

Table 1. Average Daily Emissions for Development/Redevelopment of General Plan Update Opportunity Sites

Scenario	Total Exhaust or Evaporative Emissions			
	ROG	NOx	PM10	PM2.5
Emissions in tons per year				
Site #1 Lutheran Church	0.82	0.4	0.71	0.14
Site #2 10 Olema	0.41	0.23	0.57	0.11
Site #3 Westside Commercial	0.27	0.14	0.31	0.06
Site #4 School Street Plaza	0.67	0.41	1.11	0.21
Removal of existing uses	-0.5	-0.61	-1.81	-0.34
Site #5 Fair Anselm Shopping Center	0.35	0.26	0.68	0.13
Site #6 Eastside Commercial	0.34	0.26	0.75	0.14
Total	2.36	1.09	2.32	0.45
<i>BAAQMD Thresholds (tons/year)</i>	<i>10</i>	<i>10</i>	<i>15</i>	<i>10</i>
Emissions in in pounds per day				
Site #1 Lutheran Church	4.5	2.2	3.9	0.8
Site #2 10 Olema	2.2	1.3	3.1	0.6
Site #3 Westside Commercial	1.5	0.8	1.7	0.3
Site #4 School Street Plaza	3.7	2.2	6.1	1.2
Removal of existing uses	-2.7	-3.3	-9.9	-1.9
Site #5 Fair Anselm Shopping Center	1.9	1.4	3.7	0.7
Site #6 Eastside Commercial	1.9	1.4	4.1	0.8
Total	12.9	6.0	12.7	2.5
<i>BAAQMD Thresholds (pounds/day)</i>	<i>54</i>	<i>54</i>	<i>82</i>	<i>54</i>

Impact 3: Violate any air quality standard or contribute substantially to an existing or projected air quality violation? *Less-than-significant*

As discussed under Impact 2, the project would have emissions less than significant thresholds adopted by BAAQMD for evaluating impacts to ozone and particulate matter. Therefore, the project would not contribute substantially to existing or projected violations of those standards. Carbon monoxide emissions from traffic generated by the project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of carbon monoxide. Air pollutant monitoring data indicate that carbon monoxide levels have been at healthy levels (i.e., below State and Federal standards) in the Bay Area since the early 1990s. As a result, the region has been designated as attainment for the standard. There is an ambient air quality monitoring station in San Rafael that measures carbon monoxide concentrations. The highest measured level over any 8-hour averaging period during the last 3 years is less than 2 parts per million (ppm), compared to the ambient air quality standard of 9.0 ppm. Intersections in Fairfax would have traffic volumes that are below screening levels used by BAAQMD to identify potential air quality impacts from local traffic. BAAQMD screening guidance indicates that projects would have a less than significant impact to carbon monoxide levels if project traffic projections indicate traffic levels would not increase at any affected intersection to more than 44,000 vehicles per hour.

Impact 4: Expose sensitive receptors to substantial pollutant concentrations? *Less-than-significant with construction period mitigation measures*

According to the BAAQMD CEQA Air Quality Guidelines, for a General Plan to have a less-than-significant impact with respect to TACs, buffer zones must be established around existing and proposed land uses that would emit these air pollutants. Buffer zones to avoid TAC impacts must be reflected in local plan policies, land use maps, or implementing ordinances.

The BAAQMD CEQA Air Quality Guidelines consider exposure of sensitive receptors to air pollutant levels that result in an unacceptable cancer risk or hazard, to be significant. For cancer risk, which is a concern with diesel particulate matter and other mobile-source TACs, the BAAQMD considers an increased risk of contracting cancer that is 10 in one million chances or greater, to be significant risk for a single source. The BAAQMD CEQA Guidelines also consider exposure to annual PM_{2.5} concentrations that exceed 0.3 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to be significant. Non-cancer risk would be considered significant if the computed Hazard Index is greater than 1.0 .

The General Plan Update would permit and facilitate the development of new sensitive receptors (e.g., new homes) in locations near arterial roadways, and possibly stationary sources of TACs. Screening modeling indicates that sensitive receptors within some areas of Fairfax could be exposed to levels of TACs and or PM_{2.5} that could cause an unacceptable cancer risk or hazard near the following roadways and train lines. Sources of TAC emissions in Fairfax include:

Roadways. Sir Francis Drake Boulevard is the main arterial roadway through town and the only roadway in Fairfax that carries about 20,000 or more average daily traffic trips. BAAQMD considers roadways with this much traffic as having a potential to expose sensitive receptors to TACs. There are no daily traffic projections for Sir Francis Drake Boulevard. Peak-hour projections indicate volumes of 1,300 to almost 1,700 vehicles per hour. Assuming that the peak-hour is equivalent to 7-percent of the average daily traffic volume, then Sir Francis Drake could carry up to almost 24,000 vehicles per day. BAAQMD publishes screening tables to determine community risk from local roadways. Community risk impacts were computed from these tables assuming a traffic volume of 24,000 average daily trips for a east-west roadway in Marin County. Based on the BAAQMD tables, cancer risk, non-cancer risk and PM_{2.5} concentrations would be well below the BAAQMD recommended significance levels.

Stationary Sources. BAAQMD provides a Google Earth tool that was used to identify stationary sources of TACs. According to the BAAQMD records, there are four fueling stations and three dry cleaners that are sources of TAC emissions in Fairfax. There are some other very minor sources that do not affect adjacent land uses.

Fueling Stations. According to the California Air Resources Board's (CARB) *Land Use and Air Quality Handbook*, most gas station facilities that incorporate vapor recovery systems meeting current regulations have less-than-significant cancer risk at distances beyond 50 feet. Gasoline dispensing stations with very large throughputs would have higher risks, but the data described by CARB represents the upper limit for 96 percent of the State's gasoline stations. Based on these data, the nearby Arco station is not expected to have a cancer risk greater than 3 in one million at the proposed project (over 500 feet away). The gasoline station is not a source that leads to PM_{2.5} exposure and does not cause acute or chronic non-cancer risk impacts.

Dry Cleaning Operations. According to the California Air Resources Board (CARB), dry cleaning operations that use perchlorethylene could pose significant cancer risk at distances out to 300 feet. However, significant impacts would be considerably less, because recent CARB regulations will phase out the use of perchloroethylene by 2023. That will greatly reduce current

impacts and eliminate future exposures for development under the General Plan Update. Dry cleaning operations are not a source of PM_{2.5} emissions.

Future development or redevelopment-facilitated development within Fairfax, could generate short-term temporary emissions of dust, fuel combustion exhaust, and gases from architectural coatings and other building materials. The most substantial air pollutant emissions would be fugitive dust generated from demolition of buildings and other site improvements, loading debris into trucks for disposal, grading and earth-moving, and wind erosion of exposed ground areas. Construction activities could also generate exhaust emissions from vehicles, equipment and worker commute trips, primarily in the form of particulate matter (PM₁₀ and PM_{2.5}) and nitrogen oxides. Solvents in adhesives, non-water-based paints, thinners, some insulating materials, and caulking materials can evaporate into the atmosphere and participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application. The General Plan Update Conservation Element includes programs in CON-2.1.2 that would reduce construction emissions by controlling dust and exhaust emissions and mitigating TAC emissions from demolition projects.

BAAQMD has adopted emission-based thresholds that would apply to exhaust and evaporative emissions from construction activities. Development in accordance with the General Plan Update would occur over a period of many years, where some years may have more construction and other years may have little or no construction. Exhaust construction emissions would be dependent on the year that construction occurs and the age of the construction fleet used, especially for large construction equipment. Recent State law requires retrofit or replacement of construction equipment, which will result in substantial decreases in future nitrogen oxides (NO_x) and particulate matter (including diesel particulate matter) emissions from construction equipment. In addition, State law would also require retrofitting or replacement of large trucks that are typically used in construction. BAAQMD's thresholds apply to emissions from projects and are not applicable to potential emissions resulting from build-out of land use plans.

Impact 5: Create objectionable odors affecting a substantial number of people? *Less-than-significant*

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 would include a mix of uses that could place new residences near localized sources of odors. An example would be 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.

Mitigation Measure 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.

Impact 6: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? *Less-than-significant*

Scientists have found that human caused emissions of greenhouse gases (GHG) contribute to global warming. The State of California is addressing this issue through legislation, policy guidance, and outreach programs. Carbon dioxide (CO₂) is the primary GHG emitted from land use projects, mostly through automobile and energy use.

The Natural Resources Agency conducted formal rulemaking in 2009, as required by SB 97 for issuing criteria to determine the significance of projects or plans. Projects or plans would have a significant impact if they would:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment
- Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs

OPR recommended that each agency develop an approach to addressing GHG emissions that is based on best available information. The approach includes three basic steps: (1) identify and quantify emissions; (2) assess the significance of the emissions; and (3) if emissions are significant, identify mitigation measures or alternatives that will reduce the impact to a less-than-significant level.

Significance Thresholds

The BAAQMD released thresholds of significance in their latest CEQA Air Quality Guidelines dated May 2011 to include performance standards for Plans and projects. BAAQMD identifies the two different project thresholds of significance for GHG emissions from plans: (1) compliance with a qualified Climate Action Plan or (2) emissions of 4.6 metric tons of CO₂e per service population per year for projects and plans and 6.6 metric tons for General Plans when analyzing all community emissions.^{3,4,5} Because global warming is the result of GHG emissions and these emissions are the result of innumerable sources worldwide, global climate change is a cumulative impact and all analyses are, by their nature, cumulative analyses.

³ BAAQMD, 2011. *California Environmental Quality Act. Air Quality Guidelines*, updated May, 2011.

⁴ The threshold of 6.6 from the May 2011 BAAQMD guidelines is only applicable to General Plans.

⁵ The term Service Population refers to the number of employees + residents in the Plan area.

The Town of Fairfax has developed a draft Climate Action Plan. The discussion below under Criterion b. analyzes the Climate Action Plan and its qualifications according to the BAAQMD criteria, and judges the Specific Plan GHG emissions under the performance-based thresholds.

GHG Emissions Impact Discussion

The following provides a discussion of the potential GHG impacts that could occur as a result of implementation of the General Plan Update. As with air pollutant emissions, GHG emissions increases associated with the General Plan Update are anticipated to be mainly due to development or redevelopment of Opportunity Sites. GHG emissions associated with development of these sites were modeled.

Operation-related GHG emissions derive primarily from five sources:

- ◆ Mobile source emissions due to additional trips generated by the Plan
- ◆ Emissions from electricity generated by fossil-fuel power plants to the Plan Area
- ◆ Emissions caused by consumption of natural gas for heating, cooking and water heating within the Plan
- ◆ Municipal emissions created by transport and treatment of water supply to the Plan and by electricity used to light streets
- ◆ Municipal emissions created by the disposal and decomposition in landfills of solid waste generated from the Plan Area.

GHG emissions were modeled for year 2020 to be consistent with AB 32 targets used by BAAQMD to develop GHG significance thresholds. Emissions would be lower in future years as emissions from vehicles and electricity generation will be reduced as regulations and implementing programs contained in AB 32 become more effective. The GHG emissions associated with the development of the Plan were calculated based primarily on guidance in the BAAQMD CEQA Air Quality Guidelines. Area and mobile source emissions were calculated using the URBEMIS2007 model using the Opportunity Site land uses. The URBEMIS2007 input files were then used with the BAAQMD Greenhouse Gas Model (BGM), to provide annual GHG emissions in terms of metric tons of CO₂e.

The URBEMIS2007 modeling used the project size and type to predict area source and operational (traffic-related) emissions. The total square footages for the various Opportunity Site land uses (e.g., residential, school, retail, etc.) were input to the model.

As discussed above, the BGM model uses the URBEMIS2007 input model file. The BGM model provides CO₂e emissions associated with transportation, area sources, natural gas usage, electricity usage, electricity usage associated with water conveyance, and solid waste generation. This model applies adopted Pavley rules and the low carbon fuel standard to URBEMIS2007 predicted vehicle emissions.

