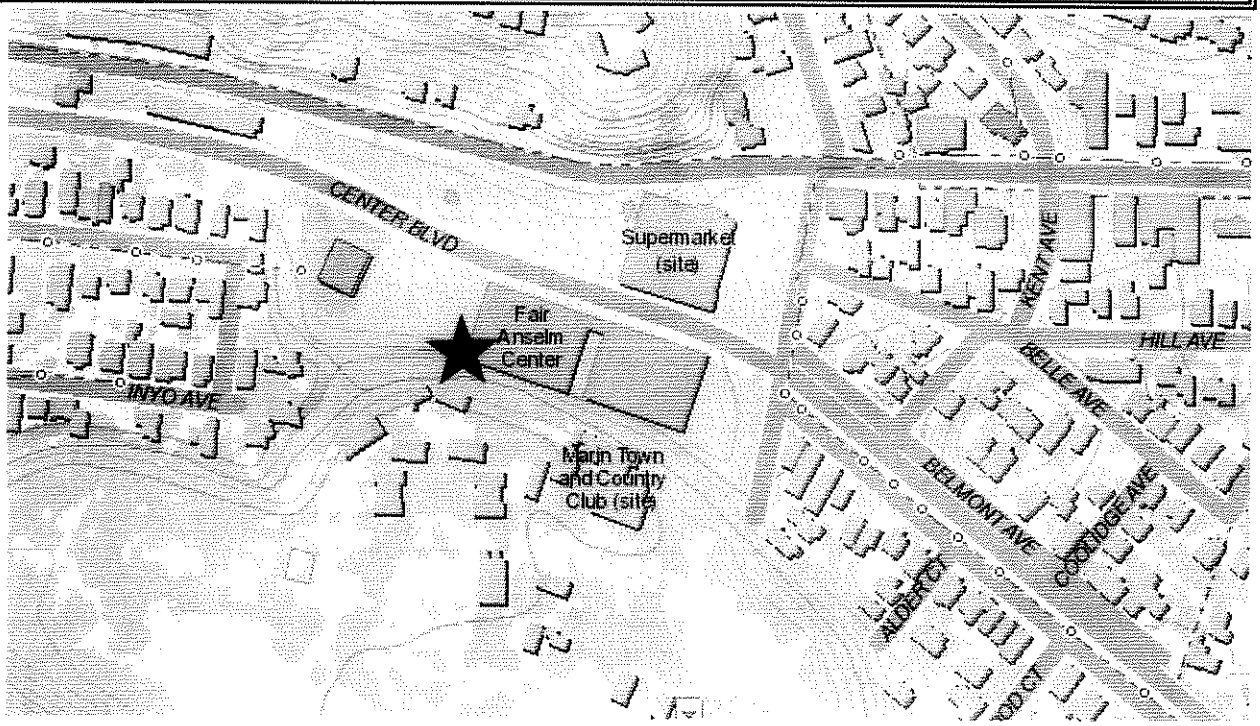
TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services

TO:	**Fairfax Planning Commission**
DATE:	**September 19, 2012**
FROM:	**Judy Anderson, Acting Town Manager** **Jim Moore, Director of Planning and Building Services** **LAK Associates, Contract Planner**
LOCATION:	**711 Center Blvd, Town of Fairfax, CA**
GENERAL PLAN DESIGNATION:	**Central Commercial**
ZONING:	**Central Commercial**
PROJECT:	**Fair Anselm Creek Bank Restoration**
ACTION:	**Review Initial Study, Draft Mitigated Negative Declaration, Application #12-27**
APPLICANT:	**Town of Fairfax**
OWNER:	**Fairfax Center Properties**
CEQA STATUS:	**Mitigated Negative Declaration**



711 Center Boulevard

The staff report for this project will be completed, given to the Planning Commission and posted on the web site on Monday September 17th, 2012. The Initial Study, Draft Mitigated Negative Declaration and associated studies and plans are attached.

AGENDA ITEM # 4

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NOTICE OF INTENTION TO CIRCULATE PROPOSED MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY FOR THE FAIR-ANSELM CREEK BANK STABILIZATION AT 731 TO 771 CENTER BLVD IN THE TOWN OF FAIRFAX

Project Location
Fairfax, CA.

Project Description
The proposed project will replace an existing failed retaining wall with a new sculpted and stained shotcrete wall. The new retaining wall will be supported on helical piers and will include tiebacks further upslope than the existing wall. The project will also include re-contouring of the north side bank of San Anselmo Creek to provide a more natural slope. The creek bank will be protected with turf reinforcing matting planted with live willow stakes. The area under the building (which does not lend itself to a similar approach for bank stabilization due to lack of sun), will have the bank protected against erosion utilizing a sculpted and stained concrete bank protection. This will also be supported with helical piers and tiebacks and will be keyed into the creek bed to prevent scouring at the toe of the bank. Please refer to the attached plans Oberkamper and Associates Sheet C1 to C12, and Miller Pacific Engineering Group Sheet 1 and Sheet 2 for the scope of the project and details.

The total construction duration is planned for two months. The work would be done during construction hours of 8 am to 5pm Monday through Friday and 9 AM to 5 PM on Saturdays with no construction permitted on Sundays and Holidays. No equipment would be placed in the creek and no work would be conducted in the creek.

The proposed project would not require a zone change.

Project Proponent
Town of Fairfax

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

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

1. The Fair-Anselm Creek Bank Stabilization at 731 to 771 Center Boulevard is necessary to replace an existing failed retaining wall under the Fair-Anselm shopping center adjacent to San Anselmo Creek.

2. The Fair-Anselm Creek Bank Stabilization at 731 to 771 Center Boulevard will not require the extension of any public sewer or water lines, or the expansion of any public services.

3. The Fair-Anselm Creek Bank Stabilization at 731 to 771 Center Boulevard will repair the damage, and improve the visual quality of the site.

4. The Fair-Anselm Creek Bank Stabilization at 731 to 771 Center Boulevard will improve on-site drainage and prevent further erosion and sedimentation to San Anselmo Creek.

5. The Fair-Anselm Creek Bank Stabilization at 731 to 771 Center Boulevard will not damage any scenic resources, nor will it degrade the existing visual character of its surroundings.

6. The Fair-Anselm Creek Bank Stabilization at 731 to 771 Center Boulevard will be compatible with the Bay Area Air Quality Management District plan.

7. The Fair-Anselm Creek Bank Stabilization at 731 to 771 Center Boulevard will have no substantial adverse effect on sensitive biological resources.

