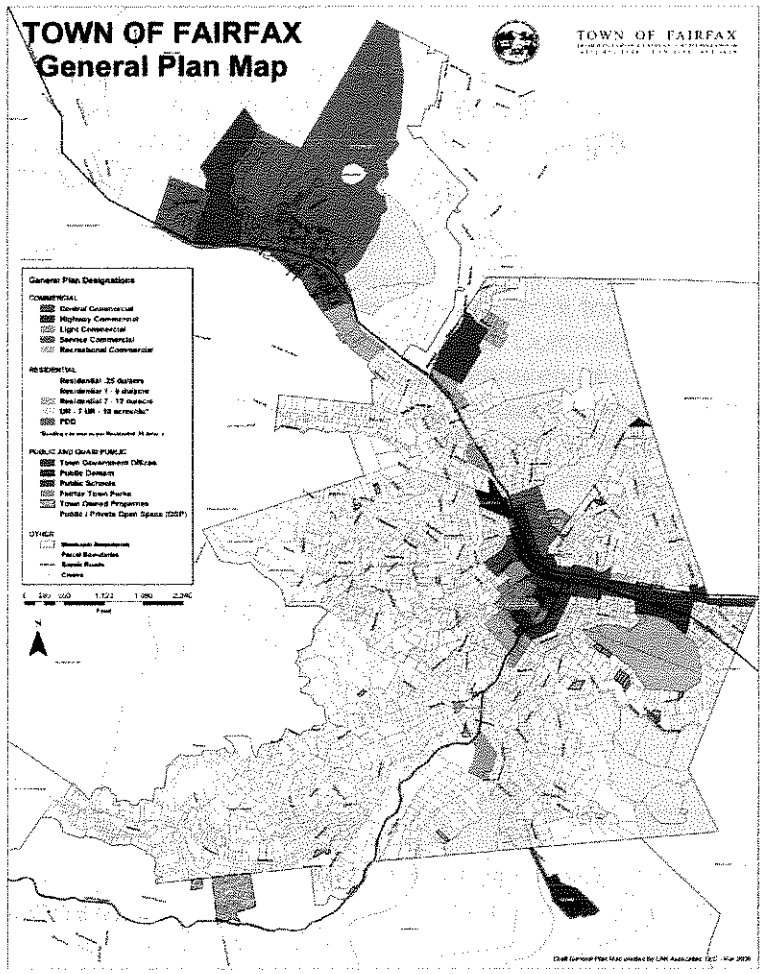
TOWN OF FAIRFAX
STAFF REPORT

TO:	**Mayor and members of the Town Council**
DATE:	**April 4, 2012**
FROM:	**Michael Rock, Town Manager** (MKR) **Jim Moore, Director of Planning & Building Services** **LAK Associates, Contract Planner**
SUBJECT:	**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX APPROVING THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION, ADOPTING FINDINGS REGARDING ENVIRONMENTAL EFFECTS AND A MITIGATION MONITORING AND REPORTING PROGRAM, FOR THE FAIRFAX 2010-30 GENERAL PLAN, and ADOPTING THE FAIRFAX 2010-30 GENERAL PLAN**



AGENDA ITEM # 12

A general plan is required to address the following mandatory elements: land use, circulation, housing, conservation, open space, noise, and safety. A city may also adopt additional elements. A general plan identifies the goals, objectives, policies, principles, standards, and plan proposals that support the Town's vision for each area addressed in the plan.

A general plan is a long-range document that typically addresses the physical development of an area over a 20-year period. Although a general plan serves as a blueprint for future development and identifies the overall vision for the planning area, it remains general enough to allow for flexibility in the approach taken to achieve the plan's goals.

2010-30 General Plan Update

With the exception of the Housing Element, this is the first revision to the General Plan in over 35 years, incorporating a number of new elements and establishing a vision for the future of the Town. Key initiatives in this Plan include:

- Establishing a public process to create a Town Center Plan.
- Zoning changes to preserve the character of the downtown area while incorporating residential uses, to reduce automobile use and encourage public transit and bicycle and pedestrian transportation modes.
- An initiative to catalog and preserve open space areas in and around the Town.
- A Climate Action Plan, and creation of a new Town committee (can't we use the current "Zero Waste Committee"?), to reduce greenhouse gas emissions by the Town and its residents.
- A goal of zero waste generation by 2025.
- Development of design and construction guidelines by the Town Department of Planning and Building Services.

Project Description

There are a total of eight elements in the new 2010-30 Fairfax General Plan, including an optional Town Center Element. The updated 2010-30 General Plan includes all the mandatory elements required by state law, including those not part of the 1976 Plan.

Where appropriate, certain words, phrases and sections from the 1976 Plan have been incorporated in the updated Plan by the GPAC. The updated Plan completely replaces the 1976 Plan. The following discussion summarizes the eight elements:

Land Use Element

The **Land Use Element** provides a guide to the general public, the Council and Planning Commission, to appointed committees and boards and to the Town Manager, Planning Director and staff as to the pattern of development for the Town in the future. The **Land Use Element** has the broadest scope of all of the General Plan elements. It plays a central role in presenting land use issues, and the policies that will influence those issues. The goals, objectives, policies and programs found in this element relate directly to all other elements. In the daily business of the Town, this element is usually the most visible and most often used. While all of the general plan elements are equal in importance, the **Land Use Element** is usually referred to as being

most representative of the Town's General Plan. Central to this element are the General Plan Map and the Zoning Map, both of which have a significant role in the daily decisions of the Town. The programs contained in this element influence the short- and long-term actions for the Town, including the yearly budget.

