

**TOWN OF FAIRFAX  
STAFF REPORT**

**To:** Planning Commission & Affordable Housing Committee

**From:** Jim Moore, Director of Planning & Building Services

**Date:** May 11, 2015

**Subject:** Consideration of the proposed 2015 update to the Housing Element of the Fairfax General Plan for the Cycle #5 RHNA (2015 -2013 Planning Period) and Addendum to the CEQA Mitigated Negative Declaration (MND) and adoption of a resolution recommending the Town Council adopt the 2015 Housing Element update and approve Addendum to the CEQA MND.

**BACKGROUND**

At the **January 14, 2015** Town Council meeting, staff presented a detailed description of the public participatory process that occurred during the latter part of last year (e.g., 2014), conducted toward updating the Housing Element to address the Cycle #5 RHNA for the 2015 – 2013 planning period (please see the archived staff report to Town Council, dated January 14, 2015 on the Town’s website at townoffairfax.org for further details).

At the **January 14, 2015** the Town Council meeting the Council directed staff to hold a publically noticed Housing Element Update pre-draft “Workshop” on **January 22, 2015**. The Workshop was noticed as a joint meeting of the Town Council, Planning Commission, General Plan Implementation Committee and Affordable Housing Committee: Two identical sessions were offered to accommodate the public’s schedule – one from 5:00 pm to 6:45 pm, and the second one from 7:00 pm until 8:45 pm.

On **February 25, 2015** the Planning Commission (PC) at a joint meeting with the Town’s Affordable Housing Committee (AHC) reviewed and made further edits the draft 2015 Housing Element update and then adopted Resolution #15-05 recommending that the Town Council direct staff to submit the 2015 Housing Element update as edited to HCD for review.

On **March 18, 2015**, the Town Council adopted Resolution 15-06 directing the Director of Planning & Building Services to submit the 2015 update to the Housing Element of the Fairfax 2010 – 2030 General Plan for the Cycle #5 Regional Housing Needs Allocation for the 2015 – 2023 planning period to the California Department of Housing and Community Development (HCD) for review.

In summary, the draft 2015 Housing Element update sent to HCD for review sought to address the new RHNA requirements by:

- (1) The “rolling-over” of existing Opportunity Sites within existing Housing Element, and
- (2) The addition of 17 second units (new or informal) into the unit count.

**DISCUSSION**

The draft 2015 Housing Element update was sent to HCD for review on **March 24, 2015**: and after a telephone conference call on **April 23, 2015** between Town staff, Town consultants and

HCD staff – minor additional revisions were sent to HCD on **April 24, 2015** (see **Exhibit A**). The minor revisions involved:

- (1) Adding narrative language as to the Town’s “Outreach to Lower Income and Special Needs Households”;
- (2) adding qualifying language to Programs H-2.1.1.1, H-2.1.1.2 and H-4.1.1.6 as to Town putting specific development standards in place for the proposed 3.24 acres of two new Planned Development District (PDD) zoned sites (e.g., two acres of the Lutheran Church site at 2626 Sir Francis Drake Boulevard and 10 Olema); and
- (3) In Program H-2.1.1.1 waiving the rezoning fees for the Lutheran Church site if an application is submitted prior to the Town initiating the rezoning to PDD as called for in the updated Housing Element.

On **May 4, 2015** staff received the formal HCD review letter (**Exhibit B**) articulating that the draft 2015 Housing Element, along with the additional minor revisions, will meet the statutory requirements of State housing element law (Article 10.6 of the Government Code) once the Town has amended its zoning ordinance to permit year-round emergency shelters without discretionary action pursuant to GC Section 65583(a)(4)(A) as amended by Senate Bill 2 (Chapter 633, Statutes of 2007). The Town Council approved an ordinance meeting these requirements on May 6, 2015.

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

Further, the HCD letter articulates that to remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the Town must adopt its housing element within 120 calendar days from the statutory due date of January 31, 2015 for ABAG localities (e.g., by May 31, 2015).

### **CEQA REVIEW**

An Addendum to the original 2012 Initial Study / Mitigated Negative Declaration (IS/MND) completed for the 2010 – 2030 General Plan & Housing Element has been prepared to analyze the environmental impacts of the Housing Element update (attached as **Exhibit D**). This Addendum incorporates the mitigation measures included in the 2012 IS/MND. With this Addendum, the Proposed Project would still be within the framework of the evaluation for the Original Project as documented in the 2012 IS/MND.

Please note: Among other things, this Addendum reviews the effects of adding 17 informal second units in various locations throughout the Town and the development of up to 6,000 square feet of new specialty retail space on the site of the existing Fairfax Market in the area designated as Westside Commercial (Opportunity Site #3) in the Housing Element – under the second story residential units previously modeled for this area (that was previously unintentionally left out).

### **RECOMMENDATION**

- 1) Conduct the public hearing
- 2) Adopt a resolution recommending the Town Council adopt the draft 2015 Housing Element

update and approve the Addendum to the Mitigated Negative Declaration.

**ATTACHMENTS**

Exhibit A – Final Revisions Letter to HCD dated April 24, 2015

Exhibit B – HCD Review Letter

Exhibit C – Updated 2015 Housing Element

Exhibit D – Addendum to the Mitigated Negative Declaration and Mitigated Negative Declaration

Exhibit E – Resolution #15-14



**To:** Melinda Coy, HCD  
**From:** Amy Sinsheimer, PMC  
**CC:** Jim Moore and Garrett Toy, Town of Fairfax  
**Date:** April 24, 2015  
**Re:** Fairfax Housing Element: Proposed Revisions

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This memo provides proposed revisions to the draft Town of Fairfax Housing Element (submitted to HCD on March 24th, 2015) based on a discussion with HCD on April 23<sup>rd</sup>, 2015. The page numbers referenced below are the page numbers in the March 24th Draft. New and replacement text is shown in red text below. Deleted text is shown in strikethrough and red when needed.