8. The Fair-Anselm Creek Bank Stabilization at 731 to 771 Center Boulevard will not cause a substantial adverse effect on cultural or historical resources.

9. The Fair-Anselm Creek Bank Stabilization at 731 to 771 Center Boulevard will not expose people to substantial adverse geological events.

10. The Fair-Anselm Creek Bank Stabilization at 731 to 771 Center Boulevard will not create a significant hazard to the public or the environment as may be caused by hazardous materials or hazardous conditions or facilities.

11. The Fair-Anselm Creek Bank Stabilization at 731 to 771 Center Boulevard will not degrade or deplete water resources.

Public Review

The Initial Study and proposed Mitigated Negative Declaration will be circulated for a 30-day public review period, pursuant to Public Resources Code (CEQA) Section 21091 (B). Written comments shall be submitted to the Town of Fairfax Department of Public Works, 142 Bolinas Road, Fairfax, CA. 94930, or interested persons can contact XX, Town Manager and acting Public Works Director, at (415) 458-2345. A written response to all written and oral comments received during the 30-day public review period will be prepared for incorporation into the Final Mitigated Negative Declaration and will be presented for approval by the Town of Fairfax. The project will be reviewed by the Town Council at their August XX, 2012 public meeting.

Lead Agency

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

Determination

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

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

Date:

Linda Neal
Senior Planner

TOWN OF FAIRFAX
Environmental Checklist Form

1. **Project Title:**

   Fair-Anselm Creek Bank Stabilization Project

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

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

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

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

4. **Project Location:**

   711 to 731 Center Boulevard, Fairfax, California

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

   Michael G. Watkins, PE
   Ballard & Watkins Construction Services
   174 Pine Street
   San Anselmo, CA 94960
   (415)457-3157

6. **General Plan Designation:**

   Central Commercial CC Zone

7. **Description of Project:**

   This project will replace an existing failed retaining wall with a new sculpted and stained shotcrete wall. The new retaining wall will be supported on helical piers and will include tiebacks further upslope than the existing wall. The project will also include re-contouring of the north side bank of San Anselmo Creek to provide a more natural slope. The creek bank will be protected with turf reinforcing matting planted with live willow stakes. The area under the building (which does not lend itself to a similar approach for bank stabilization due to lack of sun), will have the bank protected against erosion utilizing a sculpted and stained concrete bank protection. This will also be supported with helical piers and tiebacks and will be keyed into the creek bed to prevent scouring at the toe of the bank. Please refer to the attached plans Oberkamper and Associates Sheet C1 to C12, and Miller Pacific Engineering Group Sheet 1 and Sheet 2 for the scope of the project and details.

The total construction duration is planned for two months. The work would be done during construction hours of 8 am to 5pm Monday through Friday and 9 AM to 5 PM on Saturdays with no construction permitted on Sundays and Holidays. No equipment would be placed in the creek and no work would be conducted in the creek.

The proposed project would not require a zone change.

Project Design

Site Improvements

Landscaping
Drainage and landscaping improvements will be made in the parking lot between the Fair-Anselm Shopping Center and the Post Office. Site landscaping will be enhanced with the addition of bioswales at the parking lot planting areas. The bioswales overflow during high rainfall into drop inlets which daylight within the creek in a tee shaped energy dissipater. A new bioswale area which will intercept and filter the water from the roof drains has been added at the area adjacent to the top of the retaining wall. The bioswales will be interplanted with native grass which will enhance the look and slow the speed of the water within the bioswale.

Colors and Materials: The new retaining wall and shotcrete bank protection will be textured and stained to match the color and texture of the adjacent rock outcroppings. The surface of the shotcrete bank protection will be textured to slow the speed of the water through the reach of the creek section, which will enhance the function of the area as a retention basin during high creek levels.

(a) Construction's Interim Requirements

The total construction duration is planned for two (2) months. The staging area will be in the west (between the Post Office and Fair-Anselm Center) parking lot so that trucks and equipment will not travel into Town to make the deliveries. Trucks and deliveries will make a left turn from the Pastori / Sir Francis Drake intersection, proceed to the Pastori / Center Boulevard intersection and take a right turn. They will then proceed down Center Boulevard and turn left into the parking lot. Trucks leaving the site will travel the same route in the reverse direction. The work will be done in the parking lot and creek bed to minimize the noise during the construction hours of 7am to 4pm. A total of eight (8) parking spaces will be used to store on site materials and equipment during the construction phase of the project.

Construction Equipment and Activities

- To regrade the bank at the location of the new shotcrete retaining wall, a gradeall with bucket would be used. This work would be performed from the parking lot at the top of the slope by reaching over the bank and pulling the excavated material up to the bank.
- To provide the key at the base of the shotcrete bank protection, a small trencher, or bobcat, would be used.
- To install the helical piers and tiebacks, the bank would be hand-graded and a bobcat, or portable drilling derrick, would be used.
- Shotcrete application would be from a mixing device at the parking lot, with a boom crane used to help with hose control.

- Removal of all shotcrete rebound and any construction debris would be accomplished with the bobcat.

8. Surrounding Land Uses and Setting:

The proposed project is located on a site directly adjacent (south) and below the Fair-Anselm Shopping Center. The project is located just southwest of the Center Boulevard/Pastori intersections. North of the subject property are commercial structures of the Fair-Anselm center. The project is located on the north bank of San Anselmo Creek. North of the property is Center Boulevard. Marin Town and Country Club, a rustic residential area, is to the south of the project on the opposite side of the creek. East of the project is the Pastori Bridge which provides access to the Marin Town and Country Club property. The main downtown of Fairfax lies further west of the subject property.

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

San Francisco Bay Regional Water Quality Control Board, US Army Corps of Engineers, California Department of Fish and Game

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Signature Date

_____ _____

Signature Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

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

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

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

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

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

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

9) The explanation of each issue should identify:

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

POTENTIAL IMPACTS

Issues:

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

A. Environmental Setting

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

B. Discussion

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

b.) ***No Impact.*** The project site will not damage any scenic resources and is not located in a state scenic highway corridor. The project will introduce uses and designs that will be compatible with the surrounding uses in this area.

c.) ***No Impact.*** The proposed project will not introduce a use and design that will degrade the existing visual quality of the site and its surroundings. The replacement of the existing failed retaining wall with the new structure will improve the visual quality of the site and its surroundings.

d.) ***No Impact.*** No new light sources will be introduced as a result of this project. Construction of the project will take place during the daytime hours of 8am and 5pm.