Circulation Element

The **Circulation Element** is more than a transportation plan for vehicles. The Town's substantial commitment to transit, bicycle and pedestrian systems is also reflected in this element. The **Land Use Element** and the **Circulation Element** are bound together by state law. This element also has direct relationships to the **Housing, Open Space** and **Safety Elements**. The goals, objectives, policies and programs of this element affect the Town's physical, social and economic environment. Even though the Town is primarily built-out, changes to the existing circulation networks and systems are possible; and in some cases, particularly those related to transit, bicycle and pedestrian circulation, are preferred by the community.

Housing Element

The **Housing Element** is distinct from the other elements as it is subject to detailed legal requirements regarding its content, particularly its policies and programs. The **Housing Element** is required, by State law, to be updated every five years, and must be reviewed and certified by the State's Department of Housing and Community Development. This requirement is symbolic of the State's recognition that the availability of meaningful housing opportunities is critical to the community's well-being and that cooperation between government and the private sector is important to the attainment of the State's housing goals. State law requires the Town to adequately plan to meet existing and projected housing needs, including its fair share of the regional demand. The State sees the **Housing Element** as part of its market-based strategy to increase the housing supply at all levels of income. Six Opportunity Sites, determined by the Town as being appropriate candidates for housing development, are included in the Housing Element. In this element, the Town has identified some unique ways to meet the community's goals while maintaining the integrity of the Town.

Town Center Element

The **Town Center Element** is an optional element, not required by State law, which has been included in the General Plan as a result of ideas generated during the community based workshops. This element is a subset of both the **Land Use Element** and the **Circulation Element**. This element is specific to the mixed-use central area of the Town, extending from the dual gateways of the Town at Sir Francis Drake and Center Boulevard at the San Anselmo border to the library at the northern end of the downtown area, including School Street Plaza. Also included is the area from Broadway along the Bolinas Road to the Town Hall and Park Road, as well as Peri Park and the Women's Club. The programs in this element will implement the **Land Use Element** and the **Circulation Element** when the creation of a "Town Center Plan" called for in this element is formulated and acted on.

Open Space Element

The **Open Space Element** establishes a guide for the comprehensive and long-range preservation and conservation of key open space land around and throughout the Town. Next to the **Land Use Element**, this element is the broadest in scope, overlapping some of the other elements while including goals and policies that are central to the quality of life as clearly defined by the community. Included in this element is an inventory of the areas of open space around and in the Town that are seen as candidate parcels for preservation, conservation or restoration. The **Open Space Element** is also closely related to the **Conservation Element**, and taken together these two elements identify and strengthen the collective environmental-quality attitudes of the Town.

Conservation Element

The **Conservation Element** provides direction regarding the conservation, management and careful utilization of the Town's natural resources, including the air around it. This element directly relates to the **Open Space Element**, and overlaps the requirements of the **Land Use**, **Safety**, and **Circulation Elements**. The most significant difference between this element and others is that it focuses primarily on the Town's natural resources and systems. The most significant role of the **Conservation Element** is to establish policies and programs that recognize and reconcile the conflicting demands on both renewable and non-renewable resources while respecting the social and economic needs of the community.

Safety Element

The Town is located in an area of unique scenic beauty and spectacular weather. However, along with those physical riches, the area also possesses the ability to destroy itself at any given time. The aim of the **Safety Element** is to recognize and reduce the potential risk of death, injury, property damage, and economic and social dislocation resulting from catastrophic wildland fires, floods, earthquakes, and landslides. This element also overlaps other elements, including **Land Use**, **Open Space**, and **Conservation.** The **Safety Element** identifies local hazards and hazard abatement recommendations to assist the Town in decisions related to zoning and entitlement permits. The element contains hazard and risk reduction strategies and policies and programs supporting hazard mitigation measures. Other policies and programs address the identification of hazards and the appropriate emergency responses. Specific attention is paid to community preparedness for fire potential in the wildland/urban interface, flooding of the creeks that extend through the Town, and earthquakes and landslides.

Noise Element

The primary purpose of the **Noise Element** is to limit the exposure of the community to excessive levels of unwanted sound. In developing this element, noise levels and the extent of noise was analyzed and quantified through actual on-site measuring activities. The technical data was gathered and analyzed and a series of noise control policies and programs were developed that minimize the exposure of the community members to excessive and unwanted noise.

The policies and programs in the **Noise Element** will serve as community guidelines for compliance with sound transmission control requirements. Of particular importance to the Town are the recommended construction noise mitigation measures, particularly in light of the bowl-

like configuration of the landscape, and the typical construction and reconstruction patterns currently in effect. The **Noise Element** directly relates to the **Land Use**, **Circulation**, and **Housing.**

Environmental Review

The Town of Fairfax 2010-30 General Plan (the "Project") was reviewed in accordance with the California Environmental Quality Act ("CEQA"), State CEQA Guidelines, and applicable local CEQA Implementation Guidelines. The Town has served as "lead agency" in the preparation and consideration of the Initial Study / Mitigated Negative Declaration.

