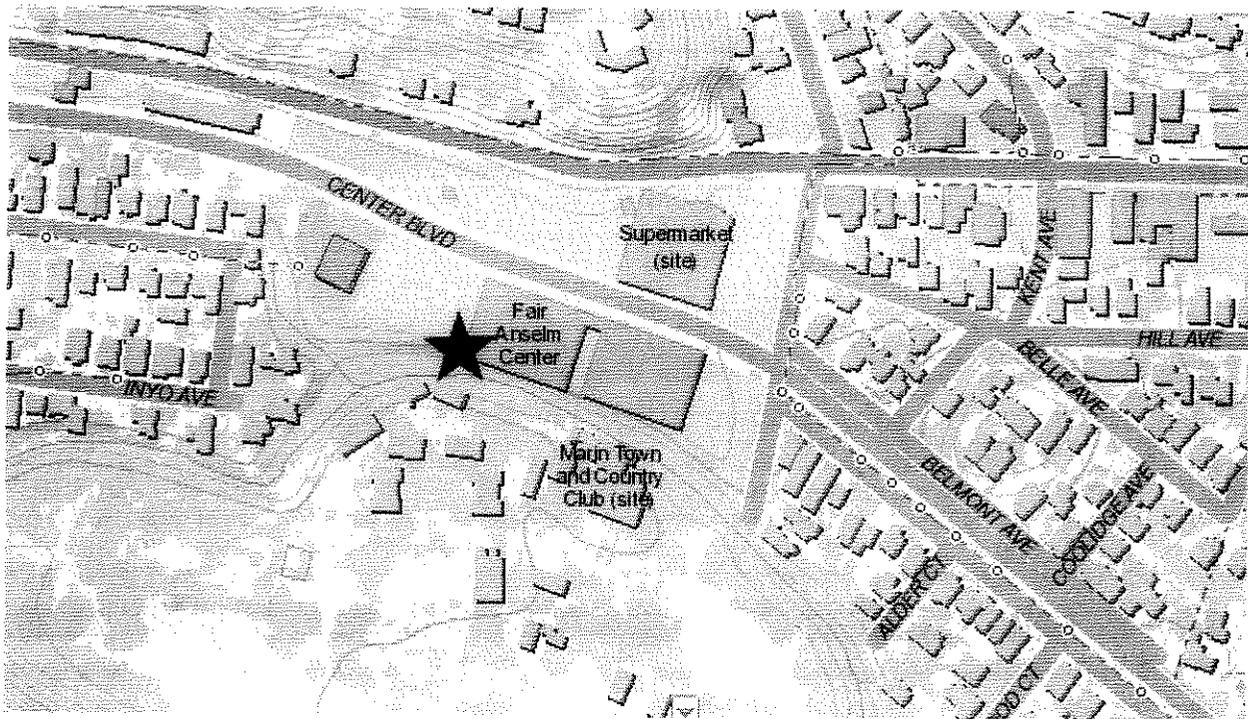


**TOWN OF FAIRFAX  
STAFF REPORT  
Department of Planning and Building Services**

**TO:** Fairfax Planning Commission  
**DATE:** February 21, 2013  
**FROM:** Jim Moore, Director of Planning and Building Services  
LAK Associates, Contract Planner  
**LOCATION:** 731-771 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:**  
**CEQA STATUS:** Mitigated Negative Declaration



**731-771 Center Boulevard**

## **BACKGROUND**

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.

### **DISCUSSION:**

The purpose of this public hearing is to allow the Planning Commission to review the Initial Study and Draft Mitigated Negative Declaration (MND) for the Fair Anselm Creek Bank Restoration at 731-771 Center Boulevard. The existing retaining wall below the Fair Anselm shopping center is damaged and degrading. Flood hazards in Fairfax are ever present; upgrading the retaining wall will prevent the continual erosion and subsequent downstream creek sedimentation. Furthermore, replacing the retaining wall is a means to protect the Fair Anselm shopping center and the community from further impacts associated with storm and flood events. The upgrade of this infrastructure is consistent with the newly adopted Fairfax General Plan 2010-30.

The Initial Study/MND has determined that there are no potential impacts that would be considered significant. Several potential environmental issues, including potential biological impacts, can be reduced to a less significant level by incorporating mitigation suggested by the Applicant's consultants. The list of mitigation measures has been included as conditions of approval.

Staff recommends the Commission close the public comment period and move to approve the Initial Study and Mitigated Negative Declaration.

### **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 be constructed within the required 20 foot setback from San Anselmo Creek.
6. 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.
7. The Fair-Anselm Creek Bank Stabilization at 731 to 771 Center Boulevard will be compatible with the Bay Area Air Quality Management District plan.
8. The Fair-Anselm Creek Bank Stabilization at 731 to 771 Center Boulevard will have no substantial adverse effect on sensitive biological resources.
9. The Fair-Anselm Creek Bank Stabilization at 731 to 771 Center Boulevard will not cause a substantial adverse effect on cultural or historical resources.
10. The Fair-Anselm Creek Bank Stabilization at 731 to 771 Center Boulevard will not expose people to substantial adverse geological events.
11. 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.

