

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

I. INTRODUCTION

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

II. PROJECT INFORMATION

A. APPROVED PROJECT

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

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

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

B. PROPOSED PROJECT

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

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

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

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

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

III. ANALYSIS

A. CEQA FRAMEWORK

Section 15164 of the California Environmental Quality Act (CEQA) Guidelines allows for a lead agency to prepare an addendum to an adopted negative declaration or environmental impact report (EIR) if only minor technical changes or additions are necessary or if none of the conditions described in § 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. Pursuant to 14 C.C.R. § 15162, no subsequent negative declaration shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project that will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or,
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

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

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

B. REVIEW OF ENVIRONMENTAL IMPACTS AND DETERMINATION

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

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

- (1) Substantial changes are proposed in the project that will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

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

- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

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

environmental effects or a substantial increase in the severity of previously identified significant effects.

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

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

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

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

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

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

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

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

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

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

IV. CONCLUSION

Having evaluated the potential environmental impacts of the proposed Project, it has been determined that its implementation would not constitute a substantial change to the original project; involve new or more severe significant environmental effects than the project studied in the MND; require major revisions to the MND based on new or more severe environmental impacts; or impose new or more severe impacts than were considered in the MND. Thus, this Addendum satisfies the requirements of CEQA. 14 C.C.R. §§ 15162 and 15164.

V. REFERENCES

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

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

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

Ordinance XX-XX	Summary of proposed Town Code amendments (the “Proposed Project”)	Source of applicable General Plan dictate (from the “Approved Project”)
Section 1	Amends the list of zoning districts in which a Medical Marijuana Dispensary may be allowed to reflect deletion of CH zoning district.	Figure LU-2 (‘Fairfax Zoning Map’) which contains no CH zoned properties and identifies all properties previously zoned as CH as being rezoned CC. In addition, Program LU-7.1.1.2 directs that all properties within the Town zoned CH be rezoned to CC.
Section 2	Revises the list of established zoning districts in Town to (a) delete the Commercial Highway – CH zone, (b) correct the name of the Service Commercial – CS zone, and (c) add the Public Domain – PD zone	Figure LU-2 (‘Fairfax Zoning Map’), which (a) contains no CH zoned properties and identifies all properties previously zoned as CH as being rezoned CC, (b) references the CS zone, and (c) references the PD zone. In addition, Program LU-7.1.1.2 directs that all properties within the Town zoned CH be rezoned to CC.
Section 3	Amends the zoning ordinance to reflect that, in the event of a discrepancy between the designation of land on the zoning map as being within a particular zone and the designation of land in the list of parcels comprising each zoning district, the zoning map shall control.	Figure LU-2 (‘Fairfax Zoning Map’).
Section 4	Adds new zoning section 17.012.170 to reflect inclusion of PD zoning district	Figure LU-2 (‘Fairfax Zoning Map’).
Section 5	Corrects list of APN’s listed in RS-7.5 zoning district	Figure LU-2 (‘Fairfax Zoning Map’).
Section 6	Corrects list of APN’s listed in RM zoning district	Figure LU-2 (‘Fairfax Zoning Map’).
Section 7	Corrects list of APN’s listed in CL zoning district	Figure LU-2 (‘Fairfax Zoning Map’).
Section 8	Revises the zoning ordinance to reflect the deletion of the CH zone and the reservation of this section for future use.	Figure LU-2 (‘Fairfax Zoning Map’) which contains no CH zoned properties and identifies all properties previously zoned as CH as being rezoned CC.
Section 9	Amends the list of parcels included in	Figure LU-2 (‘Fairfax Zoning Map’)

Ordinance XX-XX	Summary of proposed Town Code amendments (the “Proposed Project”)	Source of applicable General Plan dictate (from the “Approved Project”)
	the CC zone to include those parcels previously included in the CH zone.	which contains no CH zoned properties and identifies all properties previously zoned as CH as being rezoned CC. In addition, Program LU-7.1.1.2 directs that all properties within the Town zoned CH be rezoned to CC.
Section 10	Lists the parcels included in the PDD zoning district.	Figure LU-2 (‘Fairfax Zoning Map’).
Section 11	Lists the parcels included in the UR zoning district.	Figure LU-2 (‘Fairfax Zoning Map’).
Section 12	Lists the parcels included in the PD zoning district.	Figure LU-2 (‘Fairfax Zoning Map’).
Section 13	Amends the list of zoning districts within which design review shall be required to delete reference to CH zone.	Figure LU-2 (‘Fairfax Zoning Map’) which contains no CH zoned properties and identifies all properties previously zoned as CH as being rezoned CC. In addition, Program LU-7.1.1.2 directs that all properties within the Town zoned CH be rezoned to CC.
Section 14	Revises the purpose of the CL zone to delete reference to providing for uses “which may have difficulty in finding a proper location in the highway commercial zone.”	Figure LU-2 (‘Fairfax Zoning Map’) which contains no CH zoned properties and identifies all properties previously zoned as CH as being rezoned CC. In addition, Program LU-7.1.1.2 directs that all properties within the Town zoned CH be rezoned to CC.
Section 15	Revises the zoning ordinance to reflect the deletion of the CH zone and the reservation of this section for future use.	Figure LU-2 (‘Fairfax Zoning Map’) which contains no CH zoned properties and identifies all properties previously zoned as CH as being rezoned CC. In addition, Program LU-7.1.1.2 directs that all properties within the Town zoned CH be rezoned to CC.
Section 16	Corrects the name of the Service Commercial – CS zoning district with no substantive amendment	Figure LU-2 (‘Fairfax Zoning Map’), which references the Service Commercial zoning district.
Section 17	Corrects the name of the Service Commercial – CS zoning district with	Figure LU-2 (‘Fairfax Zoning Map’), which references the Service

Ordinance XX-XX	Summary of proposed Town Code amendments (the “Proposed Project”)	Source of applicable General Plan dictate (from the “Approved Project”)
	no substantive amendment	Commercial zoning district.
Section 18	Adds the use and development standards for the PD zone.	Figure LU-2 (‘Fairfax Zoning Map’), which includes the PD zone.
Section 19	Adopts as the official Zoning Map that map shown in Figure LU-2 of the General Plan.	Figure LU-2 (‘Fairfax Zoning Map’).