The **Initial Study** and proposed **Mitigated Negative Declaration** for the Town of Fairfax 2010-30 General Plan were circulated for a 30-day public review period, pursuant to Public Resources Code (CEQA) Section 21091 (B).

Copies of the Initial Study, proposed Mitigated Negative Declaration, and the 2010-30 General Plan were made available at the Fairfax Public Library located at 2097 Sir Francis Drake Boulevard, at the Town Hall public counter 8:30 am to 5:00 pm Monday's through Thursday's located a 142 Bolinas Road, and on the Town of Fairfax website for the 30-day review period that ended on March 30, 2012.

Under CEQA Guideline 15070, the Town Council may approve a mitigated negative declaration for a project where the initial study identified potentially significant environmental effects, if changes can be incorporated into the project to avoid those effects by mitigating them to the point that no significant effects would remain, and there is no substantial evidence that the project as so revised would have a significant effect on the environment. The initial study for the Project identified very few potentially significant effects, each of which could be avoided or mitigated to a less than significant level (as discussed in more detail in the next section).

As part of the process, the Town Council is required by CEQA Guideline 15084 (d) to adopt a Mitigation Monitoring and Reporting Plan and under applicable case law, the Council may also adopt additional findings related to its finding that the Project will have no significant effect on the environment. Both documents have been prepared for Council consideration.

Impacts and Mitigations

As the following summaries show, mitigation measures have been designed for adoption by the Town Council as a part of the Project approval. (Reference numbers to impacts and mitigation measures in the following subsections correspond to the numbers used in the Initial Study):

Air Quality

Odors are assessed based on the potential of the Plan to result in odor complaints. This could result from the Plan creating development that produces objectionable odors or places people near sources of objectionable odors.

Sources of odors in Fairfax are localized. These primarily include restaurants. Significant odor

sources are not currently located within the Town; therefore, new uses are not likely to be affected by existing odor sources. The Town will include a mix of uses that could place new residences near localized sources of odors. An example is a mixed-use building that includes both residences and restaurants. While this mix of uses is common in urban areas, odor complaints can occur. Some people find odors from restaurants objectionable, while others find them pleasant. This is considered to be a significant impact; therefore the following mitigation will reduce impacts to a **less than significant level with mitigation incorporation.**

> **Mitigation Measure AIR-1:** New restaurants located in mixed-use developments, or adjacent to residential developments, shall install kitchen exhaust vents with filtration systems, re-route vents away from residential development, or use other accepted methods of odor control, in accordance with local building and fire codes. New residences proposed in buildings or immediately adjacent to buildings that include restaurant or other odor producing uses shall be designed to reduce exposures to odors. This could be conducted through proper design of ventilations systems either at the residence or the source.

Geological Hazards

The Town of Fairfax General Plan Safety Element addresses geological hazards with the implementation of Goal S-1: Minimize risks due to geologic hazards. Fairfax has adopted current building codes to guide new development and substantial improvements to existing development. Fairfax is also in compliance with State legislation designed to reduce hazards posed by unreinforced masonry buildings. The implementation of the Fairfax General Plan and the requirements set forth in the Town Building Code and the California Building Code will ensure that new development meets the highest standards; therefore, impacts related to earthquake ground shaking will be **less than significant with mitigation incorporation**.

By applying Goal S-1 and Policy S-1.1.1 and its associated programs, as well as the current California Building Code rules and guidelines for seismic compliant construction, the impacts related to potential substantial adverse effects, including the risk of loss, injury, or death involving fault rupture, strong seismic shaking, liquefaction and landslides can be mitigated to **Less than Significant** levels, with the following **mitigation incorporation**.

> **Mitigation Measure GEO-1:** Project level geotechnical engineering analysis, by a qualified California geotechnical engineer, of all potential hazards on new development sites shall be required prior to planning approval.

Noise

Structures in the vicinity of new development allowed in the General Plan Area could be exposed to construction-related vibration during the excavation and foundation work associated with these projects. Depending on the project design and conditions these structures may be exposed to perceptible or damaging vibration levels from construction activities. This is a **less-than-significant impact with the incorporation of mitigation**.

With incorporation of the following mitigation, the potential impacts related to exposing persons to or generation of excessive ground-borne vibration or ground-borne noise levels may be reduced to a **less-than-significant level**.

Mitigation Measure NOISE-1:

a) Avoid impact pile driving where possible. Drilled piles cause lower vibration levels where geological conditions permit their use.

b) Avoid using vibratory rollers and tampers near sensitive areas.

c) In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies shall be conducted to determine the area of impact and to develop appropriate mitigation measures.

General Plan Goal N-3 concludes that if project construction is expected to take less than 18 months and work will be done following standard construction controls as given in Goal N-3.a-h (see below), then the project will be found to cause a less-than significant impact. Goal N-3 also finds that if project construction activities last beyond 18 months, or occur outside of allowable time periods per Goal N-3.a, then the project will be found to cause a potentially significant impact and will be subject to environmental review under CEQA.

