

RESOLUTION NO. 15-14

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF FAIRFAX
RECOMMENDING THE TOWN COUNCIL APPROVE THE ADDENDUM TO THE MITIGATED
NEGATIVE DECLARATION PREPARED FOR THE 2015 UPDATE TO THE HOUSING
ELEMENT OF THE FAIRFAX 2010-2030 GENERAL PLAN AND ADOPT THE 2015 UPDATE
TO THE HOUSING ELEMENT OF THE FAIRFAX 2010-2030 GENERAL PLAN**

WHEREAS, on April 4, 2012, the Town Council of the Town of Fairfax duly adopted a Mitigated Negative Declaration for the 2010-2030 Fairfax General Plan, as well as the 2010-2030 Fairfax General Plan, which included the 2010 Housing Element (addressing Cycle 4 of the Regional Housing Needs Allocation); and

WHEREAS, on October 22, 2013, the Town Council adopted certain revisions and additions to the 2010 Housing Element; and

WHEREAS, on September 17, 2014, the Town Council adopted certain additional revisions and additions to the 2010 Housing Element, as previously amended in 2013; and

WHEREAS, subsequently, the Town of Fairfax hosted numerous public meetings, workshops, and forums at which members of the public were invited to give input on the development of the 2015 Housing Element update to address Cycle 5 of the Regional Housing Needs Allocation; and

WHEREAS, these public meetings included (1) a public forum held in July 2014, at which an overview of the housing element and one Opportunity Site (the Christ Lutheran Church) was presented, among other things; and (2) a public forum held in September 2014, at which two Opportunity Sites (the School Street Plaza and 10 Olema) were presented to the public and decision-makers in a study-session; and

WHEREAS, in November 2014, the Planning Commission and Affordable Housing Committee held a joint public meeting in order to hear a report from staff on the events since the adoption of the 2010 Housing Element and the proposed approach and requirements for the 2015 Housing Element update, as well as to solicit public comment; and

WHEREAS, in January 2015, a joint public meeting of the Town Council, Planning Commission, General Plan Implementation Committee, and Affordable Housing Committee on the 2015 Housing Element update was held in two sessions with identical presentations in order to allow for more inclusion of the public; and

WHEREAS, staff caused to be completed a draft 2015 Housing Element update for review and consideration by the Planning Commission and Town Council; and

WHEREAS, the draft 2015 Housing Element update is consistent with the Fairfax General Plan and the requirements of the California State Planning and Zoning Law (California Government Code §§ 65000); and

WHEREAS, in order to conduct environmental review of the draft 2015 Housing Element update in accordance with the California Environmental Quality Act (CEQA, codified at California Public Resources Code §§ 21000, et seq., as further governed by the CEQA Guidelines, 14

California Code of Regulations §§ 15000, et seq.), staff likewise caused to be completed an addendum to the Mitigated Negative Declaration that was adopted in conjunction with the adoption of the 2010-2030 General Plan (the 'Addendum,' a true and correct copy of which is incorporated herein and attached hereto as Exhibit 'A'); and

WHEREAS, per 14 C.C.R. § 15164(b), the Addendum concludes that no supplemental or subsequent mitigated negative declaration is required because: (a) no substantial changes are proposed in the project which will require major revisions of the mitigated negative declaration; (b) no substantial changes have occurred with respect to the circumstances under which the project is being undertaken which will require major revisions in the mitigated negative declaration; and (c) no new information which was not known and could not have been known at the time the mitigated negative declaration was certified has become available; and

WHEREAS, on February 25, 2015, the Planning Commission held a joint public hearing with the Town's Affordable Housing Committee on the 2015 Housing Element update, during which meeting the two bodies reviewed the proposed 2015 Housing Element Update, heard a presentation from staff, and had the opportunity hear from members of the public; and

WHEREAS, on February 25, 2015, the Planning Commission, by adoption of Resolution 15-05, recommended that the Town Council submit the proposed 2015 Housing Element Update to the California Department of Housing and Community Development per California Government Code Section 65585, which provides that at least 60 days prior to the adoption of an amended housing element, the town or city to submit a draft of said amendment to the California Department of Housing and Community Development ("HCD") for review for substantial compliance with the housing element law; and

WHEREAS, on March 18, 2015, the Town Council met in a duly-noticed special meeting to review the proposed 2015 Housing Element Update, hear a presentation from staff, and take public testimony;

WHEREAS, on March 18, 2015, the Town Council, by adoption of Resolution 15-05, directed staff to submit the 2015 Housing Element Update to HCD for review, per Government Code § 65585; and

WHEREAS, HCD reviewed the draft 2015 Housing Element Update and reported its written findings to the Town in correspondence dated May 4, 2015, which correspondence indicated that HCD had determined that the draft 2015 Housing Element Update would substantially comply with the requirements of Article 10.6 of Chapter 3 of Division 1 of Title 7 of the California Government Code, per California Government Code § 65585(d), once the Town amended its zoning ordinance to permit year-round emergency shelters without discretionary action pursuant to California Government Code § 65583(a)(4)(A), as amended by Senate Bill 2 (Chapter 633, Statutes of 2007). The Town Council adopted an ordinance meeting these requirements on May 6, 2015; and