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

## **RECOMMENDATION**

1. Open the Public Hearing and take testimony.
2. Close the Public Hearing.
3. Move to adopt Resolution No. 13-01 approving the Creek Setback Variance for the Fair-Anselm Creek Restoration Project (731-771 Center Blvd) and Recommending that the Fairfax Town Council approve the Initial Study and adopt the Mitigated Negative Declaration for the Project Including all the Mitigation Measures Enumerated in the Initial Study/Mitigated Negative Declaration.

## **ATTACHMENTS**

1. Revised Final Fair-Anselm Creek Bank Stabilization Project Initial Study, September 14, 2012
2. RD Architecture, *Response to comments per Commissioner Coler email dated September 18, 2012,*
3. *Air Quality Impact Study for Fair Anselm Creek Stabilization Project, Fairfax CA, June 12, 2012, Ballard & Watkins Construction Services*
4. *Biological Assessment for a Bank Stabilization Project at 700-799 Center Blvd (Fair-Anselm) Fairfax, California, A.A. Rich and Associates, March 7, 2012*
5. Pacific Legacy, *Incorporated Report, titled Cultural Resource Recommendations Regarding 720 Center Blvd., Fairfax, CA, dated June 17, 2011*
6. Miller Pacific Engineering Group, *Geotechnical Investigation, Fair-Anselm Plaza, September 28, 2009*
7. Environmental Consulting Services, *titled Noise Study for Fair-Anselm Center Creek Stabilization Project 731 Center Boulevard, Fairfax, CA, dated July 29, 2011*
8. *Traffic/ Parking Impact Study For Fair-Anselm Creek Bank Stabilization Project, Ballard & Watkins, April 19, 2012*
9. *Traffic Impact Analysis for Good Earth Market Fairfax, California, KD Anderson & Associates, Inc., March 1, 2011*
10. Department of Fish and Game, *Fair-Anselm Center Creek Stabilization Project 731 to 771 Center Boulevard, Draft Mitigated negative Declaration, SCH #2012072056, Fairfax, CA, dated August 21, 2012*
11. Department of Toxic Substances Control, *Fair-Anselm Creek Bank Stabilization Project; Review of Initial Study/Mitigated Negative Declaration, December 14, 2012*

**RESOLUTION NO. 13-01  
APPLICATION NO. 12-27**

**A Resolution of the Fairfax Planning Commission Approving the Creek Setback Variance for the Fair-Anselm Creek Restoration Project (731-771 Center Blvd) and Recommending that the Fairfax Town Council approve the Initial Study and adopt the Mitigated Negative Declaration for the Project Including all the Mitigation Measures Enumerated in the Initial Study/Mitigated Negative Declaration**

**WHEREAS**, the Town of Fairfax has received an application to replace an existing eroding creek bank under the Fair Anselm Shopping Center and a failing retaining wall along the westernmost parking lot at 731 to 771 Center Boulevard (the "Project"); and

**WHEREAS**, the Planning Commission held a duly noticed Public Hearing on February 21<sup>st</sup>, 2013 at which time all interested parties were given a full opportunity to be heard and to present evidence; and

**WHEREAS**, the applicant has met the burden of proof required to support the requested Creek Setback Variance discretionary permit and has shown that potential environmental impacts can be mitigated to a level of insignificance;

**NOW, THEREFORE BE IT RESOLVED**, the Fairfax Planning Commission hereby finds and determines as follows:

1. The proposed restoration is consistent with the 2010 - 2030 Fairfax General Plan as follows:

Policy S-2.1.1: Development and land use decisions will be made using the best available hydrological and flood hazard information. ***The creek repair has been designed using the best available hydrologic information and has been reviewed and accepted by the California Department of Fish and Game, the Army Corps of Engineers and the Regional Water Quality Control Board.***

Policy S-2.1.5: The Town of Fairfax will reduce community risk and vulnerability to flooding by maintaining and improving creek and hillside drainage systems. ***A compromised and unstable creek bank will be stabilized and a failing retaining wall will be replaced with a more environmentally friendly structure that includes re-vegetation of some of the lower creek bank area.***

2. The restoration and stabilization plan is consistent with the goals and objectives of the Fairfax General Plan and the intent of the Central Commercial Zone District where the project is located; and

3. The potential environmental impacts from the Project can be mitigated to a level of insignificance; and

4. The Fair Anselm Creek Bank Restoration Project (731-771 Center Blvd) Initial Study included in Exhibit A, complies with Public Resources Code Section 21080(c); and

5. The project complies with Town Code Chapter 8.28, "**Watercourses**", and mitigation measures are included that ensure compliance with Town Code Chapter 8.32, "**Urban Runoff Pollution Prevention**", during and after construction; and

6. The proposed retaining wall complies with the Zoning Ordinance, Town Code § 17.040.040(A), "**Setbacks; Structures Adjacent to Fairfax and San Anselmo Creeks**", based on the Planning Commission approving a Creek Setback Variance for the structure.

**Now, Therefore**, the Planning Commission of the Town of Fairfax does hereby resolve as follows:

After careful consideration of the site plan, engineering drawings, Initial Study, Draft Negative Declaration and other exhibits submitted in connection with this matter, the Commission hereby approves the proposed project.

The foregoing resolution was adopted at a regular meeting of the Fairfax Planning Commission, held in said Town, on the 21<sup>st</sup> day of February, 2013, by the following vote:

AYES:

NOES:

ABSTAIN:

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Planning Commission Chair

Attest:

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Jim Moore  
Director of Planning and Building Services