With incorporation of the following construction control measures in Goal N-3, the potential impacts related to a permanent increase in ambient noise levels in the project vicinity above levels existing without the project would be reduced to a **less-than-significant level**.

Mitigation Measure Noise-2: Noise Element Goal N-3 standard construction controls:

a. Limit construction to the hours of 8:00 a.m. to 5:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on Saturdays, with no noise-generating construction on Sundays or holidays.

b. Control noise from construction workers' radios to the point where they are not audible at existing residences that border the Project site.

c. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.

d. Utilize quiet models of air compressors and other stationary noise sources where technology exists.

e. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.

f. Prohibit unnecessary idling of internal combustion engines.

g. Notify residents adjacent to the Project site of the construction schedule in writing.

h. Designate a noise disturbance coordinator who will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaints (e.g., starting too early, bad muffler) and institute reasonable measures warranted to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site.

Traffic and Circulation

Redevelopment of the opportunity sites will not result in any of the 17 study intersections degrading from LOS D or better conditions to LOS E or LOS F conditions based on current traffic levels or those expected in year 2030. Four intersections will be expected to continue operating at LOS E or LOS F conditions with or without the redevelopment of the opportunity sites. A fifth intersection, Sir Francis Drake Boulevard/Mitchell Drive/Banchero Way, will have its stop sign-controlled left-turn degrade from LOS E to LOS F conditions during a peak period.

The impacts associated with the development of the opportunity sites in Fairfax can be mitigated to a **less than significant level with mitigation incorporation** for the following five intersections:

Mitigation Measure TRAF-1:

- Sir Francis Drake Boulevard/Mitchell Drive/Banchero Way: Stop sign-controlled left turns from Mitchell Drive currently operate at LOS E conditions during the AM peak hour. LOS E is expected to continue to result in the year 2030 without redevelopment. Redevelopment of the Christ Lutheran Church Site will degrade the left-turns to LOS F conditions and result in significant left-turn delays of two to three minutes. Traffic signalization of this intersection should be considered.

- Sir Francis Drake Boulevard/Olema Road: LOS E or F conditions will continue for left-turns turning from Olema Road with or without redevelopment of the opportunity sites. Fewer than five vehicles per peak hour are expected to continue turning left, experiencing delays of 60 seconds or less. This small volume, in comparison to the uncontrolled traffic movements at this intersection, plus the availability of alternative means to access northbound Sir Francis Drake Boulevard, do not justify mitigating the LOS E/F conditions.

- Sir Francis Drake Boulevard/Pacheco Avenue: LOS E or F conditions will continue for left-turns turning from Pacheco Avenue with or without redevelopment of the opportunity sites. Fewer than 35 vehicles per peak hour are expected to continue turning left, experiencing delays of 80 seconds or less. This volume, in comparison to the uncontrolled traffic movements at this intersection, plus the availability of alternative means to access northbound Sir Francis Drake Boulevard, do not justify mitigating the LOS E/F conditions.

- Broadway /Center Boulevard/Pacheco Avenue: The average delay for all movements at this all-way stop sign-controlled intersection is expected to equate to LOS E conditions during the PM peak period considering existing and year 2030 traffic volumes, with or without redevelopment of the opportunity sites. Installing a modern roundabout could be considered, if feasible, to mitigate these conditions. Provision of a traffic signal could exacerbate vehicle queuing through Pacheco Avenue's intersection with Sir Francis Drake Boulevard.

- Center Boulevard/Pastori Avenue: By the year 2030, with or without redevelopment of the opportunity sites, this intersection is expected to operate at

LOS E during the PM peak hour. Installation of a modern roundabout could be considered in the future.

DISCRETIONARY APPROVALS:

In order to approve the Town of Fairfax 2010-30 General Plan, staff recommends that the Town Council adopt Resolution No. 12-22, which takes the following actions:

- Approves the Town of Fairfax 2010-30 General Plan Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan;
- Adopts additional findings in support of the Council's finding that the adoption of the 2010-30 General Plan will not have a significant effect on the environment; and
- Adopts the new 2010-30 General Plan.

ATTACHMENTS:

Exhibit A – 2010-30 General Plan Posted on the Town of Fairfax Website at:
http://www.town-of-fairfax.org/
Exhibit B – Errata Sheet #2
Exhibit C – Initial Study / Mitigated Negative Declaration, and Mitigation and Monitoring Plan
Exhibit D – Traffic report from Parisi Associates
Exhibit E – Air Quality Analysis from Illingworth & Rodkin
Exhibit F – Noise Impact Analysis from Illingworth & Rodkin
Exhibit G –Comment Letters and Responses
Exhibit H – Resolution No. 12-22; with Attachment 1 – Additional Findings

2010-30 General Plan

Posted on the Town of Fairfax Website at:

http://www.town-of-fairfax.org/

EXHIBIT # A

TOWN OF FAIRFAX
142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
PHONE (415) 453-1584 / FAX (415) 453-1618