Emission of CO₂e associated with natural gas combustion and electricity usage were computed using default consumption rates contained in BGM. Since the proposed project would include construction of new buildings that would be compliant with new State Building code, energy efficiency was assumed to be at least 10 percent greater than existing conditions.

Default emissions rates of water and wastewater conveyance were used. The BGM output emissions for CO₂e were adjusted based on the PG&E emissions rates for electricity described above. Emissions associated with solid waste were also included in the BGM modeling. For this assessment, a county-wide waste diversion rate of 50% was assumed in the modeling. Although GHG emissions were not included in development of the significance threshold by BAAQMD, they are included in this assessment.

The per capita rate is the total annual GHG emissions expressed in metric tons divided by the estimated number of new residences and employees. Based on U.S. Census data, the average household in Los Altos includes 2.31 residents⁶. An estimate of one employee per 300 square feet of retail-type land use was assumed. In addition, the number of school students was also considered.

The results shown in Table 2 reflect the potential land use growth in the General Plan Update that could produce emissions. As these results do not include the effects of the General Plan policies or Draft Climate Action Plan, the GHG emissions are overestimated.

Table 2. Annual GHG Emissions Associated with Development/Redevelopment of General Plan Update Opportunity Sites

Scenario	Annual Emissions (metric tons) CO ₂	
Emissions in tons per year		
Site #1 Lutheran Church	524	
Site #2 10 Olema	303	
Site #3 Westside Commercial	176	
Site #4 School Street Plaza	544	
Removal of existing uses	-835	
Site #5 Fair Anselm Shopping Center	337	
Site #6 Eastside Commercial	364	
Total	1,412	
<i>BAAQMD Thresholds (tons/year)</i>	<i>1,100</i>	
GHG Emissions Per Capita	3.04	
Annual Emissions	1,412	metric tons per BGM
Population	88	= 44 apts* 2 people/unit
Students	400	= 100 students *300 students
Workers	-24	= -7,046 sf * 1 worker/300 sf

⁶ See <http://quickfacts.census.gov/qfd/states/06/0643280.html>

The General Plan Update includes several features that would reduce the GHG emissions from the numbers shown in Table 2. Most importantly, the General Plan Update would include the Climate Action Plan *Greenhouse Gas Reduction Strategies*. These include 10 different recommended actions that would reduce vehicle travel associated with land use. An approximate 4 percent reduction from overall Town emissions is anticipated with these measures alone. The draft Climate Action Plan also includes 14 recommended actions to reduce energy consumption and use cleaner (i.e., lower GHG emitting) sources of energy to reduce GHG emissions. These *Green Building, Energy Efficiency and Renewable Energy* measures are anticipated to reduce Town GHG emissions by almost 13 percent. Additional

The Town's Climate Action Plan is considered a qualified plan using the BAAQMD criteria, as it contains: a baseline inventory, business-as-usual scenario demonstrating the rise in GHG emissions in the absence of the Climate Action Plan, and an acceptable numerical target for GHG reduction in line with the Governor's Executive Order S-03-5.

The Climate Action Plan analyzed growth in Fairfax assuming ABAG and MTC projections for future population and vehicle activity. The General Plan Update is not anticipated to cause growth that would exceed those projections. GHG emissions at the programmatic level are, therefore, found to be less than significant.

Impact 7: Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases? *No Impact.*

The proposed General Plan Update would include the Town's Draft Climate Action Plan recommended measures. The Climate Action Plan supports County, regional and State policies and regulations aimed at reducing the emissions of GHGs. As a result, adoption of the General Plan Update would not conflict with efforts to reduce GHG emissions.

* * *

This concludes our assessment of the air quality impacts from this project. If you have any questions or comments, please feel free to contact me at (707) 766-7700 x24. We appreciate the opportunity to assist you.

Sincerely,

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***FAIRFAX GENERAL PLAN UPDATE
ENVIRONMENTAL NOISE ASSESSMENT***

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EXHIBIT # F

ENVIRONMENTAL SETTING

BACKGROUND INFORMATION ON NOISE

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable effects of noise can be attributed to either pitch or loudness.

Pitch is the height or depth of a tone or sound, depending on the relative rapidity (frequency) of the vibrations by which it is produced. Higher pitched signals sound louder to humans than sounds with a lower pitch. *Loudness* is intensity of sound waves combined with the reception characteristics of the ear. Intensity may be compared with the height of an ocean wave in that it is a measure of the amplitude of the sound wave.

There are several noise metrics, or scales that are used to describe noise. A *decibel (dB)* is a unit of measurement that indicates the relative amplitude of sound pressure. Zero on the decibel scale is based on the lowest sound level that a healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. An increase of 10 decibels represents a ten-fold increase in acoustic energy, while an increase of 20 decibels results from 100 times the energy, and a 30 decibel increase results from an energy increase of 1,000 times. There is a relationship between the subjective noisiness or loudness of a sound and its intensity. Each 10-decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. Technical terms are defined in Table 1.

There are several methods of characterizing sound. The most common in California is the *A-weighted sound level or dBA*. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Representative outdoor and indoor noise levels in units of dBA are shown in Table 2. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called L_{eq} . The most common averaging period is hourly, but L_{eq} can describe any series of noise events for a specified duration.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends upon the distance the receptor is from the noise source. Close to the noise source, the models are accurate to within about plus or minus 1 to 2 dBA.

Since the sensitivity to noise increases during the evening and at night and because excessive noise interferes with the ability to sleep, 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The *Community Noise Equivalent Level, CNEL*, is a measure of the cumulative noise exposure in a community, with a 5 dB penalty added to evening (7:00 pm - 10:00 pm) and a 10 dB addition to nocturnal (10:00 pm - 7:00 am) noise levels. The *Day/Night Average Sound Level, L_{dn}* , is essentially the same as CNEL, with the exception that the evening time period is dropped and all occurrences during this three-hour period are grouped into the daytime period.

Table 1: Definitions of Acoustical Terms Used in this Report

Term	Definitions
Decibel, dB	A unit describing, the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in micro Pascals (or 20 micro Newtons per square meter), where 1 Pascal is the pressure resulting from a force of 1 Newton exerted over an area of 1 square meter. The sound pressure level is expressed in decibels as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure (e.g., 20 micro Pascals). Sound pressure level is the quantity that is directly measured by a sound level meter.
Frequency, Hz	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sound are below 20 Hz and Ultrasonic sounds are above 20,000 Hz.
A-Weighted Sound Level, dBA	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level, L_{eq}	The average A-weighted noise level during the measurement period.
L_{max} , L_{min}	The maximum and minimum A-weighted noise level during the measurement period.
L_{01} , L_{10} , L_{50} , L_{90}	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Day/Night Noise Level, L_{dn}	The average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 pm and 7:00 am.
Community Noise Equivalent Level, CNEL	The average A-weighted noise level during a 24-hour day, obtained after addition of 5 decibels in the evening from 7:00 pm to 10:00 pm and after addition of 10 decibels to sound levels measured in the night between 10:00 pm and 7:00 am.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

Table 2: Typical Noise Levels in the Environment

Common Outdoor Noise Source	Noise Level (dBA)	Common Indoor Noise Source
	120 dBA	
Jet fly-over at 300 meters		Rock concert
	110 dBA	
Pile driver at 20 meters		
	100 dBA	
		Night club with live music
	90 dBA	
Large truck pass by at 15 meters		
	80 dBA	
		Noisy restaurant
		Garbage disposal at 1 meter
Gas lawn mower at 30 meters		Vacuum cleaner at 3 meters
Commercial/Urban area daytime	70 dBA	Normal speech at 1 meter
Suburban expressway at 90 meters		
Suburban daytime	60 dBA	
		Active office environment
	50 dBA	
Urban area nighttime		Quiet office environment
	40 dBA	
Suburban nighttime		
Quiet rural areas	30 dBA	Library
		Quiet bedroom at night
Wilderness area	20 dBA	
	10 dBA	
	0 dBA	Threshold of human hearing

Effects of Noise

Hearing Loss

While physical damage to the ear from an intense noise impulse is rare, a degradation of auditory acuity can occur even within a community noise environment. Hearing loss occurs mainly due to chronic exposure to excessive noise, but may be due to a single event such as an explosion. Natural hearing loss associated with aging may also be accelerated from chronic exposure to loud noise.

The Occupational Safety and Health Administration (OSHA) has a noise exposure standard which is set at the noise threshold where hearing loss may occur from long-term exposures. The maximum allowable level is 90 dBA averaged over eight hours. If the noise is above 90 dBA, the allowable exposure time is correspondingly shorter.

Sleep and Speech Interference

The thresholds for speech interference indoors are about 45 dBA if the noise is steady and above 55 dBA if the noise is fluctuating. Outdoors the thresholds are about 15 dBA higher. Steady noise of sufficient intensity (above 35 dBA) and fluctuating noise levels above about 45 dBA have been shown to affect sleep. Interior residential standards for multi-family dwellings are set by the State of California at 45 dBA L_{dn} . Typically, the highest steady traffic noise level during the daytime is about equal to the L_{dn} and nighttime levels are 10 dBA lower. The standard is designed for sleep and speech protection and most jurisdictions apply the same criterion for all residential uses. Typical structural attenuation is 12-17 dBA with open windows. With closed windows in good condition, the noise attenuation factor is around 20 dBA for an older structure and 25 dBA for a newer dwelling. Sleep and speech interference is therefore possible when exterior noise levels are about 57-62 dBA L_{dn} with open windows and 65-70 dBA L_{dn} if the windows are closed. Levels of 55-60 dBA are common along collector streets and secondary arterials, while 65-70 dBA is a typical value for a primary/major arterial. Levels of 75-80 dBA are normal noise levels at the first row of development outside a freeway right-of-way. In order to achieve an acceptable interior noise environment, bedrooms facing secondary roadways need to be able to have their windows closed; those facing major roadways and freeways typically need special glass windows with Sound Transmission Class ratings greater than 30 STC.

Annoyance

Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that the causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The L_{dn} as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. People have been asked to judge the annoyance caused by aircraft noise and ground transportation noise. There continues to be disagreement about the relative annoyance of these different sources. When measuring the percentage of the population highly annoyed, the threshold for ground vehicle noise is about 55 dBA L_{dn} . At an L_{dn} of about 60 dBA, approximately 2 percent of the population is highly annoyed. When the L_{dn} increases to 70 dBA, the percentage of the population highly annoyed increases to about 12 percent of the population. Therefore, there is an increase in annoyance due to ground vehicle noise of about 1 percent per dBA between a L_{dn} of 60-70 dBA. Between a L_{dn} of 70-80 dBA, each decibel increase increases the percentage of the population highly annoyed by about 2 percent.

BACKGROUND INFORMATION ON GROUNDBORNE VIBRATION

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the Peak Particle Velocity (PPV) and another is the Root Mean Square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration. In this section, a PPV descriptor with units of mm/sec or in/sec is used to evaluate construction generated vibration for building damage and human complaints. Table 3 displays the reactions of people and the effects on buildings that continuous vibration levels produce. The annoyance levels shown in Table 3 should be interpreted with care since vibration may be found to be annoying at much lower levels than those shown, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying.

Table 3: Reaction of People and Damage to Buildings for Continuous Vibration Levels

Vibration Level, PPV (in/sec)	Human Reaction	Effect on Buildings
0.006 to 0.019	Threshold of perception, Possibility of intrusion	Vibration unlikely to cause damage of any type
0.08	Vibrations readily perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
0.10	Level at which continuous vibrations begin to annoy people	Virtually no risk of "architectural" damage to normal buildings
0.20	Vibrations annoying to people in buildings	Threshold at which there is a risk of "architectural" damage to normal dwellings such as plastered walls or ceilings.
0.4 to 0.6	Vibrations considered unpleasant by people subjected to continuous vibrations	Vibration at this level would cause "architectural" damage and possibly minor structural damage.

Source: Transportation Related Earthborne Vibrations (Caltrans Experiences), Technical Advisory, Vibration TAV-02-01-R9601, California Department of Transportation, February 20, 2002.

Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage. In high noise environments, which are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generate the highest construction related ground-borne vibration levels. Because of the impulsive nature of such activities, the use of the peak particle velocity descriptor (PPV) has been routinely used to measure and assess ground-borne vibration and almost exclusively to assess the potential of vibration to induce structural damage and the degree of annoyance for humans.