Sources: Town of Fairfax General Plan 2010-30; http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm

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

A. Environmental Setting

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

B. Discussion

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

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

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

Sources: *The Town of Fairfax General Plan 2010-30;*

III. AIR QUALITY – Would the project:	**Potentially significant impact**	**Less than significant with mitigation incorporation**	**Less than significant impact**	**No impact**
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐

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

A. Environmental Setting

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

B. Discussion

a.) ***No Impact.*** The proposed project will be subject to the Bay Area Air Quality Management District (BAAQMD) plans to achieve ambient air quality standards and compatible with the Town of Fairfax General Plan 2010-30. The most recent clean air plan is the *Bay Area 2010 Clean Air Plan* that was adopted by BAAQMD in September 2010. The proposed project will not conflict with the latest Clean Air planning efforts since (1) the project will have emissions well below the BAAQMD thresholds, (2) development of the project site will reuse a land use that has traditionally had a similar type of use, and (3) development will be near existing transit with regional connections.

b.) ***Less than Significant Impact.*** The proposed project will be compatible with the BAAQMD and the Town of Fairfax General Plan 2010-30. An Air Quality Emissions analysis was conducted using the computer modeling program URBEMIS based on construction emissions thresholds presented in the *Bay Area 2010 Clean Air Plan.* According to the URBEMIS model, the project will have emissions less than the significant thresholds adopted by BAAQMD for evaluating impacts to ozone and particulate matter. Therefore, the project will not contribute substantially to existing or projected violations of those standards. Carbon monoxide emissions from traffic generated by the project will be the pollutant of greatest concern at the local level. The project will generate a small amount of traffic during construction only so the contribution of project-generated traffic to these levels will be minimal and the project will not cause or contribute to a violation of an ambient air quality standard. Therefore, the impact is considered to be less than significant.

c.) ***No Impact.*** The proposed project will be compatible with the BAAQMD and the Town of Fairfax General Plan 2010-30. The Bay Area is considered a non-attainment area for ground-level ozone and fine particulate matter ($PM_{2.5}$) under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for respirable particulates or particulate matter with a diameter of less than 10 micrometers (PM_{10}) under the California Clean Air Act, but not the Federal Act. The area has attained both State and Federal ambient air quality standards for carbon monoxide. The BAAQMD has established thresholds of significance for ozone precursor pollutants (ROG and NOx), PM_{10} and $PM_{2.5}$ and apply to both construction period and operational period impacts. Due to the project size, construction period emissions will be less than significant. There will be a short construction period where the project will generate emissions, but there will be on long term emissions

generation after construction is completed, therefore, there is no impact related to cumulative pollutants.

d.) ***Less than Significant Impact.*** The proposed project is designed to complement the existing uses surrounding the site. Construction period mitigation measures, such as limiting the amount of traffic associated with the project by having workers park offsite (see traffic and parking study), requiring that diesel trucks be turned off during waiting and material loading in the parking lot, and eliminate idling machines when not in use (see noise study), have been included in the project designs and will reduce air quality impacts to a less than significant impact level. Construction activities will include building a retaining wall and creek bank protection, landscape improvements, and utility upgrades. Construction activities would last about two months. There will be minimal site grading, which typically has the greatest construction period emissions. As identified in III b.) above, construction period emissions will be well below the BAAQMD thresholds and are not expected to cause adverse impacts to nearby sensitive receptors. Operation of the project will include localized emissions from trucks removing construction spoils, which will minimally and for a short duration of time expose sensitive receptors to unhealthy air pollutant levels. Therefore, the impact is considered less than significant.

e.) ***No Impact.*** The proposed project is designed to complement the existing uses surrounding the site. The proposed project will re-introduce a use that was previously compatible with the site. Short term construction emissions associated with the project will not produce short or long term objectionable odors. Therefore, there is no impact.

Sources: *The Town of Fairfax General Plan 2010-30; Air Quality Impact Study for Fair Anslem Creek Stabilization Project, Fairfax CA, June 12, 2012, Ballard & Watkins Construction Services; BAAQMD Bay Area 2010 Clean Air Plan;*

IV. BIOLOGICAL RESOURCES – Would the project:	**Potentially significant impact**	**Less than significant with mitigation incorporation**	**Less than significant impact**	**No impact**
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, polices, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or by the U.S. Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal filling, hydrological interruption, or	☐	☐	☐	☒

other means?

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plans	☐	☐	☐	☒

A. Environmental Setting

The project site is located in the highly urbanized downtown area in the Town of Fairfax. The proposed project is located on the creek bank directly adjacent and below the south side of the Fair-Anselm Shopping Center. San Anselmo Creek parallels the southern boundary of the Fair-Anselm Shopping Center. The existing retaining wall, consisting of a concrete structure on deep concrete piers adjacent to the creek, is failing. Erosion beneath the building is resulting in the migration of silt and gravel downstream of the site. Approximately 500 linear feet of reach along the creek, and 0.23 acres of area would be affected by the project. To facilitate the construction of the shotcrete retaining wall, approximately 250 yards of material would be removed from the project site.

B. Discussion

a.) ***Less Than Significant Impact.*** The Central California Coast (CCC) steelhead, listed as threatened, under the Federal Endangered Species Act (Federal Register, 2006, 1997) has been documented as occurring in the proposed project area. However, the proposed project will be constructed during the low flow season when special status species are less likely to occur in the project area. Furthermore, the recommended project design measures and BMP's presented in Sections VII and VIII of the A.A. Rich and Associates report will minimize impacts to sensitive habitats. Therefore, the project will not have a substantial adverse impact on the special status species listed in the Fairfax General Plan, and the impact is considered less than significant.

b.) ***Less Than Significant Impact.*** The project site can be characterized as riparian or sensitive natural communities. The proposed project will include the restoration of an existing dilapidated retaining wall. The construction plan includes introducing BMP's for controlling urban storm water run-off as well as minimizing future creek bank erosion and sedimentation. While the proposed project will include construction activities within a riparian area the long term effects of the project are intended to improve the overall flow and condition of the creek and creek bank adjacent to the Fair-Anselm Shopping Center. Furthermore, construction activities are planned for the low-flow water season during summer months. Construction design measures and BMP's from Sections VII and VIII of the A.A. Rich and Associates report are intended to minimize impacts on sensitive fish communities or adversely affect riparian systems. Therefore, the project would not have a substantial adverse impact on riparian areas or sensitive communities identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The impact from construction activities is considered less than significant.