**Page H-4, Public Process**

**Public Process**

Public involvement is an essential component of the traditional fabric of the Fairfax community going back several generations. The Town remains committed to involving all segments of the community in its planning practices.

***Affordable Housing Committee/Planning Commission Meeting – Project Initiation***

Public involvement is an essential component of the traditional fabric of the Fairfax community going back several generations. The Affordable Housing Committee was established by Town Resolution in 2008 “to advise the Town Council on matters relating to affordable housing in Fairfax.” The committee is made up of four community members and two members of the Town Council. Several of the community members bring expertise to the committee on nonprofit affordable housing development. The committee meetings are publicly noticed and open to the public. The Affordable Housing Committee’s accomplishments include leading the site capacity studies on the Christ Lutheran Church and 10 Olema Road opportunity sites. The committee was also integral in the process of pursuing the rezoning of the Highway Commercial (CH) zone to Central Commercial (CC) during the recent General Plan update.

The Town held a joint Affordable Housing Committee/Planning Commission meeting on November 25, 2014. Town staff reported on the events since the adoption of the 2007–2014 Housing Element and the proposed approach and requirements for the 2015–2023 Housing Element update. The purpose of the meeting was to let the Affordable Housing Committee and Planning Commission know that the update was being initiated. The meeting was open to the public but was not noticed as a Housing Element workshop. Comments from the Affordable Housing Committee and Planning Commission included questions about the requirement to address the remaining 2007–2014 regional housing needs allocation (RHNA) because of the status of the Zoning Map, the schedule for the Housing Element update, and other questions about specifics of state Housing Element law related to AB 1233. The joint meeting was broadcast live over the internet and through the local cable TV provider and archival video of the session is available on the Town’s website. Nine members of the public were in attendance at the meeting. One member of the public presented questions about implementation of the second unit programs from the 2007–2014 Housing Element and encouraged the inclusion of Junior second units in the update.

### ***Outreach to Lower Income and Special Needs Households***

When the Town noticed the public workshops and hearings on the Housing Element update the Town went to great lengths to reach out to the low-income services providers countywide. Table B-33 provides a list of those service providers contacted and their facilities and services/

Importantly, during the public hearings on the update many low-income persons came forward and made public statements about their individual challenges with finding truly affordable housing in Fairfax and/or in the county, the wide affordability gap for extremely low and very low income households in Fairfax, the desire for smaller units that could truly be more affordable for individuals as well as for families, and how most folks that work in Fairfax commute out.

Further, the town's Affordable Housing Committee members represent a valuable skill set and cross-section of the Town. As mentioned above, the Committee consists of two members of the Town Council and four at-large members from the community. Included from the Town Council is the Mayor, who also sits on the County's Community Development Block Grant (CDBG) committee – and who has been instrumental in securing the generous allocations toward the Christ Lutheran Church senior housing project. The community members on the Committee include a renowned consulting planner who helped build his own residence in Fairfax many years ago in a novel "sweat-equity" project and has been professionally involved in several affordable housing projects, a real estate broker who serves on a local realty committee to address affordable housing and who is co-chair of the Fairfax Chamber of Commerce, a licensed family therapist who often deals with the issue of displacement in her practice, and an attorney who advises many municipalities and/or entities on how to best serve the most needy. Specifically this attorney has 20 years of experience working on the issue of homelessness. As a national technical assistance provider funded by HUD, he helps communities across the country to strengthen their homeless assistance systems, Continuum of Care (CoC) programs, and Homeless Management Information Systems (HMIS). In California, he advises cities, counties, and nonprofit agencies on effective approaches for resolving homelessness. For example, he recently wrote Santa Cruz County's new strategic homelessness plan, called All In: Toward a Home for Every Santa Cruz County Resident. In addition, he has raised extensive funds from government and private sources for Homeward Bound of Marin's housing programs, while advising that agency on best practices for permanent supportive housing, rapid rehousing, and workforce development for homeless people.

### **Page H-65, Program H-2.1.1.1**

Program H-2.1.1.1: Rezone two acres of the Christ Lutheran Church property (upon approval of subdivision of the site) at 2626 Sir Francis Drake Boulevard from UR 7 du/acre (UR-7) to PDD and thereby make it possible to accommodate a minimum of 40 units and a maximum of 41 units of senior housing. The maximum does not apply to any units granted under the State Density Bonus Law. Program H-4.1.1.5 proposes to revise the PDD district standards to require residential-only development at this Opportunity Site at a minimum of 20 units per acre and to put specific development standards in place. No discretionary review besides confirming compliance with objective design standards will be allowed on the site following rezoning. In addition, the standards will be revised to reduce the minimum acreage for this PDD parcel from 5 acres to 1 acre. If the rezoning and General Plan Amendment happens as a result of a submittal of a development application for the Christ Lutheran Church site the Town will cover the costs of the rezone and General Plan Amendment.

Responsibility: Planning and Building Services

Schedule: Complete rezone by January 31, 2016

Funding Source: General Fund

**Page H-65, Program H-2.1.1.2**

Program H-2.1.1.2: Rezone 10 Olema Road, the old "Mandarin Garden" restaurant site, from CL to PDD and thereby make it possible to accommodate a minimum of 22 units and a maximum of 23 units of workforce housing. The maximum does not apply to any units granted under the State Density Bonus Law. Program H-4.1.1.5 proposes to revise the PDD district standards to require residential-only development in the PDD zone on two specific Opportunity Sites (e.g., this Site and two acres of the Christ Lutheran Church Site at 2626 Sir Francis Drake Boulevard only) at a minimum of 20 units per acre and to put specific development standards in place. No discretionary review besides confirming compliance with objective design standards will be allowed on the site following rezoning. In addition, the standards will be revised to reduce the minimum acreage for a PDD parcel from 5 acres to 1 acre.