The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels such as people in an urban environment may tolerate a higher vibration level.

Structural damage can be classified as cosmetic only, such as minor cracking of building elements, or may threaten the integrity of the building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher and there is no general consensus as to what amount of vibration may pose a threat for structural damage to the building. Construction-induced vibration that can be detrimental to the building is very rare and has only been observed in instances where the structure is at a high state of disrepair and the construction activity occurs immediately adjacent to the structure.

REGULATORY BACKGROUND

This section describes the relevant guidelines, policies, and standards established by Federal and State Agencies and the City of Fairfax.

FEDERAL

Department of Housing and Urban Development (HUD)

HUD environmental criteria and standards are presented in 24 CFR Part 51. New residential construction qualifying for HUD financing proposed in high noise areas (exceeding 65 dBA DNL) must incorporate noise attenuation features to maintain acceptable interior noise levels. A goal of 45 dBA DNL is set forth for interior noise levels and attenuation requirements are geared toward achieving that goal. It is assumed that with standard construction any building will provide sufficient attenuation to achieve an interior level of 45 dBA DNL or less if the exterior level is 65 dBA DNL or less. Approvals in a "normally unacceptable noise zone" (exceeding 65 decibels but not exceeding 75 decibels) require a minimum of 5 decibels additional noise attenuation for buildings if the day-night average is greater than 65 decibels but does not exceed 70 decibels, or minimum of 10 decibels of additional noise attenuation if the day-night average is greater than 70 decibels but does not exceed 75 decibels.

STATE OF CALIFORNIA

California Noise Insulation Standards

The State of California establishes exterior sound transmission control standards for new hotels, motels, dormitories, apartment houses, and dwellings other than detached single-family dwellings as set forth in the 2010 California Building Code (Chapter 12, Section 1207.11). Interior noise levels attributable to exterior environmental noise sources shall not exceed 45 dBA DNL in any habitable room. When exterior noise levels (the higher of existing or future) where residential structures are to be located exceed 60 dBA DNL, a report must be submitted with the building plans describing the noise control measures that have been incorporated into the design of the project to meet the noise limit. The General Plan facilitates the implementation of the Building Code noise insulation standards by establishing existing and future noise exposure contours in Fairfax.

State CEQA Guidelines

The California Environmental Quality Act (CEQA) guidelines require an evaluation of the significance of potential project noise impacts. Potential noise effects from a project are considered to cause a significant environmental impact if any of the following occur:

- 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 ground-borne vibration or ground-borne 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?

Checklist items (a), (b), (c), and (d) are relevant to the proposed project. The project is not located within two miles of a public airport or in the vicinity of a private airstrip; therefore, checklist items e and f are not carried forward in this analysis.

CEQA does not define what noise level increase would be considered substantial. Typically in high noise environmental (i.e., greater than 60 dBA, L_{dn}), an increase by more than 3 dB L_{dn} due to the project would be considered a significant impact. Where the existing noise levels are lower (i.e. less than 60 dBA, L_{dn}), a greater than 5 dB, L_{dn} increase would be considered a significant impact.

TOWN OF FAIRFAX

General Plan

The Current General Plan Noise Element incorporates the following noise and land-use standards, which have guided development in the Town of Fairfax since it was adopted in 1975. These standards are shown in Table 4.

Table 4: Town of Fairfax Noise Element standards by Land Use

Land Use	Outdoor Average Noise Level			Indoor Average Noise Level		
	Daytime, dBA	Nighttime, dBA	L_{dn} ¹ , dBA	Daytime, dBA	Nighttime, dBA	L_{dn} ¹ , dBA
Residential	65	55	65	45	35	45
Commercial	65	55	65	45	40	48
Office	65	55	65	45	40	48
Parks & Open Space	45	45	51	45	40	48
Major Roadways: Sir Francis Drake & Bolinas Ave.	Less than 65 dBA at 100 feet from roadway					

¹ L_{dn} calculated based on the daytime and nighttime average noise level standards

Municipal Code

The Fairfax Noise Control Ordinance is found in Chapter 8.20 of the Health and Safety title of the Town of Fairfax Municipal Code. Section 8.20.050 contains the following exterior noise standards and limits;

(A) *Maximum permissible sound levels by receiving land use.*

- (1) The noise standards for the various noise zones as presented in the following table shall, unless otherwise specifically indicated, apply to all such property within a designated zone.
- (2) No person shall operate or cause to be operated any source of sound at any location within the incorporated town, or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by the person, which causes the noise level when measured at the complainant's property line to exceed the limits in the table below (see Table 5) for more than seven and one-half minutes in a 15- minute period. Those seven and one-half minutes need not be continuous.
- (3) If the measured ambient level differs from that permissible, the allowable noise exposure standard shall be adjusted in five-decibel increments in each category as appropriate to encompass or reflect the ambient noise level.
- (4) If the measurement location is on a boundary between two different zones, the noise level limit applicable to the lower noise zone shall apply.

Table 5: Exterior Noise Limits (Levels not be exceeded more than 7.5 minutes in any 15-minute period)

Noise Zone	Time Period		Noise Level (dBA)
A (Residential)	Night	10:00 p.m. - 7:00 a.m.	40
	Day	7:00 a.m. - 10:00 p.m.	50
B (Multiple Dwelling, Residential)	Night	10:00 p.m. - 7:00 a.m.	50
	Day	7:00 a.m. - 10:00 p.m.	55
C (Commercial)	Night	10:00 p.m. - 7:00 a.m.	55
	Day	7:00 a.m. - 10:00 p.m.	60

(B) *Correction for character of sound.*

- (1) In the event the alleged offensive noise, as judged by the Chief of Police or his or her designated representative, contains a steady, audible tone such as a whine, screech or hum, or is a repetitive noise such as hammering or riveting, or contains music or speech, the standard limits set forth in the table (above) shall be reduced by five decibels.

Section 8.20.060 (C) contains the following noise standards related to Construction/demolition domestic power tools;

- (1) The operation of any tools or equipment used in construction or demolition work between weekday hours of 8:00 p.m. and 8:00 a.m. or on weekends or holidays between the hours of 8:00 p.m. and 9:00 a.m., such that the sound there from creates a noise disturbance across a residential or commercial real property line, is prohibited.
- (2) Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool or similar tool between 8:00 p.m. and 8:00 a.m. or on weekends or holidays between the hours of 8:00 p.m. and 9:00 a.m., so as to create a noise disturbance across a residential or commercial real property line, is prohibited.

Section 8.20.070 (D) contains the following exemptions for construction or demolition work;

The operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work, mechanically powered saw, sander, drill, grinder, lawn or garden tool, leaf blower, or similar tool between 8:00 a.m. and 8:00 p.m. on weekdays and 9:00 a.m. and 8:00 p.m. on weekends are exempt.

EXISTING NOISE CONDITIONS

Existing noise levels in the City are summarized below. Additional detail on the noise monitoring survey can be found in I&R's report titled, *Noise Technical Report Supporting the Update of the Town of Fairfax Noise Element* (June 2009).

The primary source of environmental noise within the Town of Fairfax is produced roadway traffic, with commercial activities in the Town Center area also contributing to the noise environment. To assist in the General Plan update process, ambient noise monitoring was conducted at a variety of land uses near noise sources in the Town. Short and long-term (24-hour) noise measurements were taken adjacent to major roadways and commercial noise sources. Additional long-term (24-hour) noise measurements were taken near rail activity where other major noise sources could be excluded to the extent possible. Monitored noise data were used to identify noise levels at varying distances from the Town's major noise sources. Noise exposure contours were calculated using a traffic noise model developed by the Federal Highway Administration and the California Department of Transportation that is incorporated into SoundPLAN, a three-dimensional ray-tracing computer model. The traffic noise model was calibrated using the actual measured noise levels in Fairfax. Noise exposure is presented in terms of the L_{dn} noise metric. The results of the traffic noise modeling are shown on the noise exposure contour map in Figure 1.

Vehicular Traffic

Roadway traffic is one of the more prevalent sources of noise in the City. Traffic noise at a particular location depends on the traffic volume on the roadway, the average vehicle speed, the distance between the receptor and the roadway, the presence of intervening barriers or structures between source and receiver, and the ratio of trucks (particularly heavy trucks) and buses to automobiles. Table 6 summarizes existing L_{dn} traffic noise levels along major City roadways at a distance of 50 feet from the centerline of the roadways.

A number of factors control how traffic noise levels affect nearby sensitive land uses. These include roadway elevation compared to the surrounding grade; any structures or terrain intervening between the roadway and the sensitive receptors; and the distance between the roadway and receptors. Because of the higher traffic volumes on arterial roadways in the area, Sir Francis Drake Boulevard, Broadway Boulevard, Center Boulevard, and Bolinas Road constitute the loudest roadway noise sources in the City. Commercial uses are primarily located along these roadways in the Town Center area, however there are residences located along them outside of the Town Center area.

Noise Contours for Major Roadways in Fairfax

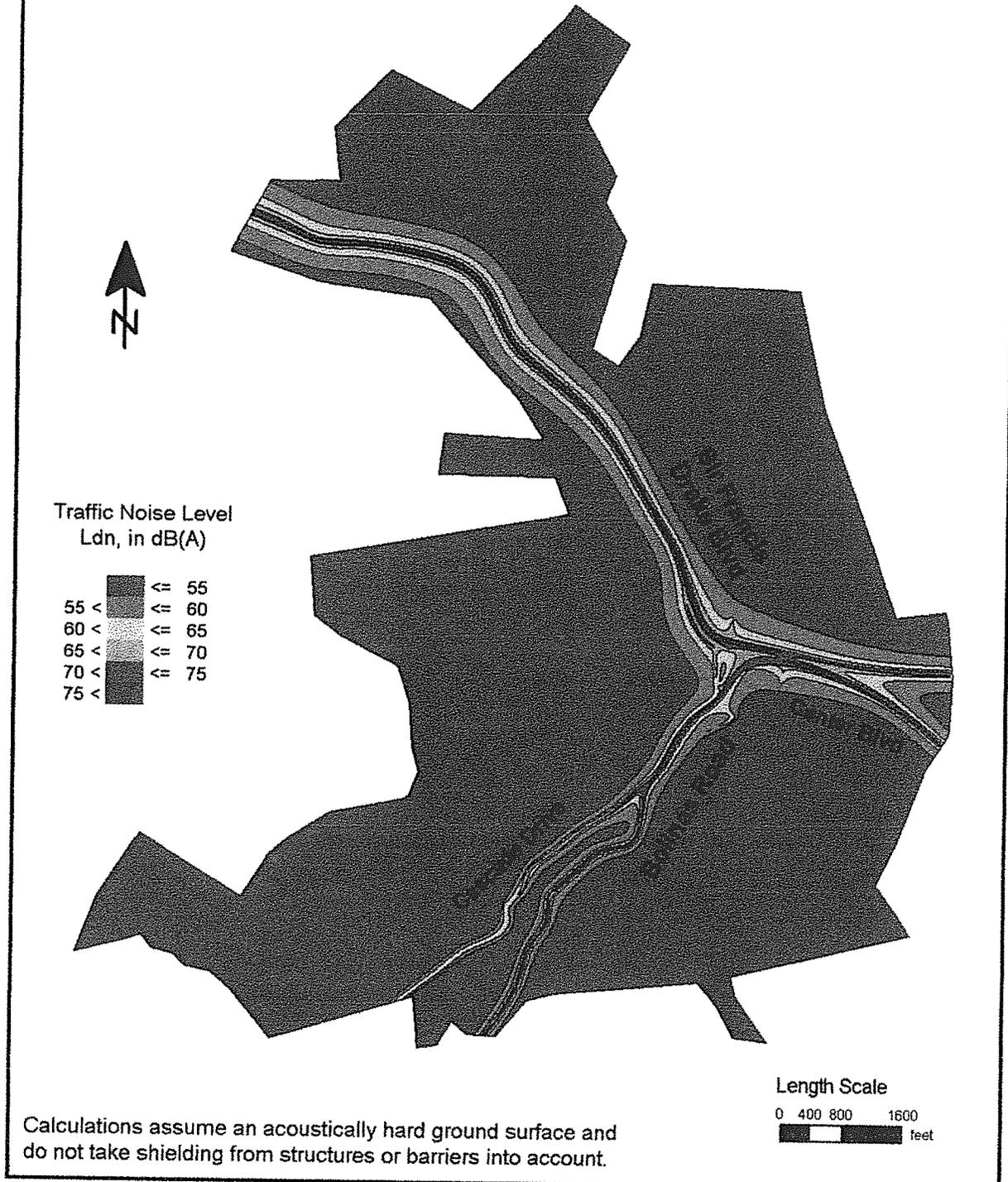


Figure 1: Existing Noise Contours for Major Roadways

Table 6: Existing Ldn Levels at 50ft from Major Roadways

Roadway - Segment	Ldn @ 50 feet (dBA)
Sir Francis Drake Blvd. near Oak Manor Drive	68
Sir Francis Drake Blvd. near Oak Tree Lane	66
Sir Francis Drake Blvd. west of Clause Drive	69
Sir Francis Drake Blvd. east of Clause Drive	67
Sir Francis Drake Blvd. east of Pacheco Avenue	64
Broadway Blvd. west of Bolinas Road	64
Broadway Blvd. east of Bolinas Road	65
Center Blvd. east of Pacheco	64
Bolinas Road south of Broadway	64
Bolinas Road north of Cascade Drive	64
Bolinas Road south of Cascade Drive	60
Cascade Drive south of Bolinas Road	60
Cascade Drive south of Laurel Drive	56