MEMORANDUM

April 4, 2012

TO: Mayor and Members of the Town Council, et.al,

FROM: Jim Moore, Director of Planning & Building Services

SUBJECT: **2010-30 General Plan; "Errata Sheet" #2**

The following table lists corrections to be included in subsequent printed and posted copies of the Town of Fairfax 2010-30 General Plan upon final adoption by the Town Council:

1. Acknowledgements page	http://town-of-fairfax.org should be deleted and be replaced with http://townoffairfax.org.
2. Table of Contents, Page I	"Historic Land Use Patterns in Fairfax...LU6" should be deleted.
3. Land Use Element, Figure LU-1, Figure LU-2	Public Library parcel designation as "CL" should be deleted, and Town Hall/Peri Park/ Women's Club parcel designations as "RS – 6" should be deleted; and all should be replaced with "Public & Quasi-public" designation.
4. Appendix LU-B	Highway Commercial (CH) description should be included.
5. Land Use Element, Figure LU-1, Figure LU-2	The "7-11" parcel (APN 002-101-13) should read Central Commercial (CC), not Highway Commercial (CH); and all references to that parcel as CH in the text of the 2010-30 General Plan are to be redacted.
6. Circulation Element, Page C-27, Program C-1.5.1	Add: "The San-Rafael-Fairfax Corridor Study was completed in March 2010".
7. Safety Element, Page S-22, Program S-2.1.8.1, Schedule	Replace "Year Two" with "After 2022-2033"

EXHIBIT # B

8. Safety Element, Page S-22, Program S-2.1.1.2	Delete Program S-2.1.1.2. Study has been completed.
9. Conservation Element, Page CON-18, Program CON-3.1.1.1	Delete Stormwater Pollution Prevention Program (MCSTOPP)
10. Conservation Element, Page CON-18, Program CON_3.1.1.5	Add "Marin County Flood Control and Water Conservation District" after "Participate in".
11. Safety Element, Page S-17	Change "Flood Control District 9" to "Marin County Flood Control and Water Conservation District Flood Zone 9".
12. Safety Element, Page S-21, Program S-2.1.7.1	Replace "Flood Control District 9" with "Marin County Flood Control and Water Conservation District Flood Zone 9"
13. Safety Element, Page S-22, Program S-2.1.8.2	Replace "retention" with "detention".
14. Conservation Element, Page CON-23, Program CON-4.2.2.3	Add, after "...or greater", "and according to requirements of current National Pollutant Discharge Elimination System (NPDES) Phase II General Permit issued by the State Water Resources Control Board or applicable NPDES Municipal stormwater permit in effect.
15. Safety Element S-19, Policy S-2.1.3	Add: "Program S-2.1.3.3. Update the existing urban Runoff pollution prevention ordinance in order to comply with changes expected in the reissued Phase II General Permit in 2012: Ongoing"
16. Safety Element, Page S-20, Program S-2.1.5.1	Add after "...future flooding" "and obtain and comply with required regulatory agency permits".
17. Conservation Element, Page CON-23, Policy CON-4.2.2	Add "The Town will work with MCSTOPPP to update the Stormwater Management Plan According to the requirements of current National Pollutant Discharge Elimination System (NPDES) Phase II General Permit Issued by the State Water Resources Board or Applicable NPDES municipal stormwater permit in effect."
18. Appendices, Page 2	Add, to the definition of "Regional Water Quality Control Board", "The Town is covered by the National Pollutant Discharge Elimination System General Permit containing Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (Phase II General Permit)."

NOTICE OF INTENTION TO CIRCULATE
PROPOSED MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY FOR THE GENERAL PLAN FOR THE TOWN OF FAIRFAX

Project Location
The project site is the Town of Fairfax, Marin County, California.

Project Description
There are eight total elements in the 2010-30 Fairfax General Plan, including an optional Town Center Element. The following describes the basics of these eight elements:

Land Use Element

The **Land Use Element** provides a guide to the general public, the Council and Planning Commission, to appointed committees and boards and to the Town Manager, Planning Director and staff as to the pattern of development for the Town in the future. The **Land Use Element** has the broadest scope of all of the General Plan elements. It plays a central role in presenting land use issues, and the policies that will influence those issues. The goals, objectives, policies and programs found in this element relate directly to all other elements. In the daily business of the Town, this element is usually the most visible and most often used. While all of the general plan elements are equal in importance, the **Land Use Element** is usually referred to as being most representative of the Town's General Plan. Central to this element are the General Plan Map and the Zoning Map, both of which have a significant role in the daily decisions of the Town. The programs contained in this element influence the short- and long-term actions for the Town, including the yearly budget.

Circulation Element

The **Circulation Element** is more than a transportation plan for vehicles. The Town's substantial commitment to transit, bicycle and pedestrian systems is also reflected in this element. The **Land Use Element** and the **Circulation Element** are bound together by state law. This element also has direct relationships to the **Housing, Open Space** and **Safety Elements**. The goals, objectives, policies and programs of this element affect the Town's physical, social and economic environment. Even though the Town is primarily built-out, changes to the existing circulation networks and systems are possible; and in some cases, particularly those related to transit, bicycle and pedestrian circulation, are preferred by the community.