Responsibility: Planning Commission, Planning and Building Services

Schedule: Complete rezone by January 31, 2016

Funding Source: General Fund

**Page H-76, Program H-4.1.1.6**

Program H-4.1.1.6 *Land Monitoring Program to Meet the RHNA.* The Town will implement a land monitoring program to ensure that the Town has enough land to meet its RHNA, throughout the planning period. The Town has identified two sites (10 Olema Road and two acres of the Christ Lutheran Church) to meet its current and previous planning period lower-income RHNA numbers. The PDD zone district standards will be amended for two of these sites (10 Olema Road and a portion of the Christ Lutheran Church site) to require a minimum of 20 and a maximum of 21 dwelling units per acre. The maximum does not apply to any units granted under the State Density Bonus Law. The Town will continue to maintain a list of available sites during the planning period. This program will ensure that two Opportunity Sites (10 Olema Road and two acres of the Christ Lutheran Church) are rezoned to appropriate minimum densities, and will identify additional sites to be rezoned if any of the proposed sites cannot be rezoned.

All rezoned sites will permit owner-occupied and rental multi-family developments without a conditional use permit or any other discretionary review for allowing the housing units (though design review will still occur and development standards will still be reviewed). The two Opportunity Sites (10 Olema Road and two acres of the Christ Lutheran Church) will accommodate a minimum of 20 units and a maximum of 21 units per acre and at least 16 units per site, per state law requirements. The maximum does not apply to any units granted under the State

Density Bonus Law. In addition, the Town will ensure that at least 50 percent of its lower- income RHNA shortfall is accommodated on sites designated for exclusively residential uses.

Responsibility: Planning and Building Services

Schedule: Monitor 2015 and annually thereafter; maintain list of sites throughout the 2015–2023 planning period

Funding Source: General Fund

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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May 4, 2015

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

Dear Mr. Moore:

**RE: Review of the Town of Fairfax's 5<sup>th</sup> Cycle (2015-2023) Draft Housing Element**

Thank you for submitting the Town of Fairfax's revised draft housing element update which was received for review on March 24, 2015, along with additional revisions received on April 28, 2015. Pursuant to Government Code Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by a telephone conversation on April 23, 2015 with you, Mr. Garrett Toy, Town Manager, and Ms. Jennifer Gastelum and Ms. Amy Sinsheimer, the Town's consultants. In addition, the Department considered comments from the Law Office of David Grabill pursuant to Government Code Section 65585(c).

The draft element meets most of the statutory requirements of State housing element law (Article 10.6 of the Government Code). The Department cannot find the element in full compliance until Fairfax amends its zoning ordinance to permit year-round emergency shelters without discretionary action pursuant to GC Section 65583(a)(4)(A) as amended by Senate Bill 2 (Chapter 633, Statutes of 2007). Program H-2.1.6.1, identified in the previous element, committed the Town to amend the zoning ordinance to permit emergency shelters in the Central Commercial and Public Domain zones without discretionary action within one year from adoption of the 4th cycle housing element. As noted in the current element on page H-41, this program has not been implemented. The element will comply with housing element law once the Town has completed these zoning amendments and submitted the adopted element to the Department pursuant to GC Section 65585(g).

The element now identifies adequate sites to accommodate Fairfax's regional housing need for lower-income households demonstrated by Programs H-2.1.1.1 and H-2.1.1.2. This program commits to rezone at least 3.24 acres to PDD with specific development standards by January 31, 2016 allowing for multifamily uses by-right with minimum densities of 20 units per acre to address the identified shortfall of 62 units. Please be aware, for the element to continue to demonstrate adequate sites after January 31, 2016, the Town must complete program actions. Pursuant to GC Section 65584.09, a jurisdiction that failed to identify or make available adequate sites to accommodate all of the previous cycle's housing need must zone or rezone adequate sites to accommodate all of the previous cycle's unmet housing need within the first year of the next housing element cycle.

**EXHIBIT # B**



To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the Town must adopt its housing element within 120 calendar days from the statutory due date of January 31, 2015 for ABAG localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit the Department's website at: [http://www.hcd.ca.gov/hpd/hrc/plan/he/he\\_review\\_adoptionsteps110812.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the Town must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

The Department appreciates the hard work and dedication of Ms. Sinsheimer in preparation of the housing element and looks forward to receiving Fairfax's adopted housing element. If you have any questions or need additional technical assistance, please contact Melinda Coy, of our staff, at (916) 263-7425.

Sincerely,



Glen A. Campora  
Assistant Deputy Director

**ADDENDUM  
CEQA INITIAL STUDY  
MITIGATED NEGATIVE DECLARATION**

**TOWN OF FAIRFAX  
HOUSING ELEMENT**

Prepared for:

The Town of Fairfax  
Department of Planning & Building Services  
142 Bolinas Road  
Fairfax, California 94940

Prepared by:

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May 2015

**EXHIBIT # D**

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## I. INTRODUCTION

### A. DETERMINATION

This document consists of an Addendum to the October 2012 Initial Study/Mitigated Negative Declaration (2012 IS/MND originally prepared for the Town of Fairfax 2010-2030 General Plan (hereafter referred to as the Original Project). This Addendum evaluates whether modifications/refinements to the Original Project (hereafter referred to as the Proposed Project) would result in any new or substantially more adverse significant effects or require any new mitigation measures not identified in the 2012 IS/MND. This addendum also incorporates the 2013 IS/MND for the 2013 Housing Element

This Addendum consists of the development of up to 6,000 square feet of new specialty retail space on the site of the existing Fairfax Market in the area designated as Westside Commercial in the General Plan, and 17 informal second units in various locations throughout the Town.