Construction Noise

Construction can be another significant, although typically short-term, source of noise. Construction is typically of most concern when it takes place near sensitive land uses, or occurs at night or in early morning hours. The dominant construction equipment noise source is usually diesel engines of heavy construction equipment. In a few cases, however, such as impact pile driving or pavement breaking, “process noise” related to specific activities dominates. Stationary equipment operates in one location for one or more days at a time, with either a continuous operation (e.g., pumps, generators, compressors) or a variable operation (pile drivers, pavement breakers). Mobile equipment moves around the construction site with power applied in cyclic fashion (e.g., bulldozers, loaders) or to and from the site (i.e., trucks). Construction-related noise levels generally fluctuate depending on the construction phase, equipment type and duration of use, distance between the noise source and receptor, and presence or absence of barriers between the noise source and receptor.

Other Noise Sources

Other existing sources of noise include noise from commercial, recreational, and school uses. Noise sources associated with commercial uses include mechanical equipment, as well as activities associated with parking lots and loading docks. Mechanical equipment is used extensively in buildings to provide heating, cooling, air circulation and water supply. Mechanical equipment that produces noise includes motors, pumps and fans. Although noise levels are generally low from these sources at nearby properties, such sources may operate continuously and may include pure tones that make them audible and sources of annoyance at a substantial distance.

Noise generating activities associated with schools include children at play, bells, and public address systems. High schools may include stadiums for day and evening athletic events, and public address/loudspeaker systems.

Intermittent or temporary noise sources include portable power equipment such as leaf blowers, lawn mowers, portable generators, electric saws and drills, and other similar equipment. Although these noise sources are typically short in duration, they are often loud and can be major sources of annoyance.

NOISE IMPACTS AND MITIGATION MEASURES

Significance Criteria

As discussed in the Regulatory Background section of this report Appendix G of the CEQA Guidelines states that a project would normally be considered to have a significant impact with respect to noise if implementation of the Plan would result in:

- 1) 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;
- 2) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels.
- 3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. A substantial increase would occur if noise levels with the project would be 3 dBA L_{dn} or greater above existing conditions;
- 4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

As previously noted, the project is not located within two miles of a public airport or in the vicinity of a private airstrip; therefore, checklist items related to aircraft noise are not considered in this analysis.

IMPACT DISCUSSIONS

Impact 1a: Noise and Land Use Compatibility. Existing and future noise levels at the locations of proposed noise sensitive developments allowed for under the General Plan could exceed the Town's noise thresholds of acceptability. **This is a less-than-significant impact with the implementation of the Proposed General Plan Noise Element Goals and Policies.**

Under the General Plan, new noise-sensitive uses may be developed in noisy areas such as major roadway corridors (e.g., Sir Francis Drake Boulevard, Broadway Boulevard, Center Boulevard, and Bolinas Road). Single-family residential development, schools, libraries, hospitals, convalescent homes, and places of worship are considered the most noise-sensitive land uses. Residential development is sensitive to community noise both outdoors and indoors during the daytime and nighttime. High-density/mixed-use residential, commercial, and industrial development is less noise sensitive because uses are primarily indoors, and noise levels are mitigated with building design and construction. Noise exposures along major roadways could exceed "normally acceptable" levels for these uses.

Where exterior noise levels exceed 60 dBA L_{dn} in new residential development areas, interior levels may exceed 45 dBA L_{dn} . Interior noise levels are about 15 dBA lower than exterior levels within residential units with the windows partially open and approximately 20-25 decibels lower than exterior noise levels with the windows closed, assuming typical California construction methods. Where exterior day-night average noise levels are 60 to 70 dBA L_{dn} , interior noise levels can typically be maintained below 45 dBA L_{dn} with the incorporation of an adequate forced air mechanical ventilation system in the residential units to allow residents the option of controlling noise by keeping the windows closed. In areas exceeding 70 dBA L_{dn} , the inclusion of windows and doors with high Sound Transmission Class (STC) ratings, and the incorporation of forced-air mechanical ventilation systems, may be necessary to meet 45 dBA L_{dn} .

General Plan Policies N-1.1.1 through N-1.1.6 would require;

- That all new development to an analysis of potential noise impacts (N-1.1.1),
- That the Town to maintain a feasible pattern of land uses separating noise sensitive land uses from major traffic noises (N-1.1.2),
- The incorporation of effective mitigation measures into the project design to reduce noise levels in outdoor activity areas at new noise-sensitive developments to 60 dBA L_{dn} or less (N-1.1.3),
- Interior noise levels to be limited to 45 L_{dn} within all new residential units (N-1.1.4), and
- That new development of noise-sensitive land uses shall either not be allowed in areas where noise due to non-transportation noise sources will exceed noise ordinance standards (N-1.1.5), or noise mitigation per an acoustical analysis will be included in the design to reduce noise levels to within noise ordinance standards (N-1.1.6).

The implementation of these Noise Element policies would reduce potential impacts associated with noise and land use compatibility to a *less-than-significant* level.

Mitigation 1a: No Additional Measures Required

Impact 1b: New Noise-Producing Land Uses. New noise-producing land uses could generate noise levels that would exceed the City's noise thresholds of acceptability or Municipal Code noise limits at sensitive receivers in the vicinity. **This is a less-than-significant impact with the implementation of the Proposed General Plan Noise Element Goals and Policies.**

Mixed-use development projects often include residential uses located above or in proximity to commercial uses, and are located in areas served by rail and bus transit along major roadways and the railroad corridor. Under the General Plan, mixed-use residential development is proposed would be encouraged in the Town Center and along major roadway corridors. Also, new office, commercial, retail, or other noise-generating uses developed under the General Plan could substantially increase noise levels at noise-sensitive land uses or could expose receivers to noise levels that exceed the City's Municipal Code noise limits.

Future operations at existing and proposed noise-producing land uses are dependent on many variables and information is unavailable to allow meaningful projections of noise. Noise conflicts may be caused by noise sources such as outdoor dining areas or bars, mechanical equipment, outdoor maintenance areas, truck loading docks and delivery activities, public address systems, and parking lots. Development under the proposed General Plan would introduce new noise-generating sources adjacent to existing noise-sensitive areas and new noise-sensitive uses adjacent to existing noise sources.

Draft General Plan Policies N-1.1.6 and N-3.1.2 require acoustical analyses as a part of project review or as part of the environmental review process so that noise mitigation may be included in the project design where noise-sensitive land uses are proposed in areas exposed to existing or projected exterior non-transportation noise levels exceeding the Noise Ordinance limits (N-1.1.6) and where noise created by new non-transportation noise sources are likely to produce noise levels exceeding the standards (N-3.1.2). With the implementation of these policies, the impact resulting from the generation of noise in excess of standards due to new noise-producing land uses would be considered *less than significant*.

Mitigation 1b: No Additional Measures Required

Impact 2: Exposure to Groundborne Noise and Vibration. 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.**

Construction of projects under the General Plan may be located adjacent to existing structures. Construction activities may include demolition of existing structures, site preparation work, excavation of below grade levels, foundation work, and framing. Demolition for an individual site may last several weeks to months and at times may produce substantial vibration. Excavation for underground levels may also occur on some project sites and vibratory pile driving could be used to stabilize the walls of the excavated area. Piles or drilled caissons may also be used to support building foundations.

Pile driving has the potential to generate the highest ground vibration levels and is of primary concern to structural damage, particularly when it occurs within 100 feet of structures. Vibration levels generated by pile driving activities would vary depending on project conditions such as soil conditions, construction methods, and equipment used. Other project construction activities, such as caisson drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may also potentially generate substantial vibration in the immediate vicinity. Erection of building structures themselves is not anticipated to be a source of substantial vibration.

Past studies have established a peak vertical particle velocity of 0.20 inches/sec, ppv as the limit where vibration would begin to annoy people in buildings and at which there is a risk of cosmetic damage to normal dwellings (see Table 3). Vibration levels generated by construction activities would vary depending on project conditions, such as soil types, construction methods, and equipment used. As with any type of construction, vibration levels may at times be perceptible. However, construction phases that have the highest potential of producing vibration (pile driving, jackhammers and other high power tools) would typically be intermittent and would be expected to occur for short periods of time for any individual project site. With incorporation of mitigation, this impact may be reduced to a *less-than-significant* level.

Mitigation 2:

- 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 present appropriate mitigation measures that may include the following:

1. Identification of sites that would include vibration compaction activities such as pile driving and have the potential to generate groundborne vibration, and the sensitivity of nearby structures to groundborne vibration. Vibration limits should be applied to all vibration-sensitive structures located within 200 feet of the project. This task should be conducted by a qualified structural engineer.
2. Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies would be identified for when vibration levels approached the limits.
3. At a minimum, vibration monitoring should be conducted during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.
4. When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
5. Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

Impact 3: Traffic Noise Increases. The anticipated increase in vehicular traffic due to General Plan implementation would not substantially increase traffic noise levels along area roadways. **This is a less-than-significant impact.**

Traffic noise modeling based on approved project trips and a growth rate factor on Town roadways using future land use and development patterns consistent with the Draft General Plan indicates that traffic noise levels are projected to increase by less than one dBA L_{dn} along all roadways within the Town with the exception of Sir Francis Drake Boulevard, where noise levels could increase by less than three dBA L_{dn} . Under CEQA a noise increase by more than 3 dB L_{dn} due a project in a noise environment greater than 60 dBA, L_{dn} is typically considered a significant impact. Draft General Plan Policy N-1.1, Program N-3.1.1.1 contains a provision that noise-generating projects which cause the L_{dn} at noise-sensitive uses to increase by 3 dBA or more and exceed the “normally acceptable” level, would require an acoustical analysis. Draft General Plan Program N-2.1.1.1 also calls for the use of quiet pavement techniques when resurfacing roadways. With the implementation of these policies, and considering that the expected noise level increases under expected General Plan development would be less than the CEQA significance standard, the impact resulting from increased vehicular traffic on Town roadways would be considered *less than significant*.

Mitigation 3: No Additional Measures Required

Impact 4: Substantial temporary or periodic noise increases. Noise produced during the construction of the new development allowed in the General Plan Area could cause a temporary or periodic increase in noise exposure above ambient levels. **This is a less-than-significant impact with the implementation of the Proposed General Plan Noise Element Goals and Policies.**

The proposed General Plan would facilitate the construction of new projects within the Planning Area. Residences and businesses located adjacent to the proposed development sites would be affected at times by construction noise. Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise sensitive receptors. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction durations last over extended periods of time.