c.) ***No Impact.*** No wetlands as defined by Section 404 of the Clean Water Act occur on or near site, therefore there in no impact.

d.) ***Less Than Significant Impact.***. The proposed project will include the restoration of an existing dilapidated retaining wall. The construction plan includes introducing BMP's for controlling urban run-off as well as minimizing future creek bank erosion and sedimentation. While the proposed project will include construction activities within a migratory fish corridor, the long term effects of the project are intended to improve the overall flow and condition of the creek and creek bank adjacent to the Fair-Anselm Shopping Center. Furthermore, construction activities are planned for the low-flow water season during summer months when there is low probability of migratory fish fry present in the relatively shallow creek pools adjacent to the project site. Construction design measures and BMP's from Sections VII and VIII of the A.A. Rich and Associates report are intended to minimize impacts on sensitive fish communities or adversely affect riparian systems. Therefore, the impact is considered less than significant.

e.) ***Less Than Significant Impact.*** The proposed project includes the restoration of a failing retaining wall adjacent to San Anselmo Creek. The project would also improve channel flow and prevent future erosion and sedimentation downstream from the new wall. The proposed project is consistent with the Town of Fairfax General Plan 2010-30, Conservation Element Policy CON-6.2.1: Restore habitats for anadromous fish. Although there will be a brief construction period impact, the recommended measures in discussion IV b.) & d.) above are expected to minimize the impact. Therefore, the impact is considered less than significant.

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

Sources: *The Town of Fairfax General Plan 2010-30; Biological Assessment for a Bank Stabilization Project at 700-799 Center Blvd (Fair-Anselm) Fairfax, California, A.A. Rich and Associates, March 7, 2012*

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

A. Environmental Setting

The project site is located in the highly urbanized downtown area in the Town of Fairfax. The proposed project will replace a failed retaining wall in the same location. Creek bank protection will be installed below the Fair-Anselm Shopping Center and will not affect any areas which were not previously disturbed during the original construction of the failed retaining wall, or the shopping center. The Fair-Anselm shopping center is built on top of a well-documented pre-historic site with known instances of Native American artifacts and remains.

B. Discussion

a-d) ***Less than Significant with Mitigation Incorporation.*** The proposed project is located on a site with known instances of archeological or cultural resources. Development of the proposed project may cause potential adverse change in the significance of a historical or cultural resource. An Archeological Report was prepared by Pacific Legacy Incorporated, which includes the following mitigation measures to be implemented during the construction phase of the project.

MM CULT-1: Construction period mitigation for Cultural Resources. Based on the presence of a prehistoric site deposits within the project area boundaries and the recent discovery of human remains near the vicinity of the project area, the project includes the following requirements:

1) Prior to construction, the midden deposit within the San Anselmo Creek Stabilization project area will be subject to subsurface examination to (a) determine the horizontal and vertical extent of the deposit; (b) attempt to determine if the site deposit is intact or redeposited; and, (c) record the midden constituents. Auger bores or shovel probes will be used for subsurface investigation due to the obvious soilcolor difference of the midden soil and the steepness of the creek bank. This will be conducted at the east end of the project area where midden soils were observed and at the west end, which offered limited surface visibility. The exploration would take place in the Area of Direct Impact where subsurface disturbance is planned. The subsurface exploration results should be included in a site record update for site P-21-02620 as well as a report. If significant deposits are discovered, or if the site is found to be eligible for the CRHR, then a treatment plan will be developed to mitigate the effects of the San Anselmo Creek Stabilization project on the site.

2) Where appropriate depending on the depth of the cut and its location, sensitive areas will be monitored by a qualified archaeologist during subsurface excavation.

3) The landowners will be required to continue consultation with potential Native American stakeholders regarding the treatment of finds and particularly regarding the treatment of human remains if they are encountered.

4) Prior to the initiation of construction or ground-disturbing activities, all construction personnel will be alerted to the possibility of buried cultural remains, which include prehistoric and/or historic materials. Personnel will be instructed that, upon discovery of buried cultural materials not identified in the subsurface exploration phase, work in the immediate area of the find must be halted and the landowner and the Town of Fairfax notified. Once the find has been identified, the landowner and the Town of Fairfax should make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts to the find(s) if they are found to be significant or eligible for the CRHR.

5) If buried human remains are encountered during construction, work in that area will be halted, and the Marin County Coroner must be notified immediately. If the remains are determined to be Native American, the Native American Heritage Commission (NAHC) will be notified

within 24 hours as required by Public Resources Code 5097. The NAHC will determine and notify a designated Most Likely Descendant who will provide recommendations for the treatment of the remains within 48 hours of being granted access to the site. The landowner will be required to take steps to ensure that the site of discovery is not disturbed until plans for treatment are agreed upon by all parties.

Implementation of these mitigation measures will reduce the impact to less than significant.

Sources: *The Town of Fairfax General Plan2010-30; Pacific Legacy, Incorporated Report, titled Cultural Resource Recommendations Regarding 720 Center Blvd., Fairfax, CA, dated June 17, 2011*

VI. GEOLOGY AND SOILS – Would the project:	**Potentially significant impact**	**Less than significant with mitigation incorporation**	**Less than significant impact**	**No impact**
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong Seismic Ground shaking?	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐
iv) landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☒	☐	☐
e) Have soils incapable of adequately supporting	☐	☐	☐	☒

the use of septic tanks or alternative waste water disposal system where sewers are not available for the disposal of waste water?

A. Environmental Setting

The project site is located in the highly urbanized downtown area in the Town of Fairfax. The proposed project is located on a site previously occupied by a failed retaining wall and a creek bank subject to on-going erosion.

Miller Pacific Engineering Group (MPEG) conducted a Geotechnical Investigation in September 2009. The regional topography is characterized by northwest-southeast trenching mountain ridges and intervening valleys that were formed by movement between the North American and the Pacific Plates. Continued deformation and erosion during the later Tertiary and Quaternary Age formed the prominent Marin coastal ridges and the inland depression that is now the San Francisco Bay. The more recent seismic activity within the Coast Range Geomorphic Province is concentrated along the San Andreas Fault zone, a complex group of generally north to northwest trending faults.