This Addendum verifies that the analyses and conclusions in the 2012 IS/MND for the 2010-2030 General Plan remain current and valid. The proposed revisions to the Original Project, in the form of new specialty retail space and acknowledgement of 17 exiting second units would not cause any new significant effects not identified in the 2012 IS/MND nor increase the level of any environmental effect to substantial or significant. As a result, no new mitigation measures would be required to reduce significant effects. No change has occurred with respect to circumstances surrounding the Proposed Project that would cause new or substantially more severe significant environmental effects that were identified in the 2012 IS/MND. In addition, no new information has become available that indicates that the Proposed Project would cause new or substantially more severe significant environmental effects that have not already been analyzed in the 2012 IS/MND. Therefore, no further environmental review is required beyond this Addendum.

This Addendum incorporates the mitigation measures included in the 2012 IS/MND. With this Addendum, the Proposed Project would still be within the framework of the evaluation for the Original Project as documented in the 2012 IS/MND.

### B. BACKGROUND

The Original Project was formally evaluated in the 2012/IS/MND for the Fairfax General Plan approved by the Town Council in April 2012. The 2012 IS/MND was prepared pursuant to the California Environmental Quality Act (CEQA) and adopted by the Town Council of the Town of Fairfax.

Detailed discussions of the additional development potential for the Fairfax Market site and the recognition of 17 informal second units were not evaluated in the 2012 IS/MND, which necessitates subsequent environmental review/determination under CEQA. Section 15164(b) of the CEQA Guidelines states that an Addendum to an adopted Mitigated Negative

Declaration may be prepared if only minor changes or additions are necessary or none of the conditions described in Section 15162 (further described below under Section 1.C) apply.

The Town of Fairfax is the Lead Agency under CEQA and has prepared this Addendum to address the potential environment impacts of implementing the Proposed Project.

### **C. PURPOSE OF THIS ADDENDUM**

The purpose of this Addendum is to evaluate whether the Proposed Project as currently defined would result in any new or substantially greater significant effects or require any new mitigation measures not identified in the 2012 IS/MND for the Original Project. This Addendum, together with the 2012 IS/MND will be used by the Town when considering approval of the Proposed Project.

### **D. CEQA GUIDELINES FOR THE ADDENDUM**

For the Proposed Project, State CEQA Guidelines (Section 15162 and 15164) provide that an Addendum to an adopted MND may be prepared if only minor technical changes or additions are necessary or none of the following conditions calling for the preparation of a subsequent MND have occurred:

- Substantial changes in the project that require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes with respect to the circumstances under which the project is undertaken that require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of MND adoption, shows any of the following:
  - i) the project will have one or more significant effects not discussed in the MND.
  - ii) the project will result in impacts substantially more severe than those disclosed in the MND.
  - iii) the 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 proponent declines to adopt the mitigation measure or alternative, or

- iv) mitigation measures or alternatives that are considerably different from those analyzed in the MND would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternative.

The purpose of this Addendum is to evaluate the Proposed Project as modifications to the 2012 IS/MND for the Original Project and to demonstrate that the Proposed Project does not trigger any of the conditions described above. Based on the analysis provided below, an Addendum to the 2012 IS/MND is the appropriate CEQA document.

## **II. PROJECT INFORMATION**

### **A. SUMMARY OF ORIGINAL PROJECT**

#### **Project Location**

The 2012 IS/MND assessed the Fairfax General Plan, which encompassed the entire area of the Town, including the area of the Proposed Project.

#### **Project Details**

The Town Council, by resolution, approved the 2012 IS/MND for the Original Project. The IS/MND evaluated the environmental effects associated with the development potential of six opportunity sites including the Westside Commercial area, which would allow 20 units of affordable housing. Informal second units are scattered throughout the Town.

The 2010-2030 General Plan land use designation for the Westside Commercial is Central Commercial (CC). The adjacent General Plan land uses are residential and commercial.

### **B. SUMMARY OF PROPOSED PROJECT**

#### **Project Location**

The specialty retail component of the Proposed Project is located along a portion of Sir Francis Drake Boulevard at the west end of the Town's commercial area. The 17 informal second units are located in unspecified areas throughout the Town.

#### **Project Details**

Consistent with the Original Project, the Proposed Project would result in the development of 6,000 square feet of specialty retail uses on an existing commercial site, and recognition of 17 heretofore informal second units in unspecified locations throughout the Town.

### **C. COMPARISON OF ORIGINAL AND PROPOSED PROJECT**

The 2012 IS/MND evaluated the Original Project, including the development potential for the Westside Commercial area. The Proposed Project would develop 6,000 square feet of specialty retail space, and recognize 17 informal second units.

The Proposed Project differs from the Original Project in that more detailed information about the development potential has been generated. As described above, the Proposed Project would add a limited amount of specialty retail space, to an area that is already developed for commercial uses, including parking, and 17 informal second units that already exist throughout the Town.

## **Air Quality**

Section II of the 2012 IS/MND analyzed the impacts to air quality associated with implementation of the Original Project. Ambient air quality has basically remained unchanged since the approval of the 2012 IS/MND. The Original Project would not conflict with the latest Clean Air planning efforts as (1) the Original Project will have emissions well below the BAAQMD thresholds; (2) The Original Project will not interfere with implementation of control measures included in the Climate Action Plan; and (3) the Original Project includes policies and programs that support control measures that reduce air pollutants and GHG emissions, especially those aimed at reducing transportation-related emissions.

The Proposed Project differs from the Original Project in that it includes detailed information regarding development of an additional 6,000 square feet of specialty retail space at Opportunity Site #3 (Westside Commercial). In addition, 17 informal second units would be legalized by 2030. The potential effects to air quality are included in the analysis of the base conditions for the Original Project.

## **Transportation/Traffic**

Section XV of the 2012 IS/MND described the existing traffic conditions and analyzed the effects associated with implementation of the Original Project. The 2012 IS/MND identified potentially significant effects, including adverse effects to 17 signalized and unsignalized intersections in the Town. The 2012 IS/MND included mitigation measures for those effects identified as potentially significant and concluded that with incorporation of two mitigation measures, the Original Project would not result in significant impacts.