Housing Element

The **Housing Element** is distinct from the other elements as it is subject to detailed legal requirements regarding its content, particularly its policies and programs. The **Housing Element** is required, by state law, to be updated every five years, and must be reviewed and certified by the State's Department of Housing and Community Development. This requirement is symbolic of the state's recognition that the availability of meaningful housing opportunities is critical to the community's well-being and that cooperation between government and the private sector is important to the attainment of the state's housing goals. State law requires the Town to adequately plan to meet existing and projected housing needs, including its fair share of the

EXHIBIT # C

regional demand. The state sees the **Housing Element** as part of its market-based strategy to increase the housing supply at all levels of income. In this element, the Town has identified some unique ways to meet the community's goals while maintaining the integrity of the Town.

Town Center Element

The **Town Center Element** is an optional element, not required by State law, which has been included in the General Plan as a result of ideas generated during the community based workshops. This element is a subset of both the **Land Use Element** and the **Circulation Element**. This element is specific to the mixed-use central area of the Town, extending from the dual gateways of the Town at Sir Francis Drake and Center Boulevard at the San Anselmo border to the library at the northern end of the downtown area, including School Street Plaza. Also included is the area from Broadway along the Bolinas Road to the Town Hall and Park Avenue, as well as Peri Park and the Women's Club. The programs in this element will implement the **Land Use Element** and the **Circulation Element** when the creation of a "Town Center Plan" called for in this element is formulated and acted on.

Open Space Element

The **Open Space Element** establishes a guide for the comprehensive and long-range preservation and conservation of key open space land around and throughout the Town. Next to the **Land Use Element**, this element is the broadest in scope, overlapping some of the other elements while including goals and policies that are central to the quality of life as clearly defined by the community. Included in this element is an inventory of the areas of open space around and in the Town that are seen as candidate parcels for preservation, conservation or restoration. The **Open Space Element** is also closely related to the **Conservation Element**, and taken together these two elements identify and strengthen the collective environmental-quality attitudes of the Town.

Conservation Element

The **Conservation Element** provides direction regarding the conservation, management and careful utilization of the Town's natural resources, including the air around it. This element directly relates to the **Open Space Element**, and overlaps the requirements of the **Land Use, Safety**, and **Circulation Elements**. The most significant difference between this element and others is that it focuses primarily on the Town's natural resources and systems. The most significant role of the **Conservation Element** is to establish policies and programs that recognize and reconcile the conflicting demands on both renewable and non-renewable resources while respecting the social and economic needs of the community.

Safety Element

The Town is located in an area of unique scenic beauty and spectacular weather. However, along with those physical riches, the area also possesses the ability to destroy itself at any given time. The aim of the **Safety Element** is to recognize and reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from catastrophic wildland fires, floods, earthquakes, and landslides. This element also overlaps other elements, including **Land Use, Open Space**, and **Conservation.** The **Safety Element** identifies local hazards and hazard

abatement recommendations to assist the Town in decisions related to zoning and entitlement permits. The element contains hazard and risk reduction strategies and policies and programs supporting hazard mitigation measures. Other policies and programs address the identification of hazards and the appropriate emergency responses. Specific attention is paid to community preparedness for fire potential in the wildland/urban interface, flooding of the creeks that extend through the Town, and earthquakes and landslides.

Noise Element

The primary purpose of the **Noise Element** is to limit the exposure of the community to excessive levels of unwanted sound. In developing this element, noise levels and the extent of noise was analyzed and quantified through actual on-site measuring activities. The technical data was gathered and analyzed and a series of noise control policies and programs were developed that minimize the exposure of the community members to excessive and unwanted noise.

The policies and programs in the **Noise Element** will serve as community guidelines for compliance with sound transmission control requirements. Of particular importance to the Town are the recommended construction noise mitigation measures, particularly in light of the bowl-like configuration of the landscape, and the typical construction and reconstruction patterns currently in effect. The **Noise Element** directly relates to the **Land Use**, **Circulation**, and **Housing.**

Project Proponent
The Town Council of the Town of Fairfax, California.

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 implementation of the above described Town of Fairfax General Plan 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. Implementation of the General Plan will have no adverse effect on the Town's scenic resources.

2. Implementation of the General Plan will have no adverse effect on agricultural resources.

3. Implementation of the General Plan with recommended mitigations will not result in a significant adverse impact. Implementation of the General Plan will be compatible with the Bay Area Air Quality Management District plan.

4. Implementation of the General Plan will have no substantial adverse effect on sensitive biological resources.

5. Implementation of the General Plan will not cause a substantial adverse effect on cultural or historical resources.

6. Implementation of the General Plan with the recommended mitigation measures will not expose people to substantial adverse geological events or affect the Town's soils.

7. Implementation of the General Plan will not create a significant hazard to the public or the environment as may be caused by hazardous materials or hazardous conditions or facilities.

8. Implementation of the General Plan will not degrade or deplete water resources.

9. Implementation of the General Plan will not cause a substantial adverse effect on land use planning or land use policies.

10. Implementation of the General Plan will not cause a substantial adverse effect on the Town's mineral resources.

11. Implementation of the General Plan with the recommended mitigation measures will not result in any substantial noise impacts.