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

B. Discussion

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

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

> ***MM GEO- 1:*** A licensed geotechnical engineer has reviewed the plans and specification for the project during design to confirm the intent of the geotechnical recommendations provided in the MPEG report have been incorporated, and if needed, suggest supplemental recommendations. A licensed geotechnical engineer shall also be present during construction to observe and/or test site preparation and grading. The engineer shall also observe excavation for the structures and associated improvements to confirm that the soils encountered during construction are consistent with the design criteria outlined in the MPEG report.

a, iii). ***Less than Significant with mitigation incorporation.*** The Safety Element of the Town of Fairfax General Plan 2010-30 and the MPEG report indicates that the project site is located in an area of moderate to high geologic hazards resulting from liquefaction. The MPEG report indicates thin deposits of loose to medium-dense granular deposits below the groundwater table. Based on the MPEG analysis, there are sand and gravel layers within the alluvial soil that are susceptible to liquefaction in the immediate vicinity of the project site. A potentially liquefiable layer exists in Boring 1 at a depth of 20 to 25 feet (elevation 63 to 68 feet MSL). Therefore, the risk of liquefaction occurrence is moderate. If liquefaction were to occur, it could cause localized loss of foundation support within or above the liquefiable layer. However, the existing drilled piers appear to be embedded well below the liquefiable layer. MPEG has determined that the proposed project will not expose people to substantial adverse effects from liquefaction with incorporation of the following mitigation:

MM GEO-2: Mitigation measures include structural evaluation of the existing foundation piers to ensure adequate support for the structure should localized liquefaction occur during a seismic event. Retaining walls should also be supported on deep foundations, such as drilled cast-in-place piers. Foundation recommendations and design criteria are discussed in more detail in Section V of the MPEG report.

a, iv). ***No Impact.*** According to the Safety Element of the Town of Fairfax General Plan 2010-30, the proposed project is not located near an area susceptible to landslides. Therefore, there is no impact.

b). ***No Impact.*** The project site, where structures and improvements are proposed, has been previously disturbed. The existing retaining wall contributes to soil erosion and sedimentation downstream in San Anselmo Creek. Improvements to existing parking lots shall conform to recommendations by MPEG. A small embankment northwest of the building will be planted with oak trees, otherwise no site grading or structures are proposed for this location. The proposed project will enhance the inadequate conditions of the existing creek bank and surface improvement will not result in a loss of topsoil on the project site, therefore there is no impact.

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

MM GEO-3: Mitigation measures include designing the new improvements in accordance with the most recent provisions of the California Building Code (2007 CBC). Implementation of bank stabilization measures as indicated by the project design conceptual plans will increase stability in the vicinity of the project site. Implementation of the site specific seismic coefficients presented in Section V of the MPEG report will ensure proper bank stabilization.

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

Sources: Fairfax General Plan 2010-30, Safety element Maps: SE-1, 2 & 3; Association of Bay Area Governments Hazard Maps and Information; Miller Pacific Engineering Group, Geotechnical Investigation, Fair-Anselm Plaza, September 28, 2009

VII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:	**Potentially significant impact**	**Less than significant with mitigation incorporation**	**Less than significant impact**	**No impact**
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous	☐	☐	☐	☒

or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?				
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and , as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

A. Environmental Setting

The project site is located in the highly urbanized downtown area in the Town of Fairfax. The proposed project is located on a site previously occupied by a failed retaining wall and a creek bank subject to on-going erosion.

B. Discussion

a) ***No Impact.*** The proposed project does not include the routine transport, use, or disposal of hazardous materials.

b) ***No Impact.*** The existing and proposed uses are consistent with the Town of Fairfax General Plan for this site. The project does not include a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

c) ***No Impact.*** The proposed project will not emit hazardous emissions or handle hazardous or acutely hazardous materials and is not located within one quarter mile of an existing or proposed school. The nearest school to the project site, the Little Arrows Preschool, is approximately 1,250 feet away (.25 miles).

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

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

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

g) ***No Impact.*** The proposed project, which includes the replacing of an existing failed retaining wall and will not expose people or structures to wildland fires. Therefore, there is no impact.

Sources: Town of Fairfax General Plan 2010-30

VIII. HYDROLOGY AND WATER QUALITY – Would the project:	**Potentially significant impact**	**Less than significant with mitigation incorporation**	**Less than significant impact**	**No impact**
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or – off site.	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard	☐	☐	☐	☒

Boundary or Flood Insurance Rate map or other flood hazard delineation map?				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

A. Environmental Setting

The project site is located in the highly urbanized downtown area in the Town of Fairfax. The proposed project is located on a site previously occupied by a failed retaining wall and a creek bank subject to on-going erosion.

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

B. Discussion

a) ***No Impact.*** The proposed project includes the renovation of an existing failed retaining wall directly below and adjacent to the Fair-Anselm shopping center on the eastern edge of downtown Fairfax. The proposed project is consistent with the General Plan and Zoning for the property. The proposed project includes the enhancement and upgrade for a retaining wall that contributes to on-site erosion and sedimentation downstream. The project includes Low Impact Design (LID) Best Management Practices (BMPs) for stormwater runoff control and will be reducing the existing run-off by 0.24 cfs (cubic feet per second). The project is intended to improve on and off-site drainage conditions, therefore there is no impact.

b) ***No Impact.*** The proposed project is located in the highly urbanized downtown area in the Town of Fairfax. The proposed project is located on a site previously occupied by a failed retaining wall and a creek bank subject to ongoing erosion. The new retaining wall and creek bank protection will not deplete groundwater supplies or interfere substantially with groundwater recharge. Therefore, there is no impact.

c-e) ***Less than Significant.*** The proposed project is located in the highly urbanized downtown area in the Town of Fairfax. The proposed project is located on a site previously occupied by a failed retaining wall and a creek bank subject to on-going erosion. The existing retaining wall contributes to on and off-site erosion and sedimentation downstream in San Anselmo Creek. Construction activities will occur during the low-flow summer months to avoid issues with stream course flow and fish migration. Short term impacts with regards to the construction may occur, however, the construction design measures and BMP's from Sections VII and VIII of the A.A. Rich and Associates that are incorporated into the project design and background materials are designed to limit the significance. The purpose and intent of the proposed project is to improve the bank stabilization adjacent to the Fair-Anselm shopping center. BMP's will be introduced to new parking lot configurations to treat on-site run-off before discharge into the creek. The project will also directly affect the flow of San Anselmo creek by improving the water quality of San Anselmo creek by removing debris, sedimentation and erosion from the channel. Therefore, the impact is

considered less than significant.

f) ***No Impact.*** The proposed project is located in the highly urbanized downtown area in the Town of Fairfax. The proposed project is located on a site previously occupied by a failed retaining wall and a creek bank subject to on-going erosion. The purpose and intent of the proposed project is to improve the bank stabilization adjacent to the Fair-Anselm shopping center. This will also directly affect the flow of San Anselmo creek by improving the water quality of San Anselmo creek by removing debris, sedimentation and erosion from the channel. Therefore, there is no impact.

