

ADDENDUM TO A MITIGATED NEGATIVE DECLARATION

Addendum to a Mitigated Negative Declaration

For the Town of Fairfax 2010 – 2030 General Plan

SUBJECT

Amendments to the 2010 Housing Element; part of the Town's 2010 – 2030 General Plan.

PROJECT DESCRIPTION

Amendments to the 2010 Housing Element necessary to comply with State housing element law and to gain "certification" from State Department of Housing Community Development. This includes the addition of nine units at Site #4 (School Street Plaza), 7 units at Site #5 (Fair Anselm), and 3 units at Site #6 (Eastside Commercial).

DETERMINATION

On April 4, 2012, the Town of Fairfax adopted a Mitigated Negative Declaration (MND) for the Town's 2010 – 2030 General Plan, including the 2010 Housing Element (State Clearinghouse No. 2012032010).

This Addendum to the MND is being prepared pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, which allows for the lead agency to prepare an addendum to an adopted negative declaration if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. Pursuant to CEQA Section 15162, no subsequent negative declaration shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project that will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance identifies one or more significant effects not discussed in the previous negative declaration, significant effects previously examined will be substantially more severe than shown in the previous negative declaration, or mitigation measures or alternatives previously found not to be feasible or not analyzed in

the negative declaration would be feasible and would substantially reduce one or more significant effects but the project proponents decline to adopt of the measure or alternative.

Based upon a review of the proposed amendments to the Housing Element, it has been determined that an addendum is appropriate because *none* of the conditions listed in CEQA Section 15162 which would require preparation of a subsequent EIR or negative declaration have occurred and because the proposed amendments to the 2010 Housing Element constitute only minor technical changes or additions to the number of affordable housing units and minor changes to the intensity of land uses. The revised Housing Element will not cause any potentially significant effects on the environment because all the changes will have equivalent or lesser traffic impact than what was originally analyzed. Since the traffic volumes will be less or identical, the traffic, air quality and GHG impacts will remain less than significant.

FINDINGS

1. *The Town performed environmental review and adopted a Mitigated Negative Declaration for the original 2010 – 2030 General Plan, including the 2010 Housing Element, pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq. (“CEQA”), and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.).*
2. *For this addendum to the MND, staff analyzed the proposed amendments to the 2010 Housing Element to determine if any impacts would result from the minor changes to the number of affordable housing units and to the intensity of land uses. Pursuant to CEQA Guidelines Section 15162, a new negative declaration or mitigated negative declaration is not required to amend the 2010 Housing Element because:*
 - a. *The changes to the original 2010 Housing Element are minor and do not involve any new significant environmental effects and the original Mitigated Negative Declaration previously identified no significant effects as mitigated. The proposed changes to the 2010 Housing Element would add a minor number of affordable housing units and change the intensity of certain land uses. These changes do not involve any new significant environmental effects because they will cause equivalent or lesser traffic volumes than originally analyzed, which means the impacts to traffic, air quality and GHG emissions will remain less than significant. Moreover, the proposed amendments to the 2010 Housing Element do not create any other impact, and thus the original MND accounts for all potential environmental impacts and mitigates them.*
 - b. *There are no changes with respect to the circumstances under which the 2010 Housing Element is undertaken that will require major revisions of the MND due to the involvement of new significant environmental effects and there were no previously identified significant effects as mitigated.*

- c. Staff has identified no new information of substantial importance identifying a significant effect. The original MND did not find any significant effects as mitigated.*
- 3. Therefore, the Town of Fairfax has determined that an addendum is warranted pursuant to CEQA Guidelines Section 15164, and found that there is no substantial evidence, in light of the whole record before the Town, that the proposed amendments to the 2010 Housing Element will have a significant effect on the environment.*
- 4. The Addendum to the Mitigated Negative Declaration reflects the independent judgment and analysis of the Town of Fairfax.*

PUBLIC REVIEW DISTRIBUTION

Pursuant to Section 15164(c) of the CEQA Guidelines, an addendum does not require circulation for public review. The original adopted Mitigated Negative Declaration is attached.

Copies of this Addendum, the original Mitigated Negative Declaration, and the original Initial Study may be obtained at the Department of Planning and Building Services, Town of Fairfax, 142 Bolinas Road 94930.

Date

James Moore

Director of Planning
and Building Services

Attachments:

Adopted Mitigated Negative Declaration