12. Implementation of the General Plan will not cause a substantial adverse effect on population or housing.

13. Implementation of the General Plan will not cause a substantial adverse effect on public services.

14. Implementation of the General Plan will not cause a substantial adverse effect on the Town's recreation resources.

15. Implementation of the General Plan with recommended mitigations will not result in a significant adverse impact to the Town's transportation services or traffic load. The existing roadways and intersections have adequate capacity to meet the standards established by the Town.

16. Implementation of the General Plan will not cause a substantial adverse effect on the Town's utilities or services.

Public Review

The Initial Study and proposed Mitigated Negative Declaration will 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 will be reviewed by the Town Council at their April 4, 2012 public meeting.

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 Mitigated Negative Declaration has been prepared.

2/29/12
Date:

James M. Moore
Director of Planning & Building Services

TOWN OF FAIRFAX
Environmental Checklist Form

1. **Project Title:**

Town of Fairfax General Plan 2010-30

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:**

Fairfax, California

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

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

6. **General Plan Designation:**

N/A

7. **Description of Project:**

There are eight total elements in the 2010-30 Fairfax General Plan, including an optional Town Center Element. The following describes the basics of these eight elements:

Land Use Element
The **Land Use Element** provides a guide to the general public, the Council and Planning Commission, to appointed committees and boards and to the Town Manager, Planning Director and staff as to the pattern of development for the Town in the future. The **Land Use Element** has the broadest scope of all of the General Plan elements. It plays a central role in presenting land

use issues, and the policies that will influence those issues. The goals, objectives, policies and programs found in this element relate directly to all other elements. In the daily business of the Town, this element is usually the most visible and most often used. While all of the general plan elements are equal in importance, the **Land Use Element** is usually referred to as being most representative of the Town's General Plan. Central to this element are the General Plan Map and the Zoning Map, both of which have a significant role in the daily decisions of the Town. The programs contained in this element influence the short- and long-term actions for the Town, including the yearly budget.

Circulation Element
The **Circulation Element** is more than a transportation plan for vehicles. The Town's substantial commitment to transit, bicycle and pedestrian systems is also reflected in this element. The **Land Use Element** and the **Circulation Element** are bound together by state law. This element also has direct relationships to the **Housing, Open Space** and **Safety Elements.** The goals, objectives, policies and programs of this element affect the Town's physical, social and economic environment. Even though the Town is primarily built-out, changes to the existing circulation networks and systems are possible; and in some cases, particularly those related to transit, bicycle and pedestrian circulation, are preferred by the community.

Housing Element
The **Housing Element** is distinct from the other elements as it is subject to detailed legal requirements regarding its content, particularly its policies and programs. The **Housing Element** is required, by state law, to be updated every five years, and must be reviewed and certified by the State's Department of Housing and Community Development. This requirement is symbolic of the state's recognition that the availability of meaningful housing opportunities is critical to the community's well-being and that cooperation between government and the private sector is important to the attainment of the state's housing goals. State law requires the Town to adequately plan to meet existing and projected housing needs, including its fair share of the regional demand. The state sees the **Housing Element** as part of its market-based strategy to increase the housing supply at all levels of income. In this element, the Town has identified some unique ways to meet the community's goals while maintaining the integrity of the Town.

Town Center Element
The **Town Center Element** is an optional element, not required by State law, which has been included in the General Plan as a result of ideas generated during the community based workshops. This element is a subset of both the **Land Use Element** and the **Circulation Element.** This element is specific to the mixed-use central area of the Town, extending from the dual gateways of the Town at Sir Francis Drake and Center Boulevard at the San Anselmo border to the library at the northern end of the downtown area, including School Street Plaza. Also included is the area from Broadway along the Bolinas Road to the Town Hall and Park Avenue, as well as Peri Park and the Women's Club. The programs in this element will implement the **Land Use Element** and the **Circulation Element** when the creation of a "Town Center Plan" called for in this element is formulated and acted on.

Open Space Element
The **Open Space Element** establishes a guide for the comprehensive and long-range preservation and conservation of key open space land around and throughout the Town. Next to the **Land Use Element,** this element is the broadest in scope, overlapping some of the other elements while including goals and policies that are central to the quality of life as clearly defined by the community. Included in this element is an inventory of the areas of open space around and in the Town that are seen as candidate parcels for preservation, conservation or restoration. The **Open**

Space Element is also closely related to the **Conservation Element,** and taken together these two elements identify and strengthen the collective environmental-quality attitudes of the Town.

Conservation Element
The **Conservation Element** provides direction regarding the conservation, management and careful utilization of the Town's natural resources, including the air around it. This element directly relates to the **Open Space Element,** and overlaps the requirements of the **Land Use, Safety,** and **Circulation Elements**. The most significant difference between this element and others is that it focuses primarily on the Town's natural resources and systems. The most significant role of the **Conservation Element** is to establish policies and programs that recognize and reconcile the conflicting demands on both renewable and non-renewable resources while respecting the social and economic needs of the community.