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

Sources: Town of Fairfax General Plan 2010-30; Miller Pacific Engineering Group, Geotechnical Investigation Fair-Anselm Plaza, September 28, 2009

IX. LAND USE AND PLANNING – would the project:	**Potentially significant impact**	**Less than significant with mitigation incorporation**	**Less than significant impact**	**No impact**
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

A. Environmental Setting

The proposed project is located in the highly urbanized downtown area in the Town of Fairfax. The proposed project is located on a site previously occupied by a failed retaining wall and a creek bank subject to on-going erosion.

B. Discussion

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

b) ***No Impact.*** The proposed project is consistent with the Safety Element of the Town of Fairfax General Plan 2010-30. The intent and purpose of the project is to improve an existing failed retaining wall and improve on and off-site drainage and erosion. Therefore, there is no impact.

c) ***No Impact.*** There are no habitat conservation plans or natural community conservation plans for

the project site. The proposed project is consistent with the Town of Fairfax General Plan 2010-30.

Sources: *The Town of Fairfax General Plan 2010-30*

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

A. Environmental Setting

The proposed project is located in the highly urbanized downtown area in the Town of Fairfax. The proposed project is located on a site previously occupied by a failed retaining wall and a creek bank subject to on-going erosion.

B. Discussion

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

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

Sources: *The Town of Fairfax General Plan 2010-30*

XI. NOISE- would the project result in:	**Potentially significant impact**	**Less than significant with mitigation incorporation**	**Less than significant impact**	**No impact**
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

A. Environmental Setting

The proposed project is located in the highly urbanized downtown area in the Town of Fairfax. The proposed project is located on a site previously occupied by a failed retaining wall and a creek bank subject to on-going erosion. The primary source of noise at the project site is traffic on Center Boulevard, a two-lane street fronting the project site to the south, and Sir Francis Drake Boulevard on the north side of the site.

B. Discussion

a). ***Less Than Significant Impact.*** While the project will result in temporary noise impacts due to construction, no permanent noise impact will result. Noise levels will fall within the "normally acceptable" range established in the Fairfax Noise Planning Guidelines. The proposed project will not result in noise impacts in excess of the standards established by the Fairfax General Plan or applicable standards of other agencies. Therefore no impact will result.

b). ***Less Than Significant with Mitigation Incorporation.*** The proposed project will introduce periods of temporary construction impacts. Duration and usage levels associated with specific equipment will be short term, and will result in a less than significant impact when the following mitigation measures recommended in the Environmental Consulting Services, Noise Study for Fair-Anselm Center Creek Stabilization Project are implemented.

MM – NOISE-1: Recommendations for minimizing construction noise of the Fair Anselm Creek project are:

1. Diesel trucks used to haul excavated and project materials should stay as far from the creek bank and shopping center as feasible, and they should be turned off during waiting and material loading in the parking lot.

2. Choose construction equipment that is of quiet design, has a high-quality muffler system, and is well maintained. This includes trucks used to haul materials.

3. Install superior mufflers and engine enclosure panels as needed on gas, diesel or pneumatic machines.

4. Erect temporary plywood enclosures between the parking lot motorized equipment area and the west end of the Fair-Anselm Shopping Center.

5. Restrict construction hours to 8 am to 5 pm.

6. Eliminate idling of machines when not in use.

7. Locate motorized equipment as far from sensitive receptors as possible.

c). ***No Impact.*** The proposed project will introduce periods of temporary construction impacts. Duration and usage levels associated with specific equipment will be short term, and will result in a less than significant impact when the mitigation measures recommended in the Noise Study are implemented. There will be no increase in permanent ambient noise upon completion of the project, therefore there is no impact.

d.) ***Less Than Significant with Mitigation Incorporation.*** The proposed project involves the replacement of an existing failed retaining wall structure and creek bank protection. The proposed project will also introduce periods of temporary construction impacts. Duration and usage levels associated with specific equipment will be short term, and will result in a less than significant impact when the mitigation measures recommended in the Noise Study are implemented. See XI, b.) above.

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

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

Sources: *Town of Fairfax General Plan 2010-30; Environmental Consulting Services, titled Noise Study for Fair-Anselm Center Creek Stabilization Project 731 Center Boulevard, Fairfax, CA, dated July 29, 2011*

XII. POPULATION AND HOUSING – Would the project:	**Potentially significant impact**	**Less than significant with mitigation incorporation**	**Less than significant impact**	**No impact**
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

A. Environmental Setting

The project site is located in the highly urbanized area in the Town of Fairfax. The proposed project is located on a site previously occupied by a failed retaining wall and a creek bank subject to on-going erosion.

B. Discussion

a). ***No Impact.*** The proposed project will replace an existing failed retaining wall The project is consistent with the existing uses for the property and there is no housing located on site. There are no homes proposed or infrastructure that will induce population growth as a result of the project. Therefore, there is no impact.

b). ***No Impact.*** The proposed project will replace an existing failed retaining wall The project is consistent with the existing uses for the property and there is no housing located on site. Therefore, there is no impact.

c). ***No Impact.*** The proposed project will replace an existing failed retaining wall The project is consistent with the existing uses for the property and there is no housing located on site. Therefore, there is no impact.

Sources: *Town of Fairfax General Plan 2010-30*

XIII. PUBLIC SERVICES	**Potentially significant impact**	**Less than significant with mitigation incorporation**	**Less than significant impact**	**No impact**
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
a) Fire protection?	☐	☐	☐	☒
b) Police protection?	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☒
e) Other public facilities?	☐	☐	☐	☒

A. Environmental Setting

The proposed project is located in the highly urbanized downtown area in the Town of Fairfax. The proposed project is located on a site previously occupied by a failed retaining wall and a creek bank subject to on-going erosion.