Major noise-generating construction activities associated with new projects could include removal of existing pavement and structures, site grading and excavation, the installation of utilities, the construction of building cores and shells, paving, and landscaping. The highest construction noise levels would be generated during grading and excavation because of the use of heavy equipment, with lower noise levels occurring during building construction activities when activities move indoors and less heavy equipment is required. Construction equipment would typically include, but would not be limited to, earth-moving equipment and trucks, pile driving rigs, mobile cranes, compressors, pumps, generators, paving equipment, and pneumatic, hydraulic, and electric tools. Table 7 presents the typical range of hourly average noise levels generated by different phases of construction measured at a distance of 50 feet.

Table 7 Typical Ranges of Noise Levels at 50 Feet from Construction Sites (dBA L_{eq})

	Domestic Housing		Office Building, Hotel, Hospital, School, Public Works		Industrial Parking Garage, Religious Amusement & Recreations, Store, Service Station		Public Works Roads & Highways, Sewers, and Trenches	
	I	II	I	II	I	II	I	II
Ground Clearing	83	83	84	84	84	83	84	84
Excavation	88	75	89	79	89	71	88	78
Foundations	81	81	78	78	77	77	88	88
Erection	81	65	87	75	84	72	79	78
Finishing	88	72	89	75	89	74	84	84

I - All pertinent equipment present at site.

II - Minimum required equipment present at site.

Source: United States Environmental Protection Agency, 1973, *Legal Compilation on Noise*, Vol. 1, p. 2-104.

Hourly average noise levels generated by demolition and construction are about 77 dBA to 89 dBA L_{eq} measured at a distance of 50 feet from the center of a busy construction site. Large pieces of earth-moving equipment, such as graders, scrapers, and bulldozers, generate maximum noise levels of 85 to 90 dBA L_{max} at a distance of 50 feet. Typical hourly average construction-generated noise levels are about 81 to 89 dBA L_{eq} measured at a distance of 50 feet from the site during busy construction periods. During each stage of development, there would be a different mix of equipment operating and noise levels would vary based on the amount of equipment in operation and the location of the activity. These noise levels drop off at a rate of about 6 dBA

per doubling of distance between the noise source and receptor. Intervening structures or terrain would result in lower noise levels.

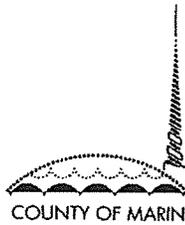
General Plan Goal N-3 concludes that if project construction is expected to take less than 18 months and work would be done following standard construction controls as given in Goal N-3.a-h (see below), then the project would be found to cause a less-than significant impact. Goal N-3 also finds that if project is construction activities last beyond 18 months, or occur outside of allowable time periods per Goal N-3.a, then the project would be found to cause a potentially significant impact and would be subject to environmental review under CEQA. The implementation of General Plan Goal N-3 and included standard controls would reduce potential impacts associated with noise and land use compatibility to a *less-than-significant* level.

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 would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would 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.

Mitigation 4: No Additional Measures Required

Comment Letters and Responses



DEPARTMENT OF PUBLIC WORKS

People serving people.

Robert Beaumont
DIRECTOR

March 28, 2012

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Town of Fairfax
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Accounting

Subject: Review of Final Draft of the 2010 General Plan and Mitigated Negative Declaration (IS/MND)

Airport

Building Maintenance

Dear Sirs,

Capital Projects

We would like to thank you for the opportunity to review and comment on the Final Draft of the 2010 General Plan and Mitigated Negative Declaration (IS/MND) for the Town of Fairfax. We recognize that the General Plan is within Town of Fairfax jurisdiction, however as requested please find Marin County Department of Public Works' comments below:

Certified Unified Program Agency (CUPA)

Communications Maintenance

Comments from Traffic Division:

County Garage

Disability Access

1. The San Rafael-Fairfax Corridor Study was completed in March 2010 and we recommend noting this under Circulation Element Section, Page C-27, Program C-1.5.1
2. The Circulation Element makes reference to the future preparation of a circulation implementation strategy as part of a future town center plan. We request that the City coordinate with the County during the preparation of the future circulation implementation strategy so as to minimize any potential impacts to Sir Francis Drake Boulevard.

Engineering & Survey

Flood Control & Water Resources

Land Development

Purchasing

Comments from Marin County Flood Control and Water Conservation Division:

Real Estate

3. In general, the proper name of flood control division is Marin County Flood Control and Water Conservation District Flood Zone 9.

Reprographic Services

Road Maintenance

4. Under Safety Element Section, Page S-22, Program S-2.1.8.1 "Develop a project plan to enlarge the Sherman Avenue culvert. If proven feasible, and cost effective, seek funds for implementation. Responsibility: Public Works Department, Ross Valley Watershed Program. Schedule: Year Two."

Stormwater Program

Transportation & Traffic Operations

Waste Management

COMMENT: We do not envision this project happening in the first 10 years of our program, i.e., only after 2022-2023 will this be considered by the watershed program.

5. Under Safety Element Section, Page S-22, Program S-2.1.1.2 "Complete the hydrologic study of Fairfax Creek as identified by the Ross Valley Watershed Project following the December 31, 2005 floods. Responsibility: Public Works Department, Ross Valley Watershed Program Schedule: Year One"

COMMENT: We have completed the H&H study for Ross Valley and do not envision doing another hydrologic study of Fairfax Creek.

6. Under Conservation Element Section, Page CON-18, Program CON-3.1.1.1: Work with the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) to develop maintenance guidelines for creek and wetland areas to reduce flooding, sedimentation, and erosion while maintaining and enhancing riparian vegetation and wildlife."

COMMENT: This is not the purview of MCSTOPPP.

7. Under Conservation Element Section, Page CON-18, Program CON-3.1.1.5: "Participate in Flood Zone 9 programs."

COMMENT: Should read "Participate in Marin County Flood Control and Water Conservation District Flood Zone 9 programs"

8. Under Safety Element Section, Page S-17 states "Following the December 31, 2005 flood, Fairfax rejoined Flood Control District 9. Jointly with the Ross Valley Watershed Program, the Town of Fairfax is coordinating with other communities..."

COMMENT: The above should read "Marin County Flood Control and Water Conservation District Flood Zone 9".

9. Under Safety Element Section, Page S-21, Program S-2.1.7.1: "Continue to participate in Flood Control District 9."

COMMENT: The above should read "Marin County Flood Control and Water Conservation District Flood Zone 9".

10. Under Safety Element Section, Page S-22, Program S-2.1.8.2: "Analyze potential upstream flood retention basins that could reduce or delay flooding in Fairfax Creek."

COMMENT: "retention" should be "detention"

Comments from Marin County Stormwater Pollution Prevent Program.

11. Page GL-7: This page provides a definition of MCSTOPPP. MCSTOPPP assists the Town of Fairfax with compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit containing Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (Phase II General Permit). The Phase II General Permit requires the Town of Fairfax to report annually on Phase II General Permit compliance. MCSTOPPP assists with this task by compiling a countywide annual report that is submitted on behalf of all Marin municipalities to the Regional Water Quality Control Board. MCSTOPPP also provides compliance training opportunities and prepares and updates required stormwater management plans on behalf of Marin's municipalities.

12. Under Conservation Element Section, Page CON-23, Program CON-4.2.2.3: "Modify existing ordinances to require no net increase in storm water runoff with new development and remodels of 50 percent or greater."

COMMENT: consider adding "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."

13. Under Safety Element Section, Page S-19, Policy S-2.1.3.

COMMENT Consider adding a Program that indicates that the Town will update the existing urban runoff pollution prevention ordinance in order to comply with changes expected in the re-issued Phase II General Permit in 2012. Also, consider adding the following language to the Program under this Policy as suggested by undelining below:

Page S-20, Program S-2.1.5.1: Repair damaged culverts, drains, and bridges to withstand future flooding and obtain and comply with required regulatory agency permits and incorporate streambank erosion protection and fish passage solutions.

14. Under Safety Element Section, Page S-21, Program S-2.1.5.6.

COMMENT: Consider adding the following language:

Keep storm drains and creeks free of obstructions to allow for free flow of water, while retaining vegetation in the channel (as appropriate for habitat preservation and stormwater pollution prevention and in compliance with State and Federal requirements).

15. Under Conservation Element Section, Page CON-23, Policy CON-4.2.2.

COMMENT: Since this Policy is under the Objective "Protect Natural Water Quality", consider adding text about the Phase II General Permit. This permit will be re-issued in 2012 and will include substantial changes. MCSTOPPP will work with Marin's municipalities to update their Stormwater Management Plans (the plans are currently compiled together into "MCSTOPPP Action Plan 2010"). The Stormwater Management Plan update will be required by the updated NPDES Phase II General Permit.

16. Under Conservation Element Section, Page CON-24, Policy CON-4.2.3.

COMMENT: Consider referring to a program implemented by MCSTOPPP throughout Marin known as the Our Water Our World program. Two businesses in Fairfax participate in this program (<http://ourwaterourworld.org/QuickLinks/StoreLocator.aspx>) and MCSTOPPP uses staff and consultants to provide employee trainings and keep these stores stocked with point-of-sale information on least toxic alternatives to pesticides.

Comments from MCSTOPPP on Final Draft of the Fairfax 2010 General Plan – Appendices

17. Page 2 – Under Regional Water Quality Control Board, consider stating that 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). This permit is actually issued by the State Water Resources Control Board and RWQCB staff provide oversight and work with Marin's municipalities to ensure that they are in compliance.

Feel free to contact me at (415) 473-4398 if you have any questions.

Sincerely,



Michel Jeremias, PE
Interim Senior Civil Engineer

c: Terri Fashing, Stormwater Program Administrator, MCSTOPPP
Jack Curley, Capital Planning and Project Manager, MCFCWCD
Eric Steger, Assistant Director
Rachel Warner, Interim Environmental Coordinator, CDA



LAK ASSOCIATES, LLC

3030 Bridgeway, Ste 103, Sausalito, CA 94965

tel: (415) 331-4551 fax: (415) 331-4573 info@lakassoc.com

March 30, 2012

Michele Jeremias, PE
Interim Senior Civil Engineer
County of Marin
Department of Public Works
3501 Civic Center Drive, Room 304
San Rafael, CA 94913-4186

Subject: **Fairfax General Plan and Mitigated Negative Declaration**

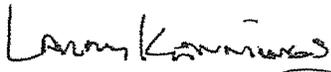
Dear Michele,

Thanks you for your comments regarding the Final Draft 2010 Fairfax General Plan and Mitigated Negative Declaration. Your thoroughness and attention to details is greatly appreciated.

The comments from the Traffic Division, Marin County Flood Control and Water Conservation Division, and the Marin County Stormwater Pollution Prevention Program have been incorporated into the Final Draft General Plan by way of Errata Sheet 2.

The Town looks forward to working with the County to implement the programs listed in the 2010 General Plan.

Sincerely,




Larry Kennings
Planning Consultant



Sacred Sites Protection Committee
6400 Redwood Drive, Suite 300
Rohnert Park, CA 94928
707- 566-2288

March 22, 2012

James M. Moore
Director of Planning & Building Services
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

RECEIVED

MAR 23 2012

TOWN OF FAIRFAX

Dear Jim:

The Federated Indians of Graton Rancheria, a federally recognized Tribe and sovereign government, has received your request for comments under SB 18 during the 30 day CEQA public review period, pursuant to Public Resources Code (CEQA) Section 21091 (B), regarding the Town of Fairfax 2010-2030 General Plan. We appreciate your desire to provide a mechanism in the General Plan to protect the cultural resources of the Tribe.

We have reviewed the proposed language in the Cultural Resources Section of the Initial Study and the Conservation Element of the General Plan. It captures the procedures you have used for current projects in Fairfax and we believe it will work well for your Town and for the Tribe in the future.

We concur with the Initial Study and Mitigated Negative Declaration for your General Plan.

Respectfully,

Nick Tipon
Sacred Sites Protection Committee

Jim Moore

From: Jim Moore
Sent: Thursday, March 22, 2012 9:09 AM
To: 'ntipon@comcast.net'
Subject: FW: General Plan
Attachments: Fairfax GP.doc

Hi Nick,

Thank you very much for the timely response.