Safety Element
The Town is located in an area of unique scenic beauty and spectacular weather. However, along with those physical riches, the area also possesses the ability to destroy itself at any given time. The aim of the **Safety Element** is to recognize and reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from catastrophic wildland fires, floods, earthquakes, and landslides. This element also overlaps other elements, including **Land Use, Open Space,** and **Conservation.** The **Safety Element** identifies local hazards and hazard abatement recommendations to assist the Town in decisions related to zoning and entitlement permits. The element contains hazard and risk reduction strategies and policies and programs supporting hazard mitigation measures. Other policies and programs address the identification of hazards and the appropriate emergency responses. Specific attention is paid to community preparedness for fire potential in the wildland/urban interface, flooding of the creeks that extend through the Town, and earthquakes and landslides.

Noise Element
The primary purpose of the **Noise Element** is to limit the exposure of the community to excessive levels of unwanted sound. In developing this element, noise levels and the extent of noise was analyzed and quantified through actual on-site measuring activities. The technical data was gathered and analyzed and a series of noise control policies and programs were developed that minimize the exposure of the community members to excessive and unwanted noise.

The policies and programs in the **Noise Element** will serve as community guidelines for compliance with sound transmission control requirements. Of particular importance to the Town are the recommended construction noise mitigation measures, particularly in light of the bowl-like configuration of the landscape, and the typical construction and reconstruction patterns currently in effect. The **Noise Element** directly relates to the **Land Use, Circulation**, and **Housing.**

Element Contents
Each element is organized to present all the background and regulatory information in the beginning, followed by Goals, Objectives, Policies and Programs.

- **Goals** are statements of direction, stating where the Town is focusing efforts and attention, and towards what end.
- **Objectives** are more specific directives guiding the implementation of Goals.
- **Policies** are specific statements that are intended to guide future actions. They answer the questions of "What" and "Why".

- **Programs** are the actions used to put into effect the policies of the element. Programs answer the questions of "What," "How," "Where," and "by Whom".

8. Surrounding Land Uses and Setting:

Fairfax is an incorporated town in Marin County, California. Fairfax is located 3.25 miles (5.2 km) west-northwest of San Rafael, at an elevation of 115 feet (35 m). The population is 7,319 at the 2000 census. Fairfax is a small town located at the western edge of Marin County's city-centered corridor that parallels U.S. Highway 101, with the agriculturally rich rural portion of the county just beyond to the west. The town's natural setting encompasses a series of valleys, canyons, and forested hills with largely undeveloped ridgelines. Scenic and natural resources are key aspects of the community's sense of place and contribute to the overall quality of life in Fairfax. In addition to the form of the land, mature trees and the extensive areas of protected open space in and around the Town help define the community character. The architectural diversity of the neighborhoods and the compact, small scale Town Center area also make Fairfax a very special place for residents and visitors.

According to the United States Census Bureau, the town has a total area of 2.1 square miles (5.5 km²), all of it land. As of the census of 2000, there were 7,319 people, 3,306 households, and 1,811 families residing in the town. The population density was 3,441.2 people per square mile (1,326.7/km²). There were 3,418 housing units at an average density of 1,607.0 per square mile (619.6/km²). The racial makeup of the town at the time of the 2000 census was 91.39% White, 1.16% Black or African American, 0.48% Native American, 1.97% Asian, 0.16% Pacific Islander, 1.53% from other races, and 3.31% from two or more races. 5.71% of the population was Hispanic or Latino of any race.

There were 3,306 households out of which 27.4% had children under the age of 18 living with them, 41.2% were married couples living together, 10.0% had a female householder with no husband present, and 45.2% were households of unrelated persons. 31.1% of all households were made up of individuals and 7.4% had someone living alone who was 65 years of age or older.

In the town the population was spread out with 19.2% under the age of 18, 4.7% from 18 to 24, 33.5% from 25 to 44, 33.1% from 45 to 64, and 9.5% who were 65 years of age or older. The median age was 42 years. For every 100 females there were 91.9 males. For every 100 females age 18 and over, there were 89.2 males.

The median income for a household in the town was $58,465, and the median income for a family was $68,308. Males had a median income of $51,457 versus $40,815 for females. The per capita income for the town was $34,080. About 4.3% of families and 6.5% of the population were below the poverty line, including 6.6% of those under age 18 and 7.6% of those of age 65 or over.

Soils in the Fairfax area mostly belong to the Tocaloma Series as classified by the U.S. Soil Conservation Service. These soils consist of moderately deep, well drained soils on uplands. These soils are typically formed from sandstone and shale and often occur on slopes ranging above 15 percent.

The residential development that occurred between 1907 and 1914, with winding streets and a wide range of lots sizes, set the stage for the future development of the community's built environment. Much of the subsequent residential and commercial development of Fairfax prior to World War II was related to the town's status as a summer resort for residents of San Francisco attracted by the warm, sunny weather of the Ross Valley. In recent years, rapidly rising housing

prices have resulted in numerous proposals to significantly renovate existing residential structures. Any change to the existing fabric of the Town will not occur primarily as a result of subdivisions of land, but rather as infilling scattered undeveloped or underdeveloped sites, or through the replacement of one residential structure with another.

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 District,

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

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.

J. M. Moon — Feb. 29, 2012

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.