In evaluating the Proposed Project and the base conditions in 2012, Parisi Transportation Consulting reviewed the previous transportation and traffic analyses, analyzed the effect of the new development potential and prepared a letter report stating that the potential impacts from the more detailed land use information would result in less than one percent increase to the existing and 2030 projected roadway infrastructure.



### **III. ANALYSIS OF POTENTIAL ENVIRONMENT EFFECTS**

This section includes a discussion of the key topics and related environmental effects of the Original Project and the Proposed Project: Traffic/Transportation, Air Quality and Greenhouse Gas Emissions. This Addendum summarizes the remaining Initial Study Checklist topics in the sequence that they are addressed in the 2012 IS/MND and compares the Original Project and the Proposed Project. This section concludes by acknowledging that the mitigation measures from the 2012 IS/MND remain intact.

#### **A. KEY TOPICS ANALYZED WITH THE PROPOSED PROJECT**

##### **1. Air Quality/Greenhouse Gas**

Section II of the 2012 IS/MND analyzed the impacts to air quality and greenhouse gas associated with implementation of the Original Project. This analysis considered changes to air pollutant and greenhouse gas emissions associated with redevelopment in the Town as well as issues associated with exposure to toxic air contaminants (TACs) and odors. With the exception of identifying potential conflicts between land uses that include sources of odors and residential uses, no significant impacts were identified. Mitigation was identified that would avoid significant odor issues.

The Bay Area Air Quality Management District (BAAQMD) has made two regulatory revisions to the BAAQMD CEQA Guidelines were adopted in May 2012 providing new and updated thresholds for analyzing air quality impacts.

The only air quality or greenhouse gas emission effect associated with adding 6,000 square feet of additional retail space to the Westside Commercial area would be to potentially increase emissions associated with the Town's 2010-2030 General Plan Update. The air pollutant emissions associated with the General Plan Update were well below the significance thresholds for annual and daily emissions. Impacts with greenhouse gas emissions were evaluated based on an emission efficiency metric of 4.6 tons per year per capita. This is the emissions predicted under the Plan divided by the number of residents and workers. The Town's 2010-2030 General Plan Update would result in annual emissions of 3.04 metric tons per capita. This was well below the significance threshold. The addition of 6,000 square feet of retail space and 17 apartment-type residential units would result in minor emissions that would not affect the conclusions of the previous assessment that greenhouse gas emissions associated with the 2010-2030 General Plan Update would be below the threshold of 4.6 metric tons per year per capita. Air pollutant emissions would also remain below the significance thresholds.

##### **2. Transportation/Traffic**

Section XV of the 2012 IS/MND analyzed impacts to transportation and traffic associated with implementation of the Original Project. The 2012 IS/MND identified potential impacts to the signalized and unsignalized intersections in the Town using the 2000 Highway Capacity

Manual HCM). This analysis provided estimates of saturation, flow, capacity, delay, level of service, and back of vehicle queue by lane group for each approach. The resulting traffic operations for the existing plus opportunity sites scenario would be similar to those under existing conditions for most of the study intersections. Redevelopment of the opportunity sites, including the Westside Commercial would not result in any of the 17 study intersections degrading from LOS D or better conditions to LOS E or F conditions based on current traffic levels or those expected in the year 2030.

The Original Project included up to 28,075 square feet of specialty retail within Opportunity Site #3, the Westside Commercial area. And background traffic growth of 10 percent along Sir Francis Drake Boulevard and five percent growth along other Town of Fairfax roadways by 2030.

The Proposed Project differs from the Original Project as it includes up to 6,000 square feet of additional retail within Opportunity Site #3 and the legalizing of 17 second units spread throughout the Town. The 2015 IS/MND Addendum concluded that the traffic that could be generated by 17 informal second units by 2030 would be reasonably accounted for within the previously estimated growth in the background traffic levels, the additional 6,000 square feet of specialty retail use at Opportunity Site #3 would be estimated to generate 27 additional weekday AM peak hour vehicle trips and 20 additional weekday PM peak hour trips.

Distributing the additional peak hour vehicle trips to nearby roadways would result in an increase of critical intersection turning movements by less than one percent compared to the 2030 forecast conditions. The 2030 intersection level of service results would remain consistent with the 2012 IS/MND.

## **B. OTHER TOPICS EVALUATED IN THE 2012 IS/MND**

### **1. Aesthetics**

Section I of the 2012 IS/MND analyzed effects on aesthetic resources. The Proposed Project, like the Original Project, does not include any details of the proposed commercial development, or the unpermitted existing units. No visual impacts were identified, and therefore no mitigation was deemed appropriate by the 2012 IS/MND.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

### **2. Agricultural Resources**

Section II of the 2012 IS/MND analyzed effects on agricultural resources. No effects were identified. The Proposed Project would take place on a site already disturbed by urban development. The site is not used for agriculture or forest uses nor is it zoned for those purposes. Therefore, implementation of the Proposed Project would not result in the conversion of

agricultural or forest land, nor would it conflict with existing zoning for these purposes or a Williamson Act contract.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

### **3. Biological Resources**

Section IV of the 2012 IS/MND analyzed impacts to biological resources associated with implementation of the Original Project. The Town identified the need to protect special status species that occur in areas throughout the Town. None were located in the site for the Proposed Project. The Original Project does not designate development opportunities on sites where special status species occur.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

### **4. Cultural Resources**

Section V of the 2012 IS/MND analyzed impacts to cultural resources associated with the Original Project. The IS/MND identified potential impacts to known archaeological deposits, paleontological resources and human remains. None of the identified resources are in the area defined by the Proposed Project. No new impacts are identified by the Addendum. The policies and programs of Goal CON-8.1 identified in the 2012 IS/MND would ensure that any impacts would be reduced to a less than significant level.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