WHEREAS, in its May 4, 2015, letter, HCD likewise noted that the 2015 Housing Element update now identifies adequate sites to accommodate the Town's regional housing need for lower-income households, but the Town needs to complete the implementation of this program by rezoning, no later than January 31, 2016, at least 3.24 acres to PDD with specific development standards, thus allowing for multifamily uses by-right with minimum densities of 20 units per acre at specified sites; and complete the program actions identified in the Housing Element; which work the Town shall undertake; and

WHEREAS, on May 11, 2015, the Planning Commission met in a duly-noticed special meeting to conduct a public hearing per Government Code § 65353 regarding the Addendum and the 2015 Housing Element update, as well as to hear a presentation from staff and take public testimony; and

WHEREAS, the Planning Commission has had the opportunity to receive and consider public comment on the Addendum and the 2015 Housing Element update, as well as to review and consider those documents themselves; and

WHEREAS, the documents and other materials which constitute the record of proceedings upon which the Planning Commission bases its decision recommendations and findings contained within this Resolution are available and may be reviewed at the Fairfax Town Hall, located at 142 Bolinas Road, Fairfax, California 94930.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Fairfax as follows:

SECTION 1. The recitals set forth above are adopted as further findings of the Planning Commission.

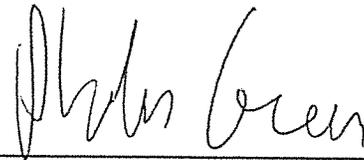
SECTION 2. The Planning Commission has reviewed the Addendum to the Mitigated Negative Declaration adopted in conjunction with the adoption of the 2010-2030 General Plan and finds that an addendum is the proper environmental review document under CEQA because: (a) no substantial changes are proposed in the 2015 Housing Element update (the 'Project') which will require major revisions to the Mitigated Negative Declaration prepared for the 2010-2030 General Plan; (b) no substantial changes have occurred with respect to the circumstances under which the Project is being undertaken which will require major revisions to the mitigated negative declaration; and (c) no new information has become available which was not known and could not have been known at the time the mitigated negative declaration was certified. The Planning Commission further finds that the Addendum reflects the Planning Commission's independent judgment and analysis, and that there is no substantial evidence that the 2015 Housing Element update will have a significant effect on the environment. Based on its independent review and consideration, the Planning Commission hereby finds that the Addendum complies with the requirements of CEQA and adopts the conclusions in the Addendum on the basis of the evidence and reasoning set forth therein. The Planning Commission thus recommends the Town Council approve the Addendum.

SECTION 3. The Planning Commission has likewise reviewed the draft 2015 Housing Element and has considered the comments and testimony of the public. The Planning Commission finds that the 2015 Housing Element update conforms to the requirements of Article 10.6 of Chapter 3 of Division 1 of Title 7 of the California Government Code. Having done so, the Planning Commission recommends the Town Council adopt the 2015 Housing Element update.

The forgoing Resolution was duly passed and adopted at a special meeting of the Planning Commission of the Town of Fairfax held in said Town on the 11th day of May 2015 by the following vote, to wit:

AYES: Ackerman, Gonzalez-Parber, Hamilton, Kehrlein, Chair Green
NOES: None
ABSENT: Fragoso

ABSTAIN: none



Philip Green, Chair

Attest:



Jim Moore, Planning Secretary

TOWN OF FAIRFAX Zoning Map



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

ZONING DISTRICTS

COMMERCIAL ZONES

- CC - Central Commercial
- CH - Highway Commercial
- CL - Light Commercial
- CS - Service Commercial
- CR - Recreational Commercial

RESIDENTIAL ZONES

- RD - 5.5 - 7 - Residential
- RS - 6 - Single Family Residential
- RS - 7.5 - Single Family Residential
- RM - Multi-Family Residential
- PDD - Planned Development District
- UR - 7 - Upland Residential (7c/du)
- UR - 10 - Upland Residential (10ac/du)

*RS - 6 - zoning determined by arrowwood settlement agreement recorded 5/22/91

OPEN AREA ZONE

- O-A - Open Space

(Consult Fairfax Zoning Ordinance for detailed Zone descriptions)

OTHER

- Municipal Boundaries
- Fairfax Parcels Boundaries
- Creeks

Summary of Amendments

| Date | Ordinance Number | Description Summary |
|---------|------------------|---|
| 9/12/92 | 343 | Revised zone and terms, without zoning ordinance |
| 3/26/91 | 492 | Amend zoning to RM district from RD 5.5-F along SPSB |
| 3/17/91 | 346 | ADD new lot setback rules (SPPF 1-1-91) to RS, UR, CC, CS, CH, CL, CR |
| 1/19/92 | 344 | Transfer portion of Alameda Rd from RD 5.5-F to UR-7 |
| 9/21/90 | 345 | Repealed Ord 279 - Street Park, No School |
| 12/1/94 | 547 | Repealed Ord 488 - Residential Zones, UR 7 & UR 10 |
| 8/17/94 | 471 | ADD per some Street Park Subdivision |

