



TOWN OF FAIRFAX

STAFF REPORT

May 6, 2020

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager

SUBJECT: Adopt resolutions adopting the California Environmental Quality Act (CEQA) Final Initial Study and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) for the proposed Meadow Way Bridge Replacement Project and approving the Meadow Way Bridge Replacement Project

RECOMMENDATION

- 1) Conduct public hearing
- 2) Adopt resolution approving the Meadow Way Bridge Replacement Project and adopting the California Environmental Quality Act (CEQA) Final Initial Study and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) for the proposed Meadow Way Bridge Replacement Project.
- 3) Adopt resolution approving the Meadow Way Bridge Replacement Project.

BACKGROUND

In October 2013, the Council awarded a master contract to California Infrastructure Consultancy (CIC) to provide preliminary engineering, community outreach, environmental, and design services for five bridges (Canyon, Creek, Marin, Spruce, Meadow Way) in Fairfax. Meadow Way is a timber bridge located in a quiet, wooded, residential Fairfax neighborhood on Meadow Way near Cascade Drive. The bridge has been programmed for replacement by Caltrans due to its poor condition and Structurally Deficient (SD) status. The project is funded by the Federal Highway Bridge Program (HBP).

In January 2017, the Council approved the preliminary Meadow Way bridge design and authorized staff to move forward with the environmental analysis of the project which included both NEPA and CEQA.

In January 2018, the Council received a status report on the environmental assessment phase for the Meadow Way Bridge replacement project and approved an alternative “half retaining wall-half rip-rap” design. To address the neighborhood request and reduce the visible concrete surfaces, CIC developed a preliminary concept of a “half-wall-half-riprap” vs. a long retaining wall. The original wall was shortened to nearly half of its length and the rest was replaced with a natural slope below a new, shorter upper-tier wall. The natural slope from the top would be fortified with subterranean riprap and soil reinforcement elements. The slope would be planted with native riparian trees, bushes and vines, which will eventually conceal both the upper and lower walls. At the base of the slope would be a log-

rootwad revetment to stabilize the creek bed, provide environmental enhancements and improved fish habitat. At the January meeting, CIC also reported environmental studies and preliminary design in support of the studies were currently underway.

In August 2019, CIC reported at the Council meeting that Caltrans had accepted the “half retaining wall-half riprap design” and approved additional funding for the redesign.

A more detailed chronology and description of the project will be distributed Monday as a supplemental report.

DISCUSSION

WRA, Inc., as a subconsultant to CIC, prepared environmental review documents for the Meadow Way bridge replacement project pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA).

At the March 4th Council meeting, the Council opened the public hearing, received public comment, discussed the project, and continued the meeting to this date. We have prepared responses to public comments as follows:

Attachment D contains the Town’s responses to the oral and written comments made at the March 4th meeting.

Attachment E contains the Town’s responses to the Sierra Club letter dated March 31, 2020 received subsequent to the March 4th meeting.

Attachment F contains the Town’s responses to April 27, 2020 Comments from Save Fairfax RE: Meadow Way Bridge Replacement Project Initial Study/Mitigated Negative Declaration.

Attachment G contains all the written public comments received as of Friday afternoon.

The attached memorandum and responses demonstrate that the commenters fail to provide any substantial evidence of a fair argument that the Proposed Project would result in a potentially significant environmental impact that is not already addressed and mitigated in the Final IS/MND, and therefore preparation of an EIR for the Proposed Project is not warranted.

CEQA

A Draft Initial Study pursuant to CEQA was prepared for the project that addressed twenty environmental topics required by Appendix G of the CEQA Guidelines. The Draft Initial Study determined that the project could result in potentially significant impacts to the following environmental topics: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water

Quality, Noise, Transportation, Tribal Cultural Resources, and Wildfire. Mitigation measures were included in the Draft Initial Study which mitigated all of the above-referenced potentially significant impacts to a less-than-significant level. *As all potentially significant impacts could be fully mitigated, the Town, acting as the CEQA Lead Agency, can conclude that the project would qualify for a Mitigated Negative Declaration (MND) and therefore would not require the preparation of an Environmental Impact Report (EIR) pursuant to CEQA.*

On December 16, 2019 the Town released for public review the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the project pursuant to Section 15105 of the CEQA Guidelines. The public review and comment period on the Draft IS/MND began on December 16, 2019 and closed on January 22, 2020. A Notice of Availability and Intent to Adopt an IS/MND was circulated to interested parties and posted on the Town's website along with the Draft IS/MND and its Technical Appendices. The Draft IS/MND was also made available at the Town Hall lobby, located at 142 Bolinas Road, Fairfax, CA 94930. As required by CEQA, a Notice of Completion form along with copies of the Draft IS/MND were sent to the State Clearinghouse on December 16, 2019 soliciting review and comment on the report by relevant State agencies. The State Clearinghouse subsequently assigned the following State Clearinghouse Number for the Draft IS/MND: 2019129045.

In a letter to the Town dated January 24, 2020, the State Clearinghouse acknowledged that no State agencies provided comments on the Draft IS/MND and that the Town had complied with State Clearinghouse Review requirements for draft environmental documents pursuant to CEQA. The letter is available on the town's website. During the 37-day public review period, one comment letter on the Draft IS/MND was submitted to the Town by Mr. Frank Egger. A Final IS/MND was prepared to address comments provided on the Draft IS/MND. In addition to the response to comments (see Chapter 7, pg. 135), the Final IS/MND includes the Draft IS/MND (Chapters 1-6) and a Mitigation Monitoring and Reporting Program (MMRP, Chapter 8). *An EIR pursuant to CEQA is NOT warranted for the proposed project.* No edits to the Draft IS/MND were required based on the responses to comments. The Final IS/MND does not describe a project having any new or substantially more severe impacts than those identified and analyzed in the Draft IS/MND. Therefore, in accordance with CEQA Guidelines Section 15073.5, recirculation of a Draft IS/MND is not required.

The Final IS/MND notice was circulated to Mr. Egger and other interested parties on the Town's mailing list in advance of the March 4, 2020 Public Hearing on the Final IS/MND, MMRP, and project. We duly noticed the continuation of the Public Hearing on each subsequent Town Council agenda. The Final IS/MND is an informational document prepared by the Lead Agency (Town of Fairfax) that must be considered by decision-

makers before approving the project and that must reflect the Lead Agency's independent judgment and analysis (CEQA Guidelines, Section 15090).

If the Town Council approves the project the Town shall file a CEQA Notice of Determination with the County Clerk within five working days of project approval. A copy of the Notice of Determination filed by the County Clerk shall also be sent to the State Clearinghouse.

NEPA

As the project involves Federal funding it also must comply with NEPA. Caltrans Local Assistance served as the NEPA Lead Agency for the project, which started with the preparation of a Preliminary Environmental Study (PES) form and field review to determine what level of NEPA analysis would be required for the project. Caltrans Local Assistance determined that the project would likely qualify for a NEPA Categorical Exclusion (CE) with various technical reports and memorandums to support the CE (e.g., Natural Environment Study, Biological Assessment, Traffic Memo, Noise Memo, Visual Memo, Hazardous Materials Memo, etc.). This process included public outreach meetings to introduce the project to the public and relevant agencies and to assess whether any controversy may exist regarding the project. After review and comment on the various technical reports, Caltrans Local Assistance concluded that the project would qualify for a NEPA CE. In a letter to the Town dated October 1, 2019, Caltrans Local Assistance confirmed that the CE had been reviewed and approved in conformance with NEPA. The letter is available on the town's website and is also an exhibit to Attachment D.

FISCAL IMPACT

The Meadow Way Bridge is funded by the federal Highway Bridge Program (HBP) which is administered by Caltrans. The Town's share of design and environmental review costs is approximately 11.5%. Construction costs are 100% covered by HBP funds.

Please note that CEQA costs are not covered by HBP and are funded 100% by the Town. However, many of the studies prepared for NEPA were also required for the CEQA analysis. The ballpark cost for an EIR, that is not warranted or required, would range between \$100,000-\$200,000 and would delay the project by approximately 12 months.

ATTACHMENTS

- A. Resolution for IS/MND including MMRP
- B. Resolution for Project
- C. Website link to IS/MND
- D. Responses to the oral and written comments made at the March 4th meeting
- E. Responses to the Sierra Club letter dated March 31, 2020
- F. Responses to April 27, 2020 Comments from Save Fairfax
- G. All written public comments received as of Friday afternoon.