B. Discussion

a) ***No Impact.*** The Town of Fairfax Fire Department currently provides fire protection services to the Fair-Anselm shopping center and proposed project site. Development of the project will not result in

adverse physical impacts or cause significant environmental impacts therefore there will be no impact.

b) ***No Impact.*** The Town of Fairfax Police Department currently provides policing services to the proposed project site. Development of the project will not induce substantial population growth therefore there will be no impacts.

c). ***No Impact.*** The proposed project will include the replacement of an existing failed retaining wall and creek bank protection. This will not result in a substantial increase of employees to the project site; therefore there will be no additional demand for school facilities. There will be no impacts associated with school facilities.

d). ***No Impact.*** The proposed project will include the replacement of an existing failed retaining wall and creek bank protection. This will not result in a substantial increase of employees to the project site; therefore there will be no additional demand for school facilities. There will be no impacts associated with parks and recreational facilities.

e). ***No Impact.*** The proposed project will include the replacement of an existing failed retaining wall and creek bank protection. This will not result in a substantial increase of employees to the project site. The project is consistent with the commercial zoning for the property and will not result in a substantial increase of employees to the project site.

Sources: *Town of Fairfax General Plan 2010-30*

XIV. RECREATION	**Potentially significant impact**	**Less than significant with mitigation incorporation**	**Less than significant impact**	**No impact**
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be facilitated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

A. Environmental Setting

The proposed project, located in the urbanized downtown area in the Town of Fairfax, will include the replacement of an existing failed retaining wall and creek bank protection.

B. Discussion

a) ***No Impact.*** The proposed project will include the replacement of an existing failed retaining wall and creek bank protection. The project will not result in a substantial increase of employees or visitors to the project site; therefore the project will not result in the physical deterioration of neighborhood or recreation facilities.

b) ***No Impact.*** The proposed project does not include the construction of recreational facilities. The project will not result in a substantial increase of employees to the project site; therefore there will be no

additional demand for recreational facilities.

Sources: Town of Fairfax General Plan 2010-30

XV. TRANSPORATION/TRAFFIC – Would the project:	**Potentially significant impact**	**Less than significant with mitigation incorporation**	**Less than significant impact**	**No impact**
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase either in the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?)	☐	☐	☒	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	☐	☐	☒	☐

A. Environmental Setting

The proposed project will include the replacement of an existing failed retaining wall and creek bank protection. Staging for the project will affect approximately 8 parking spaces on the west side of the north parking lot of Fair- Anselm Center. Also affected will be traffic flow to and within this parking lot, particularly during the time during excavation of the existing creek bank to facilitate the new shotcrete retaining wall, delivery of materials for helical pier supports and tiebacks, and delivery of materials for shotcrete placement.

Construction activities for the project are anticipated for a short duration of less than two months, and as a result will have no long term impact on the area. The significant traffic impacts appear to result from truck traffic during deliveries and off-haul, and worker vehicle

traffic during arrival and departure. Parking will be impacted to the extent that a lay down area and truck staging area during delivery and off haul will result in the loss of some parking spaces at the rear of the parking lot during the course of the project.

B. Discussion

a) ***Less than Significant Impact.*** The proposed project will not generate any long-term additional traffic but will contribute to short term construction vehicle trips. Traffic associated with the Creek Bank Stabilization Project should be less than 30 round trips on any given day. Increases of this magnitude are not significant, as they are well within the standard deviation for the daily traffic volumes. Therefore, the short term impacts associated with construction activity truck trips is considered less than significant.

b). ***Less than Significant Impact.*** The proposed project will not generate any long-term additional traffic but will contribute to short term construction vehicle trips. Traffic associated with the Creek Bank Stabilization Project should be less than 30 round trips on any given day. Increases of this magnitude are not significant, as they are well within the standard deviation for the daily traffic volumes. Therefore, the short term impacts associated with construction activity truck trips is considered less than significant.

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

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

e.) ***No Impact.*** All construction activity will take place on the proposed project site and will not require road closures.

f.) ***Less than significant Impact.*** The proposed project will affect approximately eight (8) parking spaces in the west end of the north Fair-Anselm parking lot. The recently completed Good Earth grocery store has created a premium for parking space demand during business hours. However, the eight spots designated for staging during construction are located in the far western portion of the lot which is not counted towards the parking requirement for the Good Earth grocery store and can be considered surplus parking. This temporary loss of eight parking spaces during the construction period is considered to be a less than significant impact as it will not result in an inadequate parking supply for the Good Earth or the Town of Fairfax. When the construction period is complete, the eight spaces will become available again as surplus parking. . Measures incorporated in the project documents will reduce any potential impact to a less than significant level.

g.) ***Less than Significant Impact.*** The proposed project does not conflict with adopted policies, plans, or programs supporting alternative transportation. No alternative transportation infrastructure or facilities will be disturbed during the construction period of the proposed project. Measures incorporated in the project documents are designed to reduce any potential impact associated with traffic circulation or parking. Truck trips to the staging area will not significantly alter the usage of bicycle lanes along Center Boulevard. Therefore, the impact is considered less than significant

Sources: *Town of Fairfax General Plan 2010-30; Traffic/ Parking Impact Study For Fair-Anselm Creek Bank Stabilization Project, Ballard & Watkins, April 19, 2012; Traffic Impact Analysis for Good Earth Market Fairfax, California, KD Anderson & Associates, Inc., March 1, 2011*

XVI. UTILITIES AND SERVICE SYSTEMS – Would the project:	**Potentially significant impact**	**Less than significant with**	**Less than significant impact**	**No impact**

			mitigation incorporation	
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☐	☒

A. Environmental Setting

The proposed project, located in the urbanized downtown area in the Town of Fairfax, will include the replacement of an existing failed retaining wall and creek bank protection.

B. Discussion

a) ***No Impact.*** The proposed project will require no new infrastructure improvements are proposed for wastewater treatment.

b) ***No Impact.*** The proposed project will not require construction of new water or wastewater treatment facilities or expansion of existing facilities, therefore there is no impact.

c) ***Less Than Significant Impact.*** The proposed project includes the replacement of an existing failed retaining wall. The proposed project also includes construction of bioswales, drainage inlets, and storm drains to improve on and off-site drainage and run-off. The intent and purpose of the project is to improve storm water run-off and will not cause significant environmental impacts. Therefore, the impact is

considered less than significant.

d) ***No Impact.*** The proposed project includes the replacement of an existing failed retaining wall, there is no water service needed to serve the project. Therefore, there is no impact.

e) ***No Impact.*** The proposed project includes the replacement of an existing failed retaining wall, there is no waste water service needed to serve the project. Therefore, there is no impact.