Looking forward to having lunch soon; please let me know when!

Best Regards,

Jim

James M. Moore
Director of Planning & Building Services
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930
Phone: (415) 453-1584
Fax: (415) 453-1618

"The Life of the Land is Perpetuated in Righteousness"

(*Ua mau ke ea o ka aina i ka pono* has been the motto of Hawaii for over 160 years)

From: Nick Tipon [mailto:ntipon@comcast.net]
Sent: Thursday, March 22, 2012 7:48 AM
To: Jim Moore
Subject: General Plan

Jim:

A hard copy is in the mail to you.

Best,

Nick

RESOLUTION NO. 12-22

**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**

WHEREAS, the Town of Fairfax has prepared an Initial Study and Mitigated Negative Declaration for the Fairfax 2010-30 General Plan (the "Project"), in compliance with the California Environmental Quality Act ("CEQA") (Pub. Resources Code Section 21000 *et seq.*), the CEQA Guidelines (14 CCR Section 15000 *et seq.*, the "Guidelines"), and the local procedures adopted by the Town pursuant thereto;

WHEREAS, the Town is required, pursuant to CEQA, to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant effects on the environment associated with a project to be approved; and

WHEREAS, the Fairfax 2010-30 General Plan was drafted with the intent that it contain policies and actions that, as development occurs under the Plan, will minimize to the greatest extent possible the impacts of such development; and

WHEREAS, the Town provided for review of the Initial Study and the Mitigated Negative Declaration by the public and other public agencies as required by the Guidelines by publishing the Draft Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan on February 23, 2012, which public review period ended March 23, 2012; and

WHEREAS, the Town Council held a public hearing on the Initial Study, Mitigated negative Declaration and Mitigation Monitoring Plan on April 4, 2012; and

WHEREAS, the Town Council has reviewed and considered the information and analysis contained in the Initial Study and Mitigated Negative Declaration and exercised its independent judgment in evaluating the effects on the environment that would be caused by the Project; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRFAX AS FOLLOWS:

SECTION 1. The Town Council hereby finds and determines, in its independent judgment after considering all relevant evidence in the record of proceedings for the Project, including without limitation the information set forth in the Initial Study, Mitigated Negative Declaration, the Initial Study, the staff report, and the comments submitted and testimony heard at the hearing on April 4, that there is no substantial evidence supporting a fair argument that the Project may actually produce any significant environmental impacts that cannot be mitigated to a less than significant level through implementation of those mitigation measures identified in the Mitigated Negative Declaration and Mitigation and Monitoring Plan, and therefore, the Town Council finds and determines that the Project will not have a significant environmental effect; and

SECTION 2. The Town Council hereby adopts the Fairfax General Plan 2010-30 referenced in Exhibits A and B of the staff report for this item, the Initial Study, Mitigated Negative Declaration and Mitigation and Monitoring Plan referenced in Exhibit C; and

EXHIBIT # H

SECTION 3. The Town hereby also adopts the Additional Findings of Fact attached as Attachment 1 to this Resolution; and

SECTION 4. The Town Council hereby directs the Town Manager to prepare a Notice of Determination, to file that Notice with the County Clerk in accordance with the Guidelines within five (5) days of the adoption of this Resolution; and

SECTION 5. The Town Manager is hereby authorized and directed to do any and all things, and to execute and deliver any and all documents which he may deem necessary or advisable, in order to effectuate the purposes of this Resolution.

The foregoing Resolution was duly passed and adopted at a Regular Meeting of the Town Council of the Town of Fairfax held in said Town on the 4th day of April, 2012 by the following vote, to wit:

AYES:

NOES:

ABSENT:

MAYOR Pam Hartwell-Herrero

Attest:

Attachment 1: Additional Findings of Fact

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 2010-2030 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.

ADDENDUM TO MITIGATED NEGATIVE DECLARATION FOR
THE FAIRFAX 2010-2030 GENERAL PLAN

I. INTRODUCTION

As further explained below, the proposed project considered herein is an ordinance that will enact a series of amendments to the Fairfax Town Code. These amendments are necessary to bring the affected Town Code sections into conformance with the adopted Fairfax 2010-2030 General Plan.

II. PROJECT INFORMATION

A. APPROVED PROJECT

In 2012, the Town Council for the Town of Fairfax (the “Town”) held a public hearing to consider the Fairfax 2010-2030 General Plan (the “General Plan”). The General Plan consists of eight elements: Land Use, Circulation, Housing¹, Town Center, Open Space, Conservation, Safety, and Noise. Collectively, these elements provide the blueprint for the future development of the Town.

The General Plan dictated a number of actions to be taken by the Town in order to implement the vision set forth in the document. Among these actions were certain revisions to the Town Code, particularly with regard to the rezoning of all parcels then designated as Highway Commercial (HC) to Central Commercial (CC), and the inclusion of the Public Domain (PD) zoning district in the zoning map. These actions were analyzed in a Mitigated Negative Declaration (the “MND”) and a Mitigation Monitoring and Reporting Program (the “MMRP”) prepared for the General Plan. True and correct copies of the MND and MMRP are attached to and incorporated within this Addendum as Attachment 1.

On April 4, 2012, the Town Council approved the MND and adopted the MMRP by adoption of Resolution 12-22. It subsequently adopted the General Plan through the same resolution.

B. PROPOSED PROJECT

The Town staff has now prepared an ordinance to enact a series of amendments to the Town Code to implement particular dictates of the General Plan. Staff has prepared a table comparing the applicable provisions of the General Plan and the proposed Town Code amendments that constitute the proposed project. This table is attached as Attachment 2 to this Addendum. The proposed amendments consist of:

1. Rezoning all CH-zoned properties to CC;
2. Deleting references to the now-obsolete CH zone in other sections of the Town Code;

¹ The Housing Element was subsequently updated by the Town Council’s adoption of the Housing Element Update on October 22, 2013

3. Providing that any discrepancies between the zoning map and zoning ordinance text be resolved in conformance with the zoning map;
4. Clarifying the name of the Service Commercial zoning district where erroneously listed;
5. Adding a Public Domain zoning district to the zoning ordinance text and map; and
6. Adopting an official zoning map to conform to the zoning map that appears in the General Plan.

Each of these amendments is necessary to align the zoning ordinance in the Town Code with the General Plan.

III. ANALYSIS

A. CEQA FRAMEWORK

Section 15164 of the California Environmental Quality Act (CEQA) Guidelines allows for a lead agency to prepare an addendum to an adopted negative declaration or environmental impact report (EIR) if only minor technical changes or additions are necessary or if none of the conditions described in § 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. Pursuant to 14 C.C.R. § 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, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant

effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

This Addendum evaluates the proposed Town Code amendments and demonstrates that the amendments do not meet any of the requirements set forth in 14 C.C.R. § 15162. This Addendum shall be considered by the decision making body prior to making a decision on the adoption of the proposed Town Code amendments. Per 14 C.C.R. § 15164(c), the Addendum need not be, and thus has not been, circulated for public review.

B. REVIEW OF ENVIRONMENTAL IMPACTS AND DETERMINATION

Staff has analyzed the proposed Ordinance, all relevant changes in circumstances, and any new information since the adoption of the previous Initial Study and MND to determine if any new environmental impacts could occur. The environmental analysis and conclusions provided in the MND remain current and applicable to the proposed project. All potential impacts in the CEQA Environmental Checklist were considered during the preparation of this Addendum, and it has been determined that no impacts would result from the amendments made to the Town Code by virtue of the proposed Ordinance. Nothing in the proposed Ordinance will impact aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, utilities and service systems or mandatory findings of significance.

Further, none of the conditions outlined in 14 C.C.R. § 15162 have arisen. Specifically:

- (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.

The proposed Ordinance implements particular zoning amendments expressly dictated or contemplated by the General Plan and thus already studied in the Initial Study and MND approved in April 2012. The proposed Ordinance does not include any substantial changes to the General Plan mandates that will require major revisions of the previous MND due to the involvement of new significant environmental effects, nor will it lead to a substantial increase in the severity of any 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.

The General Plan and the MND that analyzed it, were prepared and approved in April 2012. Staff has determined that no substantial changes have occurred with respect to the circumstances under which the proposed Ordinance is now introduced and therefore no major revisions of the MND are necessary due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

- a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

After reviewing the proposed Ordinance, there is no indication that there is any new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the MND was adopted in 2012 that shows that the proposed Ordinance will have significant effects not discussed in the MND.

- b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

No significant effects previously identified will be made substantially more severe than shown in the previous MND.

- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

No mitigation measures or alternatives previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the proposed Ordinance.

- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed Ordinance will not yield any significant effects necessitating mitigation measures or alternatives considerably different from those analyzed in the previous MND that would substantially reduce one or more significant effects on the environment, and the Town has not declined to adopt any such mitigation measure or alternative.

For these reasons, an addendum is the appropriate environmental review document, in accordance with the California Environmental Quality Act.

IV. CONCLUSION

Having evaluated the potential environmental impacts of the proposed Project, it has been determined that its implementation would not constitute a substantial change to the original project; involve new or more severe significant environmental effects than the project studied in the MND; require major revisions to the MND based on new or more severe environmental

impacts; or impose new or more severe impacts than were considered in the MND. Thus, this Addendum satisfies the requirements of CEQA. 14 C.C.R. §§ 15162 and 15164.

V. REFERENCES

The following documents are referenced within this Addendum and are available for review at the Fairfax Town Hall, located at 142 Bolinas Road, in Fairfax, California:

1. Resolution 12-22, Approving the Initial Study and Mitigated Negative Declaration, Adopting Findings Regarding Environmental Effects, and a Mitigation Monitoring and Reporting Program for the Fairfax 2010-2030 General Plan, and Adopting the Fairfax 2010-2030 General Plan (April 2012)
2. Fairfax 2010-2030 General Plan (April 2012)

Attachment 2 to Addendum to Mitigated Negative Declaration for
the Fairfax 2010-2030 General Plan

Ordinance XX-XX	Summary of proposed Town Code amendments (the “Proposed Project”)	Source of applicable General Plan dictate (from the “Approved Project”)
Section 1	Revises the list of established zoning districts in Town to (a) delete the Commercial Highway – CH zone, (b) correct the name of the Service Commercial – CS zone, and (c) add the Public Domain – PD zone	Figure LU-2 (‘Fairfax Zoning Map’), which (a) contains no CH zoned properties and identifies all properties previously zoned as CH as being rezoned CC, (b) references the CS zone, and (c) references the PD zone. In addition, Program LU-7.1.1.2 directs that all properties within the Town zoned CH be rezoned to CC.
Section 2	Revises the zoning ordinance to reflect the deletion of the CH zone and the reservation of this section for future use.	Figure LU-2 (‘Fairfax Zoning Map’) which contains no CH zoned properties and identifies all properties previously zoned as CH as being rezoned CC.
Section 3	Amends the list of parcels included in the CC zone to include those parcels previously included in the CH zone.	Figure LU-2 (‘Fairfax Zoning Map’) which contains no CH zoned properties and identifies all properties previously zoned as CH as being rezoned CC. In addition, Program LU-7.1.1.2 directs that all properties within the Town zoned CH be rezoned to CC.
Section 4	Amends the list of zoning districts within which design review shall be required to delete reference to CH zone.	Figure LU-2 (‘Fairfax Zoning Map’) which contains no CH zoned properties and identifies all properties previously zoned as CH as being rezoned CC. In addition, Program LU-7.1.1.2 directs that all properties within the Town zoned CH be rezoned to CC.
Section 5	Revises the purpose of the CL zone to delete reference to providing for uses “which may have difficulty in finding a proper location in the highway commercial zone.”	Figure LU-2 (‘Fairfax Zoning Map’) which contains no CH zoned properties and identifies all properties previously zoned as CH as being rezoned CC. In addition, Program LU-7.1.1.2 directs that all properties within the Town zoned CH be rezoned to CC.
Section 6	Revises the zoning ordinance to reflect the deletion of the CH zone and the reservation of this section for	Figure LU-2 (‘Fairfax Zoning Map’) which contains no CH zoned properties and identifies all properties previously

