

## RESOLUTION 20-\_\_

### A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX ADOPTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION (IS/MND) AND MITIGATION MONITORING AND REPORTING PROGRAM (MMRP), AND ALTERNATELY, CEQA EXEMPTIONS, FOR THE PROPOSED MEADOW WAY BRIDGE REPLACEMENT PROJECT

**WHEREAS**, pursuant to the requirements of the California Environmental Quality Act (CEQA), the Town of Fairfax prepared an Initial Study and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) (State Clearinghouse Number 2019129045) for the 'Meadow Way Bridge Replacement Project', pursuant to Section 15060 *et seq.* and 15070 *et seq.* of the CEQA Guidelines, to analyze and mitigate the project's potentially significant environmental impacts; and

**WHEREAS**, the proposed bridge replacement project over the San Anselmo Creek at Meadow Way is consistent with the applicable Town of Fairfax General Plan policies regarding land use, circulation, conservation, health and safety, and noise; and

**WHEREAS**, through this study, it has been determined that the project does not result in any impacts that cannot be mitigated to a less-than-significant level; and

**WHEREAS**, on March 4, May 6, and continued to June 3, 2020, the Town Council of the Town of Fairfax conducted a duly noticed public hearing to consider the IS/MND and MMRP for the proposed project; considered all public testimony, written and oral, presented at said hearings; and received and considered the written information and recommendation of the staff report for the March 4, May 6, and June 3, 2020 hearings related to the proposed project; and

**WHEREAS**, the Town, in addition to consideration of adoption of the Final IS/MND, can also find the Project exempt from CEQA under one or both of the following CEQA exemptions: State CEQA Guidelines section 15269 and State CEQA Guidelines section 15302; and

**WHEREAS**, the Project is exempt under State CEQA Guidelines section 15269, which provides that "[s]pecific actions necessary to prevent or mitigate an emergency" are statutorily exempt from CEQA as the Town has become is concerned that the Bridge's collapse due to the scouring and undermining of the areas where the Bridge is attached to the banks, constitutes an imminent danger. As well, the substantially increased risk of wildfires and number of catastrophic wildfires in the Northern San Francisco Bay Area and Northern California in general, over the last three years due to the effects of climate change, pose an imminent danger of a wildfire destroying the Bridge and leaving residents of Meadow Way unable to escape the wildfire as well as firefighters unable to reach the homes on Meadow Way; and

**WHEREAS**, the Project is exempt under State CEQA Guidelines section 15302 for replacement of existing structures, as the Project replaces the existing Bridge.

**NOW, THEREFORE**, the Town Council finds and resolves the following:

1. The IS/MND and MMRP and said mitigation measures contained within the same

would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur; and

2. There is no substantial evidence in light of the whole record before the Town of Fairfax that the project may have a significant effect on the environment; and
3. The Town Council has read and considered the IS/MND and MMRP and the comments thereon, and has determined the IS/MND and MMRP reflect the independent judgment of the Town and were prepared in accordance with CEQA; and
4. The IS/MND and MMRP, all documents referenced in the same, and the record of proceedings on which the Town Council decision is based are located at Town Hall for the Town of Fairfax, located at 142 Bolinas Road, California, and are available for public review.

**NOW, THEREFORE**, based on the evidence and oral and written testimony presented at the public meeting, and based on all the information contained in the Town Hall files on the Project, the Town Council of the Town of Fairfax adopts the IS/MND and MMRP, certifying that the IS/MND and MMRP address all the impacts of the proposed 'Meadow Way Bridge Replacement Project'. The Town Council certifies in accordance with CEQA guidelines that:

1. The IS/MND and MMRP were prepared in compliance with CEQA and the CEQA guidelines;
2. The Town Council has reviewed and considered the information contained in the IS/MND and MMRP prior to approving the project;
3. The IS/MND and MMRP adequately describe the project, its environmental impacts, appropriate mitigation measures; and
4. The IS/MND and MMRP reflect the independent judgment and analysis of the Town Council.

**NOW, THEREFORE**, the Town Council also finds and resolves the following based on the evidence and oral and written testimony presented at the public meeting, and based on all the information contained in the Town Hall files on the Project: the Project is exempt under State CEQA Guidelines section 15269, which provides that "[s]pecific actions necessary to prevent or mitigate an emergency" are statutorily exempt from CEQA as the Town has become and is concerned that the Bridge's collapse due to the scouring and undermining of the areas where the Bridge is attached to the banks, constitutes an imminent danger. As well, the substantially increased risk of wildfires and number of catastrophic wildfires in the Northern San Francisco Bay Area and Northern California in general, over the last three years due to the effects of climate change, pose an imminent danger of a wildfire destroying the Bridge and leaving residents of Meadow Way unable to escape the wildfire as well as firefighters unable to reach the homes on Meadow Way.

**NOW, THEREFORE**, the Town Council also finds and resolves the following based on the evidence and oral and written testimony presented at the public meeting, and based on all the information contained in the Town Hall files on the Project: the Project is exempt under State

CEQA Guidelines section 15302 for replacement of existing structures, as the Project replaces the existing Bridge.

The foregoing resolution was duly introduced and adopted at a regular meeting of the Town Council of the Town of Fairfax held in said Town on the 3rd of June 2020, by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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RENEE GODDARD, Mayor

ATTEST: 

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Michele Gardner, Town Clerk