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

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

Sources: *Town of Fairfax General Plan 2010-30*

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

Discussion

a) ***Less than Significant Impact.*** The proposed project includes the renovation of existing infrastructure that was previously used for an identical use. The project also includes the repaving, alteration and landscaping of the existing paved parking lots. There is known habitat for fish and wildlife species, rare endangered plant or animal species and important examples of the major periods of California history or prehistory on the project site. However, the project documents are designed to limit construction period impacts to summer months when San Anselmo Creek flows are at their lowest levels. Construction activities are also limited to the bank and not the channel, further limiting the impacts to potential breeding areas for fish and wildlife species. The intent and purpose of the project is to replace a failed retaining wall that will subsequently prevent further erosion and sedimentation below the Fair-Anslem shopping center into San Anselmo Creek. Therefore the completion of the project will be a benefit to the San Anselmo creek and habitat and resources of significance. The project will not degrade the quality of the environment, substantially reduce or cause a fish or wildlife population to drop below self-sustaining levels, or threaten to eliminate a plant or animal community. Therefore the impact is considered less than significant.

b) ***Less than Significant Impact.*** The intent and purpose of the project is to replace a failed retaining wall that will subsequently prevent further erosion and sedimentation below the Fair-Anslem shopping center into San Anselmo Creek. Therefore the completion of the project will be a benefit to the San Anselmo Creek and limit impact to habitats and resources of significance. Construction activities are anticipated to occur for a two to three summer months, thus further limiting potential impacts related to the project. There are no long-term or cumulative impacts associated with the project that are considered significant, therefore the impact is considered less than significant.

c) ***No Impact*** The proposed project will not cause substantial adverse environmental effects on human beings, either directly or indirectly.

Impact	Mitigation Measures	Compliance Requirements	Timing/Implementation	Verification (Date and Initials)
CUL-1: Based on the presence of a prehistoric site deposits within the project area boundaries and the recent discovery of human remains near the vicinity of the project area, the project includes the following requirements.	1) Prior to construction, the midden deposit within the San Anselmo Creek Stabilization project area will be subject to subsurface examination to (a) determine the horizontal and vertical extent of the deposit; (b) attempt to determine if the site deposit is intact or redeposited; and, (c) record the midden constituents. Auger bores or shovel probes will be used for subsurface investigation due to the obvious soilcolor difference of the midden soil and the steepness of the creek bank. This will be conducted at the east end of the project area where midden soils were observed and at the west end, which offered limited surface visibility. The exploration would take place in the Area of Direct Impact where subsurface disturbance is planned. The subsurface exploration results should be included in a site record update for site P-21-02620 as well as a report. If significant deposits are discovered, or if the site is found to be eligible for the CRHR, then a treatment plan will be developed to mitigate the effects of the San Anselmo Creek Stabilization project on the site. 2) Where appropriate depending on the depth of the cut and its location, sensitive areas will be monitored by a qualified archaeologist during subsurface excavation. 3) The landowners will be required to continue consultation with potential Native American stakeholders regarding the treatment of finds and particularly regarding the treatment of human remains if they are encountered.	Project sponsor shall conduct archived records search, contact local Native American tribe and contact qualified archeologist in the event that resources are discovered during construction.	Pre-construction, during construction	

	4) Prior to the initiation of construction or ground-disturbing activities, all construction personnel will be alerted to the possibility of buried cultural remains, which include prehistoric and/or historic materials. Personnel will be instructed that, upon discovery of buried cultural materials not identified in the subsurface exploration phase, work in the immediate area of the find must be halted and the landowner and the Town of Fairfax notified. Once the find has been identified, the landowner and the Town of Fairfax should make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts to the find(s) if they are found to be significant or eligible for the CRHR. 5) If buried human remains are encountered during construction, work in that area will be halted, and the Marin County Coroner must be notified immediately. If the remains are determined to be Native American, the Native American Heritage Commission (NAHC) will be notified within 24 hours as required by Public Resources Code 5097. The NAHC will determine and notify a designated Most Likely Descendant who will provide recommendations for the treatment of the remains within 48 hours of being granted access to the site. The landowner will be required to take steps to ensure that the site of discovery is not disturbed until plans for treatment are agreed upon by all parties.			

GEO-1: The potential for strong seismic shaking at the project site is high	A licensed geotechnical engineer has reviewed the plans and specification for the project during design to confirm the intent of the geotechnical recommendations provided in the MPEG report have been incorporated, and if needed, suggest supplemental recommendations. A licensed geotechnical engineer shall also be present during construction to observe and/or test site preparation and grading. The engineer shall also observe excavation for the structures and associated improvements to confirm that the soils encountered during construction are consistent with the design criteria outlined in the MPEG report	Project sponsor will retain a qualified structural geotechnical engineer	During construction	
GEO-2: The potential for strong seismic shaking at the project site is high	Mitigation measures include structural evaluation of the existing foundation piers to ensure adequate support for the structure should localized liquefaction occur during a seismic event. Retaining walls should also be supported on deep foundations, such as drilled cast-in-place piers. Foundation recommendations and design criteria are discussed in more detail in Section V of the MPEG report.	Project sponsor will retain a qualified structural geotechnical engineer	Prior to obtaining building permits	
GEO-3: The project could contribute to expansive or unstable soils creating substantial risks on-site or off-site geologic hazards	Mitigation measures include designing the new improvements in accordance with the most recent provisions of the California Building Code (2007 CBC). Implementation of bank stabilization measures as indicated by the project design conceptual plans will increase stability in the vicinity of the project site. Implementation of the site specific seismic coefficients presented in Section V of the MPEG report will ensure proper bank stabilization.	Project sponsor will retain a qualified structural geotechnical engineer	Prior to obtaining building permits	
N-O.1: Construction activities may expose persons to noise generations or	1. Diesel trucks used to haul excavated and project materials should stay as far from the creek bank and shopping center as feasible, and they should be turned off during waiting and material loading	Project sponsor	Prior to obtaining building permits. During construction period	

groundboure vibrations in excess of acceptable standards.	in the parking lot. 2. Choose construction equipment that is of quiet design, has a high-quality muffler system, and is well maintained. This includes trucks used to haul materials. 3. Install superior mufflers and engine enclosure panels as needed on gas, diesel or pneumatic machines. 4. Erect temporary plywood enclosures between the parking lot motorized equipment area and the west end of the Fair-Anselm Shopping Center. 5. Restrict construction hours to 8 am to 5 pm. 6. Eliminate idling of machines when not in use. 7. Locate motorized equipment as far from sensitive receptors as possible.			