### **5. Geology and Soils**

Section VI of the 2012 IS/MND analyzed the geological, seismic, and soil conditions in the Town. Potential significant effects related to geological, seismic, and soil conditions are less than significant, or less than significant with mitigation. The Proposed Project is identical to the Original Project in this case. Similar to the Original Project, the new commercial component of the Proposed Project would be constructed in compliance with applicable construction codes and requirements. By applying General Plan Goal S-1 and Policy S-1.1.1, as well as the current California Building Code rules and regulations, and Mitigation Measure GEO-1 the effects related to potential substantial adverse effects, including the risk of loss, injury, or death involving fault rupture, strong seismic shaking, liquefaction, expansive soils and landslides can be mitigated to less than significant.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

## **6. Hazards and Hazardous Materials**

Section VII of the 2012 IS/MND analyzed the risks associated with hazards and hazardous materials in Fairfax. The Town is at risk from urban and wildland fires. The Original Project includes Land Use and Safety Elements, the goals, policies and programs that are intended to improve standards of living and minimize effects related to incompatible land uses and hazards or hazardous materials. The effects of the Original Project are considered either less than significant or having no impact. The Proposed Project is subject to the same goals, policies and programs as the Original Project.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

## **7. Hydrology and Water Quality**

Section VIII of the 2012 IS/MND analyzed effects to hydrology and water quality associated with implementation of the Original Project. The 2012 IS/MND determined that the Original Project would have a less than significant effect on water quality standards and waste discharge requirements. Compliance with the requirements of the National Pollution Discharge Elimination System (NPDES) General Permit and the Town of Fairfax Building Code will reduce the potential water quality effects, including soil erosion, to a less than significant level. The Original Project will not result in the depletion of local groundwater supplies or interfere substantially with the groundwater recharge. Implementation of the Original Project will not result in any significant chain to the overall drainage pattern for the Town. Similar to the Original Project, the Proposed Project would not substantially increase rain wash from the project sites during storm events, impact groundwater recharge or result in substantial changes to existing drainage pattern.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

## **8. Land Use Planning**

Section IX of the 2012 IS/MND analyzed the effects to land use planning associated with implementing the Original Project. No new planning documents have been adopted since the adoption of the 2012 IS/MND. The Original Project and the Proposed Project will not divide an established community. The Town does not have a formal habitat conservation plan or natural community conservation plan, therefore implementing either the Original Project or the Proposed Project would have no impact on such plans. The Original Project identified residential development in the Westside Commercial area, but did not specify expansion of the commercial uses. The Proposed Project would result in an additional 6,000 square feet of commercial uses directly adjacent to an existing commercial use. The 17 informal second uses already exist scattered throughout the Town. Neither the Original Project nor the Proposed Project would have a significant adverse effect on land use planning.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

## **9. Mineral Resources**

Section X of the 2012 IS/MND analyzed the potential for adverse effects to mineral resources. There are no known mineral resources located in Fairfax. The Potential Project would not result in the loss of availability of a known mineral resource.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

## **10. Noise**

Section XI of the 2012 IS/MND analyzed the noise effects related to implementation of the Original Project. The 2012 IS/MND identified no significant noise impacts that cannot be mitigated with commonly used mitigation measures. Under the Original Project, new noise-sensitive land uses may be developed along major roadway corridors (e.g. Sir Francis Drake Boulevard). Residential developments are considered among the most noise-sensitive land uses. High density/mixed use residential and commercial developments are less noise sensitive because these uses are primarily indoors, and noise levels can be mitigated with building design and construction.

As described in the 2012 IS/MND, construction activities may require demolition of existing structures, site preparation, excavation, foundation work and framing that would result infrequent periods of high noise. This noise would not be sustained and would occur only during the temporary construction period, resulting in a less than significant noise impact. Construction of the Proposed Project would be in the same area analyzed by the 2012 IS/MND and would use the same construction techniques.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

## **11. Population and Housing**

Section XII of the 2012 IS/MND analyzed the effects of population and housing associated with implementation of the Original Project. The IS/MND identified no areas of potential effect. Similar to the Original Project, the Proposed Project would not induce substantial growth, displace any existing housing units or people and would not necessitate the construction of replacement housing elsewhere.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

## **12. Public Services**

Section XIII of the 2012 IS/MND analyzed the effects to public services associated with the implementation of the Original Project. The IS/MND identified no areas of potential effect.

Similar to the Original Project, the Proposed Project would not result in any substantial need for increased public services, including fire, police and other emergency services. The Proposed Project would not result in any substantial local or regional population increase. Therefore, the Proposed Project would not require construction of any new schools, or result in schools exceeding their capacities.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

### **13. Recreation**

Section XIV of the 2012 IS/MND analyzed the effects to recreation. Implementing the Original Project would not represent a substantial increase in environmental impacts to warrant mitigation, and would not result in the physical deterioration of neighborhoods or recreation facilities. The Original Project would not result in a substantial increase in residents or visitors to the Town and no additional demand for recreational facilities. Similarly, the Proposed Project would not have an adverse physical effect on the environment.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

### **14. Utilities and Service Systems**

Section XVI of the 2012 IS/MND analyzed effects to utilities and service systems associated with implementation of the Original Project. The 2012 IS/MND determined that the Original Project has a less than significant effect on wastewater service systems. The Proposed Project would result in a slight increase in wastewater generated by the increased commercial space. The 17 informal second units already contribute to the wastewater flow. The Proposed Project would not require the construction of new waste water or water facilities or the expansion of existing facilities.

The 2012 IS/MND determined that the Original Project would have a less than significant effect on existing storm water facilities. Similarly, the Proposed Project would not have an adverse effect on the existing system.