Ordinance XX-XX	Summary of proposed Town Code amendments (the “Proposed Project”)	Source of applicable General Plan dictate (from the “Approved Project”)
	future use.	zoned as CH as being rezoned CC. In addition, Program LU-7.1.1.2 directs that all properties within the Town zoned CH be rezoned to CC.
Section 7	Amends the list of zoning districts in which a Medical Marijuana Dispensary may be allowed to reflect deletion of CH zoning district.	Figure LU-2 (‘Fairfax Zoning Map’) which contains no CH zoned properties and identifies all properties previously zoned as CH as being rezoned CC. In addition, Program LU-7.1.1.2 directs that all properties within the Town zoned CH be rezoned to CC.
Section 8	Amends the zoning ordinance to reflect that, in the event of a discrepancy between the designation of land on the zoning map as being within a particular zone and the designation of land in the list of parcels comprising each zoning district, the zoning map shall control.	Figure LU-2 (‘Fairfax Zoning Map’).
Section 9	Corrects the name of the Service Commercial – CS zoning district with no substantive amendment	Figure LU-2 (‘Fairfax Zoning Map’), which references the Service Commercial zoning district.
Section 10	Corrects the name of the Service Commercial – CS zoning district with no substantive amendment	Figure LU-2 (‘Fairfax Zoning Map’), which references the Service Commercial zoning district.
Section 11	Adds a Public Domain zoning district to the zoning ordinance text.	Figure LU-2 (‘Fairfax Zoning Map’), which includes the PD zone.
Section 12	Adds the use and development standards for the PD zone.	Figure LU-2 (‘Fairfax Zoning Map’), which includes the PD zone.
Section 13	Adopts as the official Zoning Map that map shown in Figure LU-2 of the General Plan.	Figure LU-2 (‘Fairfax Zoning Map’).

RESOLUTION NO. 14-02

RECOMMENDING THE TOWN COUNCIL ADOPT ORDINANCE NO. ____ THEREBY AMENDING TOWN CODE TITLE 5 (BUSINESS TAXES, LICENSES, AND REGULATIONS), SECTION 5.52.080(A), AND TITLE 17 (ZONING), SECTIONS 17.012.010, 17.012.030, 17.12.040, 17.012.050, 17.12.080, 17.012.090, 17.012.100, 17.012.110, 17.012.140, 16.012.160, 17.092.010, 17.104.010, AND CHAPTERS 17.096 AND 17.104; AND ADDING SECTION 17.012.170 AND CHAPTER 17.130

WHEREAS, under Government Code § 65300, all towns and cities within the State of California are required by law to adopt a general plan; and

WHEREAS, in 2012, the Town of Fairfax completed its first update of its general plan in over 35 years; and

WHEREAS, the potential impacts to the environment associated with the proposed update to the general plan were studied in accordance with the California Environmental Quality Act (“CEQA,” as codified at Public Resources Code §§ 21000, *et seq.*, and as further governed by the CEQA Guidelines, 14 Cal.Code of Regs. §§ 15000, *et seq.*), and a Mitigated Negative Declaration and Mitigation and Monitoring Plan were prepared for the proposed Fairfax 2010-2030 General Plan (the “General Plan”);

WHEREAS, on April 4, 2012, through adoption of Resolution No. 12-22, the Town Council of the Town of Fairfax adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the General Plan, and subsequently adopted the General Plan; and

WHEREAS, the General Plan includes Figure LU-1 (‘Fairfax General Plan Map’) and Figure LU-2 (‘Fairfax Zoning’), both of which include Public Domain (PD) and Central Commercial (CC) zones, and neither of which include a Highway Commercial (CH) zone; and

WHEREAS, General Plan Land Use Program LU-7.1.1.2 Plan directed that all properties within the Town zoned as Commercial Highway (CH) be rezoned to Central Commercial (CC); and

WHEREAS, General Plan Land Use Element Program LU-8.1.1.3 and Housing Element Program H-2.1.1.2 directed that the real property commonly known as 10 Olema (Assessor’s Parcel Number 001-104-012) be rezoned to Planned Development District (PDD); and

WHEREAS, General Plan Land Use Element Program LU-8.1.1.14 and Housing Element Program H-2.1.1.1 directed that the real property commonly known as 2626 Sir Francis Drake Boulevard (Assessor’s Parcel Numbers 174-070-050 and 174-070-017) be rezoned to Planned Development District (PDD); and

EXHIBIT # B

WHEREAS, General Plan Land Use Element Program LU-8.1.1.5 and Housing Element Program H-4.1.1.1 directed that the real property commonly known as the School Street Plaza (Assessor's Parcel Number 002-112-13) be rezoned to Planned Development District (PDD); and

WHEREAS, California Government Code § 65860(C) requires towns and cities to amend their zoning ordinances to conform to their respective general plans; and

WHEREAS, in order to effect the changes mandated by the General Plan as set forth above, the Planning Department has prepared a proposed Ordinance amending the Town Code (proposed Ordinance No. _____, a true and correct copy of which is attached to this Resolution as Attachment A); and

WHEREAS, the proposed Ordinance, among other actions, deletes all references to the CH zoning district and rezoning all properties previously zoned CH to CC, provides for a PD zoning district, identifies the parcels belonging in the PD zoning district, and adopts as the official zoning map that map depicted as Figure LU-2 in the General Plan; and

WHEREAS, the Planning Department has also conducted its own environmental review of the proposed Ordinance and determined that an Addendum to the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the General Plan (the Addendum) is the appropriate method by which to comply with CEQA; and

WHEREAS, the Planning Department has prepared and presented the Addendum to the Fairfax Planning Commission, and the Planning Commission, by virtue of its adoption of Resolution No. _____, has recommended that the Town Council adopt the Addendum; and

WHEREAS, the Fairfax Planning Commission has heard a presentation on the proposed Ordinance, taken public testimony, and considered the entire record before it at a duly noticed meeting held on January 16th, 2014; and

WHEREAS, the Fairfax Planning Commission at the January 16th, 2014 public meeting determined that the proposed Ordinance brings the affected portions of the Zoning Ordinance into conformance with the 2010 – 2030 Fairfax General Plan.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Planning Commission hereby finds that proposed Ordinance No. _____ would bring the affected sections and chapters of the Town Code into conformance with the relevant portions of the General Plan.

Section 2. The Planning Commission thus forwards proposed Ordinance No. _____ Amending Town Code Title 5 (Business Taxes, Licenses, And Regulations), Section 5.52.080(A), And Title 17 (Zoning), Sections 17.012.010, 17.012.030, 17.12.040, 17.012.050, 17.12.080, 17.012.090, 17.012.100, 17.012.110, 17.012.140, 16.012.160, 17.092.010, 17.104.010, And Chapters 17.096 And 17.104; And Adding Section 17.012.170 And Chapter 17.130 to the Town Council with its recommendation that the Town Council review, introduce, and adopt the Ordinance.

The foregoing resolution was duly introduced and adopted on the 30th day of January, 2014, by the following vote:

AYES:
NOES:
ABSTAIN:

Chairperson

ATTEST:

James M. Moore
Director of Planning and Building Services

ORDINANCE NO. XX-XX

AMENDING TOWN CODE TITLE 5 (BUSINESS TAXES, LICENSES, AND REGULATIONS), SECTION 5.52.080(A), AND TITLE 17 (ZONING), SECTIONS 17.012.010, 17.012.030, 17.12.040, 17.012.050, 17.12.080, 17.012.090, 17.012.100, 17.012.110, 17.012.140, 16.012.160, 17.092.010, 17.104.010, AND CHAPTERS 17.096 AND 17.104; AND ADDING SECTION 17.012.170 AND CHAPTER 17.130

WHEREAS, all towns and cities within the State of California are required by law to adopt a general plan; and

WHEREAS, in 2012, the Town of Fairfax completed its first revision of its general plan in over 35 years; and

WHEREAS, the potential impacts to the environment associated with the proposed update to the general plan were studied in accordance with the California Environmental Quality Act ("CEQA," as codified at Public Resources Code §§ 21000, *et seq.*, and as further governed by the CEQA Guidelines, 14 Cal.Code of Regs. §§ 15000, *et seq.*), and a Mitigated Negative Declaration and Mitigation and Monitoring Plan were prepared for the proposed Fairfax 2010-2030 General Plan (the "General Plan");

WHEREAS, on April 4, 2012, the Town Council of the Town of Fairfax adopted the Mitigated Negative Declaration and Mitigation and Monitoring Plan prepared for the General Plan, and subsequently adopted the General Plan; and

WHEREAS, the General Plan includes Figure LU-1 ('Fairfax General Plan Map') and Figure LU-2 ('Fairfax Zoning'), both of which include Public Domain (PD) and Central Commercial (CC) zones, and neither of which include a Highway Commercial (CH) zone; and

WHEREAS, General Plan Land Use Program LU-7.1.1.2 Plan directed that all properties within the Town zoned as Commercial Highway (CH) be rezoned to Central Commercial (CC); and

WHEREAS, General Plan Land Use Element Program LU-8.1.1.3 and Housing Element Program H-2.1.1.2 directed that the real property commonly known as 10 Olema (Assessor's Parcel Number 001-104-012) be rezoned to Planned Development District (PDD); and

WHEREAS, General Plan Land Use Element Program LU-8.1.1.14 and Housing Element Program H-2.1.1.1 directed that the real property commonly known as 2626 Sir Francis Drake Boulevard (Assessor's Parcel Numbers 174-070-050 and 174-070-017) be rezoned to Planned Development District (PDD); and

WHEREAS, General Plan Land Use Element Program LU-8.1.1.5 and Housing Element Program H-4.1.1.1 directed that the real property commonly known as the School Street Plaza (Assessor's Parcel Number 002-112-13) be rezoned to Planned Development District (PDD); and

EXHIBIT #

C

WHEREAS, California Government Code § 65860(C) requires towns and cities to amend their zoning ordinances to conform to their respective general plans; and

WHEREAS, the Planning Department has prepared this proposed amendment to the Zoning Ordinance of the Fairfax Town Code in order to implement General Plan dictates set forth above.

The Town Council of the Town of Fairfax does ordain as follows:

SECTION 1: Fairfax Town Code, Title 5 ('Business Taxes, Licenses, and Regulations), Division II ('Specific Business Regulations'), Chapter 5.52 ('Medical Marijuana Dispensaries'), Section 5.52.080 ('Limitation on Location of Dispensary'), Subsection A is hereby amended to read as follows:

(A) A dispensary shall be located only within a Central Commercial CC or Light Commercial CL area, as designated in the General Plan and zoning map.

SECTION 2: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.010 ('Established') is amended to read as follows:

In order to classify, regulate, restrict and segregate the uses of land and building; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other open spaces about buildings; to regulate the percentage of a lot which may be occupied by a building or structure, and to otherwise regulate the use or development of land and premises, the following land use zones are established to be known and designated as:

- (A) RS-7.5 single-family residential zone;
- (B) RS-6 single-family residential zone;
- (C) RD 5.5-7 residential zone;
- (D) RM multiple-family residential zone;
- (E) CL limited commercial zone;
- (F) Reserved;
- (G) CC central commercial zone;
- (H) CS service commercial zone;
- (I) CR commercial recreation zone;
- (J) PDD planned development district;
- (K) SF-RMP single-family residential master plan zone;
- (L) O-A open area zone;
- (M) UR upland residential zone; and
- (N) PD public domain

SECTION 3: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.030 ('Discrepancies'), is hereby amended to read as follows:

In case of any discrepancy between the designation of land on the ‘zoning map’ as lying within a particular zone and the designation of land in §§ 17.012.040 through 17.012.170 as being within the same zone, the zoning map shall control.

SECTION 4: Fairfax Town Code, Title 17 (‘Zoning’), Chapter 17.012 (‘Zone Districts Established’), Section 17.012.040 (‘Boundaries; Generally’), is hereby amended to read as follows:

Each of the zones designated in §§ 17.012.050 through 17.012.170 shall have included within it the land area specified.