The 2012 IS/MND determined that the Original Project does not directly involve the removal of material with specific need of landfill disposal. Goal CON-7 of the Original Project is designed to reduce waste material generated by the Town's residents, businesses and government. Implementation of the Original Project will be influenced by the policies and programs under Goal CON-7 limiting the amount sent to local landfills. Similar to the Original Project, the Proposed Project will be subject to the same policies and programs, and the effects will be less than significant.

*No new or substantially more severe significant effects would occur and no additional mitigation measures are required.*

## **15. Mandatory Findings of Significance**

Section XVII of the 2012 IS/MND addressed mandatory findings of significance associated with the Original Project. Mitigation measures were recommended for the Original Project in Section III Air Quality to reduce the potential effects of odor; Section VI Geology and Soils to reduce the potential effects from seismic shaking; Section XI Noise to reduce potential construction noise; and Section XV Transportation/Traffic to reduce the potential effects on level of service. All of the Mitigation Measures reduce the effects to less than significant. Like the Original Project, the Proposed Project would be required to comply with these mitigation measures. Implementation of the Mitigation Measures discussed in the 2012 IS/MND would ensure that the effects associated with the Proposed Project would be less than significant.

### **C. MITIGATION MEASURES**

The 2012 IS/MND identified mitigation measures that would reduce or eliminate potential environmental effects of the Original Project. All of the mitigation measures approved for the Original Project would apply to the Proposed Project, and are indicated as such below.

#### **I. Aesthetics**

No mitigation measures needed for the Original or the Proposed Project.

#### **II. Agriculture**

No mitigation measures needed for the Original or the Proposed Project.

#### **III. Air Quality**

**Mitigation Measure AIR-1** would remain the same with the Proposed Project.

#### **IV. Biology**

No mitigation measures needed for the Original or the Proposed Project.

#### **V. Cultural Resources**

No mitigation measures needed for the Original or the Proposed Project.

#### **VI. Geology and Soils**

**Mitigation Measure GEO-1** would remain the same with the Proposed Project.

#### **VII. Hazards and Hazardous Materials**

No mitigation measures needed for the Original or the Proposed Project.

**VIII. Hydrology and Water Quality**

No mitigation measures needed for the Original or the Proposed Project.

**IX. Land Use and Planning**

No mitigation measures needed for the Original or the Proposed Project.

**X. Mineral Resources**

No mitigation measures needed for the Original or the Proposed Project.

**XI. Noise**

**Mitigation Measure Noise-1** would remain the same with the Proposed Project.

**Mitigation Measure Noise-2** would remain the same with the Proposed Project.

**XII. Population and Housing**

No mitigation measures needed for the Original or the Proposed Project.

**XIII. Public Services**

No mitigation measures needed for the Original or the Proposed Project.

**XIV. Recreation**

No mitigation measures needed for the Original or the Proposed Project.

**XV. Transportation/Traffic**

**Mitigation Measure TRAF-1** would remain the same with the Proposed Project.

**XVI. Utilities and Service Systems**

No mitigation measures needed for the Original or the Proposed Project.



## IV. CONCLUSION

On the basis of the evaluation presented in Section III, the changes within the Proposed Project would not trigger any of the conditions list in Section I.D of the Addendum, requiring preparation of a subsequent or supplemental environmental Impact report or negative declaration. Therefore, this Addendum satisfies the requirements of CEQA Guidelines Sections 15162 and 15164. The Proposed Project does not introduce new significant environmental effects, substantially increase the severity of previously identified significant effects, or show that mitigation measures or alternatives previously found not to be feasible would in fact be feasible.

Overall, the Proposed Project would result in effects similar to those of the Original Project with similar operations to those that were originally proposed and would therefore generate comparable effects. The Proposed Project would not result in new significant effects or effects that would be substantially more severe than those identified in the 2012 IS/MND. The mitigation measures included in the 2012 IS/MND that specifically apply to the Proposed Project would remain applicable.

The analyses and conclusions in the 2012 IS/MND remain current and valid. The proposed revisions to the project, as described for the Proposed Project, would not cause new or substantially more severe effects than identified in the 2012 IS/MND and thus no new mitigation measures would be required. No change has occurred with respect to circumstances surrounding the Proposed Project that would cause new or substantially more severe significant environmental effects than identified in the 2012 IS/MND, and no new information has become available that shows that shows that the project would cause significant environmental effects not already analyzed in the 2012 IS/MND. Therefore, no further environmental review is required beyond this Addendum to the 2012 IS/MND.

## V. REFERENCES

Town of Fairfax 2010-2030 General Plan, April 2012

Addendum to a Mitigated Negative Declaration, 2013

Letter report Parisi Associates, February 17, 2015

Letter report Illingworth & Rodkin, February 17, 2015

# **ILLINGWORTH & RODKIN, INC.**

**Acoustics • Air Quality**

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February 17, 2015  
Updated May 6, 2015

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

Via Email: [jmoore@townoffairfax.org](mailto:jmoore@townoffairfax.org)

**Subject: General Plan Air Quality and Greenhouse Gas Emissions Impact Analysis with Amended Land Uses**

Dear Mr. Moore:

In 2012, Illingworth & Rodkin, Inc. evaluated air quality and greenhouse gas emission impacts for the Town's 2010-2030 General Plan Update. This evaluation considered changes to air pollutant and greenhouse gas emissions associated with redevelopment in the Town as well as issues associated with exposure to toxic air contaminants (TACs) and odors. With the exception of identifying potential conflicts between land uses that include sources of odors and residential uses, no significant impacts were identified. Mitigation was identified to avoid significant odor issues.

We understand that the Town may amend the Housing Element to include up to 6,000 square feet of additional retail land uses within one of the opportunity sites ("Site #3 – Westside Commercial") and add 17 additional second residential units that would be spread throughout the Town. The only air quality or greenhouse gas emission effect this would have would be to potentially increase emissions associated with the Town's 2010-2030 General Plan Update. The air pollutant emissions associated with the general plan update were well below the significance thresholds for annual and daily emissions. Impacts with greenhouse gas emissions were evaluated based on meeting an emissions efficiency metric of 4.6 metric tons per year per capita. This is the emissions predicted under the plan divided by the number of residents and workers. The Town's 2010-2030 General Plan Update effect was found to be below the significance threshold.

This analysis was revisited to account for the most recent updates and minor changes that have occurred with the Housing Element. This update also used BAAQMD's latest recommended analysis methods and emissions model, CalEEMod version 2013.2.2. The modeling included the addition of all new General Plan and Housing Element land uses and the removal of commercial uses at the School Plaza Site to accommodate a new school use. The addition of new uses results in slight increases to emissions that would not affect the conclusions of the previous assessment that greenhouse gas emissions associated with the 2010-2030 General Plan Update would be below the threshold of 4.6 metric tons per year per capita. Air pollutant emissions would also remain well below the significance thresholds. The calculations supporting this conclusion are attached.

James Moore  
 Town of Fairfax  
 February 17, 2015  
 Updated May 6, 2015 - Page 2

Please note that this is a screening analysis and does not include refined inputs that account for reductions in emissions attributable to Town policies and requirements. In 2014, the Town adopted a Climate Action Plan that includes Town-specific measures to reduce GHG emissions by 8 percent that are in addition to the State implemented measures, such that the total reduction would be 27 percent. Much of these reductions will be achieved through implementation on new construction projects.

This concludes our analysis of updates to the Town's 2010-2030 General Plan.

Sincerely,

James A. Reyff  
 Principal,  
 Illingworth & Rodkin, Inc.

11-183

Attachment: CalEEMod Emissions Summary

Fairfax General Plan Update - Opportunity Sites					
Fairfax, CA					
Emissions from CalEEMod2013:					
Modeled Scenario	Total Exhaust/Evaporative Emissions				GHG
	ROG	NOx	PM10	PM2.5	(metric tons)
<b>Emissions in tons per year</b>					
Addition of new uses	1.9	1.8	1.38	0.42	1792
Removal of Commercial uses	-0.42	-0.55	-0.43	-0.12	-478
<b>Total</b>	<b>1.48</b>	<b>1.25</b>	<b>0.95</b>	<b>0.3</b>	<b>1,314</b>
<i>BAAQMD Thresholds (tons/year)</i>	<i>10</i>	<i>10</i>	<i>15</i>	<i>10</i>	<i>1,100</i>
<b>GHG Emissions Per Capita</b>					<b>4.22</b>
Annual Emissions					1,314 metric tons per CalEEMod 2013.2.2
Population - seniors					88 = 40 apts * 2 person/unit (includes workers)
Population - new residents					198 = 101 net new condos/apts at 1.96 people/unit*
School workers					34 = 1 worker per 11.6 students (100 students + 300 students)**
New workers					52 = 15,500 sf net new retail at 1 worker/300sf
Removed workers					-61 = -18,196 sf * 1 worker/300 sf
* based on <a href="http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk">http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk</a>					
** based on <a href="http://www.ncef.org/ds/answer.cfm?StatId=25">http://www.ncef.org/ds/answer.cfm?StatId=25</a>					

May 6, 2015

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

**Subject: General Plan Traffic Impact Analysis with Amended Land Uses**

Dear Mr. Moore:

In January 2012 Parisi Transportation Consulting (Parisi) prepared the "Traffic Impact Analysis Report for the 2010-2030 General Plan" for the Town of Fairfax. The purpose of the report was to evaluate the potential traffic impacts that could occur as a result of implementing the Town of Fairfax's General Plan by 2030. The analysis forecast traffic volumes that could be generated upon redevelopment of six opportunity sites for housing affordable to a range of household types and incomes. These opportunity sites are articulated in detail in the Land Use Element and the Housing Element section of the 2010-30 General Plan and composed the basis of the traffic analysis.

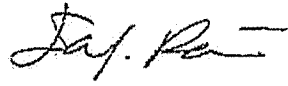
Parisi updated the analysis to include proposed land use changes per amendments made and adopted by the Town Council in October 2013 to meet State requirements, and we were recently requested by the Town of Fairfax to determine if traffic impacts would result if additional land use changes were included in a new Housing Element Update, including up to 6,000 square feet of additional retail land uses within one of the opportunity sites ("Site #3 – Westside Commercial") and 17 additional second units spread throughout the Town.

Our previous analysis had assumed a 28,075 square foot specialty retail center within Site #3 and assumed background traffic growth of 10 percent along Sir Francis Drake Boulevard and five percent along other Town of Fairfax roadways by 2030. While the traffic that could be generated by 17 additional second units by 2030 would be reasonably accounted for within the previously estimated growth in background traffic levels, the additional 6,000 square feet of specialty retail uses at Site #3 (bringing the total to 34,075 square feet) would be estimated to generated 27 additional weekday a.m. peak hour vehicle trips and 20 additional weekday p.m. peak hour vehicle trips.

When "distributing" these added peak hour vehicle trips to nearby roadways, it was estimated that the added traffic volumes would increase critical intersection turning movements by less than one percent compared to forecast 2030 conditions. Year 2030 intersection level-of-service results would remain consistent with those reported within the "Traffic Impact Analysis Report for the 2010-2030 General Plan." Therefore, the same recommendations/mitigation measures from the "Traffic Impact Analysis Report for the 2010-2030 General Plan" would pertain, and the amended land uses would still be within the framework of the evaluation for the original project as documented in the 2013 Initial Study/Mitigated Negative Declaration.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Parisi". The signature is fluid and cursive, with a horizontal line extending from the end.

David Parisi, PE, TE  
Principal

**RESOLUTION NO. 15-14**

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

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

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

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

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

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

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

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

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

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

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

**EXHIBIT #     E**

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Philip Green, Chair

Attest:

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Jim Moore, Planning Secretary