SECTION 5: Fairfax Town Code, Title 17 (‘Zoning’), Chapter 17.012 (‘Zone Districts Established’), Section 17.012.050 (‘Boundaries; RS-7.5 Zone’) is hereby amended to read as follows:

There is included within the RS-7.5 zone the following real property shown and designated upon the Assessor’s books on file in the office of the County Assessor, County of Marin, State of California, on August 1, 1969, and more specifically designated as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>
1	15, 0	03, 12
1	16, 0	05, 09
1	17, 1	All parcels
1	17, 2	All parcels
1	17, 3	All parcels
1	24, 1	All parcels
1	25, 1	All parcels, except 01 and 02
1	26, 1	All parcels
1	26, 2	All parcels

SECTION 6: Fairfax Town Code, Title 17 (‘Zoning’), Chapter 17.012 (‘Zone Districts Established’), Section 17.012.080 (‘Boundaries; RM Zone’) is hereby amended to read as follows:

There is included within the RM zone the following real property shown and designated upon the Assessor’s books on file in the office of the County Assessor, County of Marin, State of California, on August 1, 1969, and more specifically designated as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>
1	14, 4	02, 03, 04, 11, 12
1	14, 8	01, 02, 03, 04, 10
1	15, 0	19 through 27, inclusive, and 28, 29, 30, 31
1	25, 1	01, 02
2	01, 2	03 through 06, inclusive, and 10, 11, 13
2	02, 3	14, 15, 16, 22, 25, 26, 27, 28, 29, 31
2	10, 1	03 through 09, inclusive, and 15, 19

2	10, 4	16
2	11, 1	04, 05, 09, 09
2	11, 2	02, 03, 08, 09, 10, 12
174	05, 0	20, 30, 31, 36, 57

SECTION 7: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.090 ('Boundaries; CL Zone') is hereby amended to read as follows:

There is included within the CL zone the following real property shown and designated upon the Assessor's books on file in the office of the County Assessor, County of Marin, State of California, on August 1, 1969, and more specifically designated as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>
2	04, 1	34, 36

SECTION 8: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.100 ('Boundaries; CH Zone') is hereby amended to read as follows:

§ 17.012.100 RESERVED.

SECTION 9: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.110 ('Boundaries; CC Zone') is hereby amended to read as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>
1	18, 1	01
1	22, 7	01, 02
1	22, 1	12
1	23, 5	08, 10, 11
1	22, 3	09 through 12, inclusive, and 19
1	18, 3	04, 08, 10, 12 through 17, inclusive
1	23, 6	53 through 56, inclusive
1	22, 6	29, 32, 34, 35, 40, 41, 48, 49
2	11, 7	01
2	12, 7	01, 02
2	11, 3	08
2	21, 1	01 through 07, inclusive and 15
2	10, 1	13
2	11, 6	04, 06, 07
2	21, 3	03 through 11, inclusive and 23
2	10, 4	03 through 08, inclusive, and 18, 19
2	12, 1	03 through 07, inclusive, and 10, 11, 18 through 21, inclusive
2	13, 1	07, 09, 12, 13, 14, 15

2	12, 2	01, 02, 25 through 34, inclusive, and 37
2	11, 5	01 through 07, inclusive, and 09, 10, 13, 14, 15, 16, 17, 20
2	12, 3	66 through 75, inclusive

SECTION 10: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.140 ('Boundaries; PDD Zone'), is hereby amended to read as follows:

There is included within the PDD zone the following real property shown and designated upon the Assessor's books on file in the office of the County Assessor, County of Marin, State of California, on August 1, 1969, and as updated from time to time, and more specifically designated as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>
1	10, 4	12
1	16, 0	01, 02, 03
1	18, 3	19
1	27, 1	14, 16
2	11, 2	13
174	05, 0	60
174	21, 0	1 through 11, inclusive
174	07, 0	17, 50
174	11, 1	All parcels
174	17, 0	All parcels

SECTION 11: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.160 ('Boundaries; UR Zone'), is hereby amended to read as follows:

There is included within the UR zone the following real property shown and designated upon the Assessor's books on file in the office of the County Assessor, County of Marin, State of California, on July 1, 1991, and more specifically designated as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>	<i>Zone</i>
174	07, 0	17	UR 7
1	15, 0	12	UR 10
1	16, 0	09	UR 10
1	25, 1	31	UR 10
2	18, 1	03	UR 10
2	18, 1	04	UR 10
2	18, 1	05	UR 10
2	18, 1	06	UR 10
2	18, 1	12	UR 10
2	18, 1	15	UR 10
2	18, 1	17	UR 10

2	18, 1	20	UR 10
2	18, 1	21	UR 10
2	07, 1	01	UR 7
2	07, 1	03	UR 7
2	07, 1	04	UR 7

SECTION 12: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established') is amended to add a new Section 17.012.170 ('Boundaries; PD Zone') to read as follows:

§ 17.012.170 BOUNDARIES; PD ZONE.

There is included within the PD zone the following real property shown and designated upon the Assessor's books on file in the office of the County Assessor, County of Marin, State of California, on August 1, 1969, and more specifically designated as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>
1	13, 1	09, 47
2	11, 2	07
2	11, 4	01 through 05, inclusive
2	11, 3	04, 05, 06
2	11, 5	11, 12, 18, 19
2	10, 2	01, 02, 03, 06, 11, 12
2	10, 3	01, 02, 03

SECTION 13: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.020 ('Design Review Regulations'), Section 17.020.030 ('Applicability'), Subsection B, is hereby amended to read as follows:

(B) New construction in Central Commercial, Limited Commercial, Service Commercial, Multiple Residential, Planned Development District, Single Family-Residential Master Plan zones, duplexes in RD 5.5-7 zones and structures in the Ridgeline Scenic Corridor, as required in Chapter 17.060, and residences which have a distance of more than ten feet from the ground to the lowest point of complete enclosure.

SECTION 14: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.092 ('CL Limited Commercial Zone'), Section 17.092.010 ('Purpose'), Subsection A is hereby amended to read as follows:

(A) The CL limited commercial zone provides a location for uses which may be incompatible with the high density characteristics of the central commercial zone.

SECTION 15: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.096 ('CH Highway Commercial Zone') is hereby amended to read as follows:

§ 17.096 RESERVED.

SECTION 16: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.104 ('CS Central Commercial Zone') is hereby amended to read as follows:

CHAPTER 17.104: CS SERVICE COMMERCIAL ZONE

SECTION 17: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.104 ('CS Service Commercial Zone'), Section 17.104.010 ('Generally') is hereby amended to read as follows:

No premises in the CS service commercial zone may be used for any purpose or in any manner, except as set forth in this chapter.

SECTION 18: Fairfax Town Code, Title 17 ('Zoning') is amended to add a new Chapter 17.130 ('PD Public Domain Zone') to read as follows:

CHAPTER 17.130 PD Public Domain Zone

- 17.130.010 Generally
- 17.130.020 Principal permitted uses and structures
- 17.130.030 Conditional uses and structures
- 17.130.035 Procedure for Planning Director Use Determination
- 17.130.040 Uses prohibited
- 17.130.050 Building site requirements
- 17.130.060 Height regulations
- 17.130.070 Yards
- 17.130.080 Signs
- 17.130.090 Off-street parking
- 17.130.100 Traffic impact permit

§ 17.130.010 GENERALLY.

(A) No premises in the PD open area zone may be used for any purpose or in any manner except as set forth in this chapter.

(B) All structures, physical improvements and exterior physical modification of building are subject to design review.

§ 17.130.020 PRINCIPAL PERMITTED USES AND STRUCTURES.

Uses within the PD zone are restricted to the following:

- (A) Public or civic buildings, including maintenance or corporation yards;
- (B) Public parking areas;
- (C) Public schools and preschools;
- (D) Public parks, playgrounds and recreation areas;
- (E) Post offices and related facilities;
- (F) Fire stations and related facilities;
- (G) Public utility or public service uses;

- (H) Museums, libraries, and cultural institutions; and
- (I) Hospitals.

§ 17.130.030 CONDITIONAL USES AND STRUCTURES.

The following uses are permitted upon the securing of a use permit in each case, which use permit if granted shall prescribe conditions as are necessary to assure the public health, safety, and welfare are preserved:

- (A) Other uses determined by the Planning Commission as equivalent to those listed in § 17.130.020, but requiring regulation of location, extent or operation because of some unique characteristic; and
- (B) Private schools, day care centers or nurseries.

§ 17.130.035 PROCEDURE FOR PLANNING DIRECTOR USE DETERMINATION.

(A) Uses not specifically listed in §§ 17.130.020 and 17.130.030 are specifically prohibited unless a use determination by the Planning Director is made which finds the use not specifically listed is similar to another use permitted or conditionally permitted within the Public Domain zone.

(B) The criteria utilized by the Planning Director to determine if a proposed use is sufficiently similar to a permitted use as described in § 17.130.020 or 17.130.030, and can be processed as such is as follows:

- (1) The proposed use must be consistent with the General Plan; and
- (2) The proposed use must serve a public function and closely approximate a use described in § 17.130.020 or § 17.130.030 relative to the type of service provided;

§ 17.130.040 ACCESSORY USES AND STRUCTURES

Accessory uses and structures allowed in the PD zone shall consist of those activities which are characteristic of and usually found in connection with a principal use on the same premises and which are subordinate to, dependent on and economically and operationally integrated into the principal use, including but not limited to the following:

- (A) Parking garages and lots;
- (B) Storage for principal uses;
- (C) Offices for principal uses; and
- (D) Signs.

§ 17.130.050 USES PROHIBITED.

All uses of land unless set forth in §§ 17.130.020, 17.130.030, or 17.130.040 are specifically prohibited.

§ 17.130.060 BUILDING SITE REQUIREMENTS.

No building site requirements apply in the PD zone.

§ 17.130.070 HEIGHT REGULATIONS.

Height regulations in the PD zone are as follows: Except as otherwise permitted by variance, no structure shall be higher than 28.5 feet above natural grade, nor contain more than two stories.

§ 17.130.080 YARDS.

No yard requirements apply in the PD zone, except that if a parcel within the PD zone is immediately adjacent to a parcel bearing a zoning designation allowing residential dwelling units as a permitted use, such parcel within the PD zone shall be deemed to have a setback along the shared property line identical to the setback required by such adjacent zone.

§ 17.130.090 SIGNS.

No signs shall be established or maintained in the PD zone except as authorized or allowed under the provisions of Chapter 17.064 of this title.

§ 17.130.100 OFF-STREET PARKING.

(A) Off-street parking spaces and facilities shall be provided in the PD zone as required or allowed by the provision of Chapter 17.048 of this title.

(B) Off-street parking requirements for uses allowed in the PD zone but not listed in Chapter 17.048 of this code shall be determined on a case-by-case basis utilizing the information provided in the traffic study required by Chapter 17.056 of this code.

§ 17.130.110 TRAFFIC IMPACT PERMIT.

The provisions of the traffic impact permit, Chapter 17.056 of this title, are applicable to properties in the PD Zone.

SECTION 19: The Zoning Map depicted in Figure LU-2 of the Fairfax 2010-2030 General Plan, a true and correct copy of which is incorporated herein and attached hereto as Attachment 1, is hereby adopted as the official zoning map referenced in Town Code § 17.012.020.

SECTION 20: This ordinance shall be in full force and effect thirty days from and after its final passage and adoption.

SECTION 21: Copies of the foregoing ordinance shall, within fifteen days after its final passage and adoption, be posted in three public places in the Town of Fairfax, which places are designated for that purpose:

1. Bulletin Board, Town Hall offices, located at 142 Bolinas Road, Fairfax;
2. Bulletin Board, Fairfax Post Office, located at 773 Center Boulevard, Fairfax; and
3. Bulletin Board, Fairfax Women's Club building, located at 46 Park Road, Fairfax;

The foregoing ordinance was duly and regularly introduced at a regular meeting of the Fairfax Town Council, held in said Town on the ____ day of _____, 2014, and thereafter adopted at a regular meeting of the Town Council, held in said Town on the ____ day of _____, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT: