

## REVISED NOTICE OF PREPARATION

### Program Environmental Impact Report Fairfax Housing Element Update

**Date** April 3, 2023

**To** Reviewing Agencies, Interested Parties, and Organizations

**Subject** Revised Notice of Preparation of a Draft Environmental Impact Report for the Fairfax General Plan Housing Element Update and Scheduling of a Scoping Meeting on Wednesday April 19, 2023

***The Town of Fairfax circulated a Notice of Preparation (NOP) for the Project on August 26, 2022. Since that time, the inventory of sites available for housing and the projections for their realistic capacity to accommodate housing have been revised. Therefore, the Town is recirculating the Notice of Preparation and will be hosting a new Scoping Meeting. All comments previously submitted to the Town during the 2022 NOP review period (August 26, 2022 to September 25, 2022) have been retained by the Town. If you submitted comments previously, they have been retained and do not need to be resubmitted.***

The Town of Fairfax will be the Lead Agency and will prepare a programmatic Environmental Impact Report (EIR) for the Fairfax Housing Element Update (the Project). The Project, its location, and potential environmental effects are described below. Pursuant to CEQA Section 15060, the Town has determined that an EIR is required for the Project.

Public agencies and members of the general public are invited to provide comments in writing as to the scope and content of the EIR. Specifically, the Town needs to know the views of Responsible and Trustee Agencies as to the potentially significant environmental issues, reasonable alternatives, and mitigation measures that are germane to each agency's statutory responsibilities in connection with the Project. Responsible Agencies will need to use the EIR prepared by the Town when considering permit or other approval for the Project.

Due to the time limits mandated by State law, responses must be sent at the earliest possible date, but no later than the close of the NOP review period, which runs as follows: April 3, 2023 through May 2, 2023.

Please send written responses to Heather Abrams at the address shown below. Public agencies providing comments are requested to include a contact person for the agency.

**PROJECT TITLE:**

Fairfax Housing Element Update

**LEAD AGENCY CONTACT:**

Heather Abrams  
Town Manager  
142 Bolinas Road  
Fairfax, CA 94390  
Email: [habrams@townoffairfax.org](mailto:habrams@townoffairfax.org)

**PROJECT SPONSOR:**

Town of Fairfax  
142 Bolinas Road  
Fairfax, CA 94930

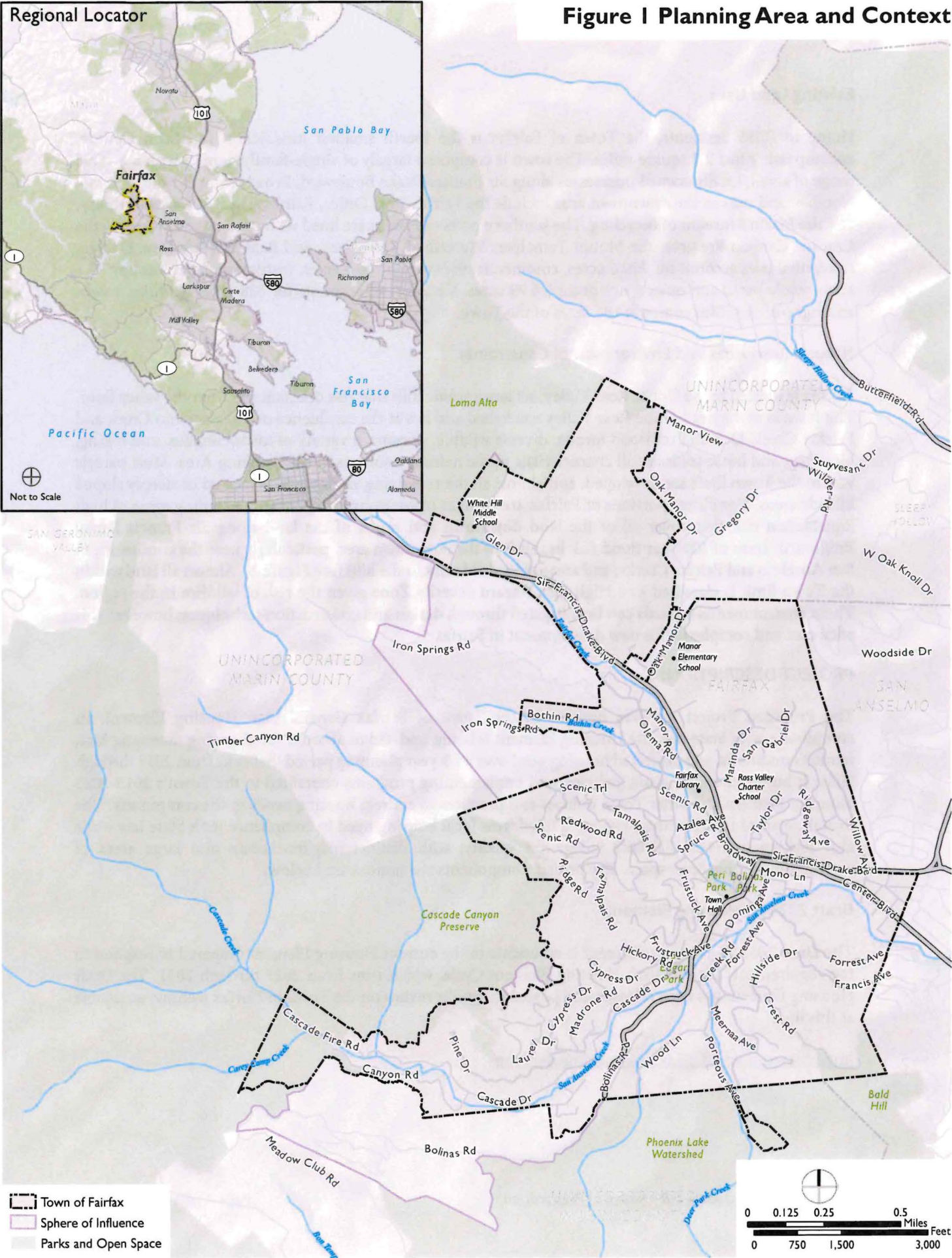
**PROJECT LOCATION AND CONTEXT:**

Nestled in the heart of Marin County at the upper end of Ross Valley, the Town of Fairfax retains its small-town charm and atmosphere. Its location provides easy access to San Francisco and the commercial corridor of Marin, while providing a close-knit feel for its residents. The valley and hills that comprise the town provide a strong sense of community and its uniqueness, which attract a strong artistic and entrepreneurial citizenry. The Town's natural setting encompasses a series of valleys, canyons, and forested hills with largely undeveloped ridgelines. Scenic and natural resources are key aspects of the community with mature trees, several creeks, including San Anselmo Creek, and extensive areas of protected open space in and around the Town. The Town of Fairfax acts as a gateway to the Point Reyes National Seashore, to West Marin with its farms and agriculture, to and Samuel P. Taylor State Park, and to recreational opportunities within the Marin Municipal Watershed District (MMWD).

**Planning Area Boundaries**

Approximately 21 miles north of San Francisco and centrally located in Marin County, Fairfax is bounded by the Town of San Anselmo to the east, census-designated place Sleepy Hollow and unincorporated Marin County to the north, the Cascade Canyon Preserve and unincorporated Fairfax to the west, and the Deer Park Wildlife Reserve to the south (see Figure 1). Sir Francis Drake Boulevard, Center Boulevard, Broadway, and Bolinas Road are the major roadways to and through the Town. Marin Transit operates bus service along Sir Francis Drake, connecting Fairfax with Ross, San Rafael, Larkspur, and the wider Bay Area. Fairfax is at the head of the Ross Valley watershed, which lies at the confluence of San Anselmo Creek and Fairfax Creek, establishing the headwaters of Corte Madera Creek.

Figure I Planning Area and Context



Sources: MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022



## **Existing Land Uses**

Home to 7,399 residents, the Town of Fairfax is the fourth smallest jurisdiction in Marin County, encompassing just 2.2 square miles. The town is composed largely of single-family homes, with a diverse range of small, locally-owned businesses along Sir Francis Drake Boulevard, Broadway, and Bolinas Road. Notable land uses in the downtown area include the Fairfax Post Office, Fairfax Theater, Fairfax Library, and the Marin Museum of Bicycling. The southern parts of Fairfax are lined with open space, including the Cascade Canyon Preserve, the Mount Tamalpais Watershed, Deer Park, and Bald Hill Preserve. Overall, residential uses account for 720.6 acres, commercial uses occupy 46.3 acres, institutional uses occupy 53.1 acres, while parks and open space occupy 4.79 acres. Vacant land accounts for 338 acres. Utilities, roads, and right-of-way uses compose 186 acres of the Town.

## **Natural Resources and Environmental Constraints**

Fairfax is located in the Upper Ross Valley, set amid scenic hills that rise dramatically from the valley floor. The town is at the head of the Ross Valley watershed and lies at the confluence of San Anselmo Creek and Fairfax Creek. Oak and redwood forests, diverse wildlife, streams, a variety of microclimates, and hiking, bicycling, and horse trails are all characteristic of the natural resources in the Planning Area. Most parcels within the Town limit are developed, and almost all the remaining vacant land is located in steeply sloped hillside areas. Significant portions of Fairfax are in areas of environmental hazard, including areas of high liquefaction risk that cover all of the land downtown and much of the land along Sir Francis Drake Boulevard; areas of 100-year flood risk in much of the downtown area, particularly near the confluence of San Anselmo and Fairfax Creeks; and areas of landslide risk in the hills (see Figure 2). Almost all land within the Town limit is classified as a High Fire Hazard Severity Zone given the risk of wildfire in the region. These environmental hazards can be mitigated through design and construction techniques; however, this adds cost and complexity for new development in Fairfax.

## **PROJECT DESCRIPTION:**

The Proposed Project involves updates to the Town of Fairfax General Plan Housing Element. In compliance with State law, the Housing Element is being updated to account for changing demographics, market conditions, and projected housing need over an 8-year planning period that runs from 2023 through 2031. It builds upon the goals, policies, and implementing programs contained in the Town's 2015-2023 Housing Element and other Town policies and practices to address housing needs in the community. The overall focus of the Housing Element is to address local housing need in compliance with State law while also seeking to retain Fairfax's village-like quality, with distinct neighborhoods, and large areas of surrounding visible open space. Key project components are summarized below.

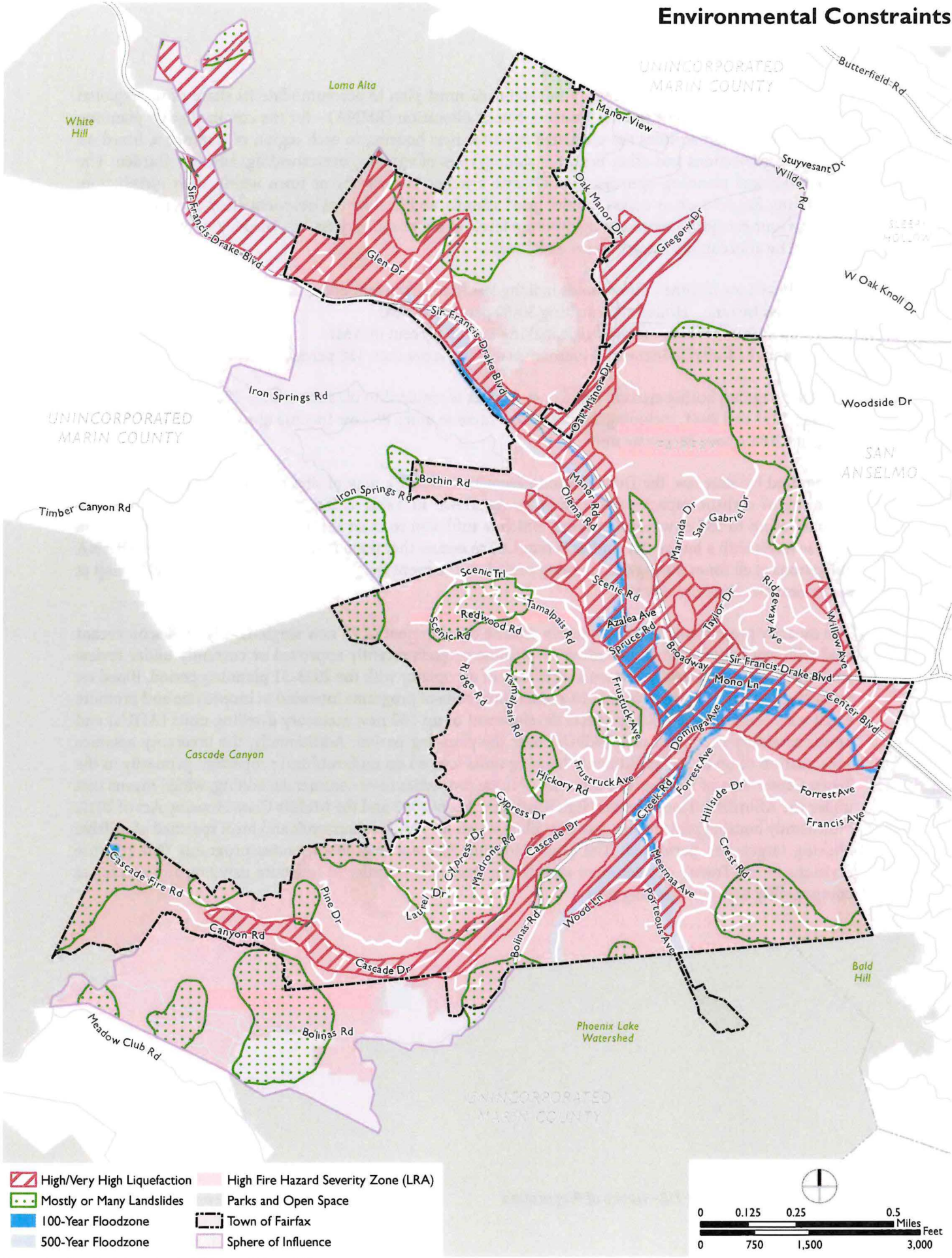
## **Draft 2023-31 Housing Element**

The Draft 2023-31 Housing Element is an update to the current Housing Element prepared to respond to the requirements for the Sixth Housing Element Cycle, which runs from 2023 through 2031. The Draft Housing Element has been released and posted for public review on the Town of Fairfax website, accessible at this link:

<https://www.townoffairfax.org/housing-element/>



Environmental Constraints



Sources: MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022



Under State law, each city and county in California must plan to accommodate its share of the regional housing need - called the Regional Housing Needs Allocation (RHNA) - for the coming 8-year planning period. The State determines the estimated need for new housing in each region of California, based on population projections and other factors including rates of vacancy, overcrowding, and cost-burden. The various regional planning agencies then allocate a target to each city or town within their jurisdiction, considering factors such as access to jobs, good schools, and healthy environmental conditions. RHNA is split into four categories representing different levels of affordability, based on median income level in the county. The affordability categories are as follows:

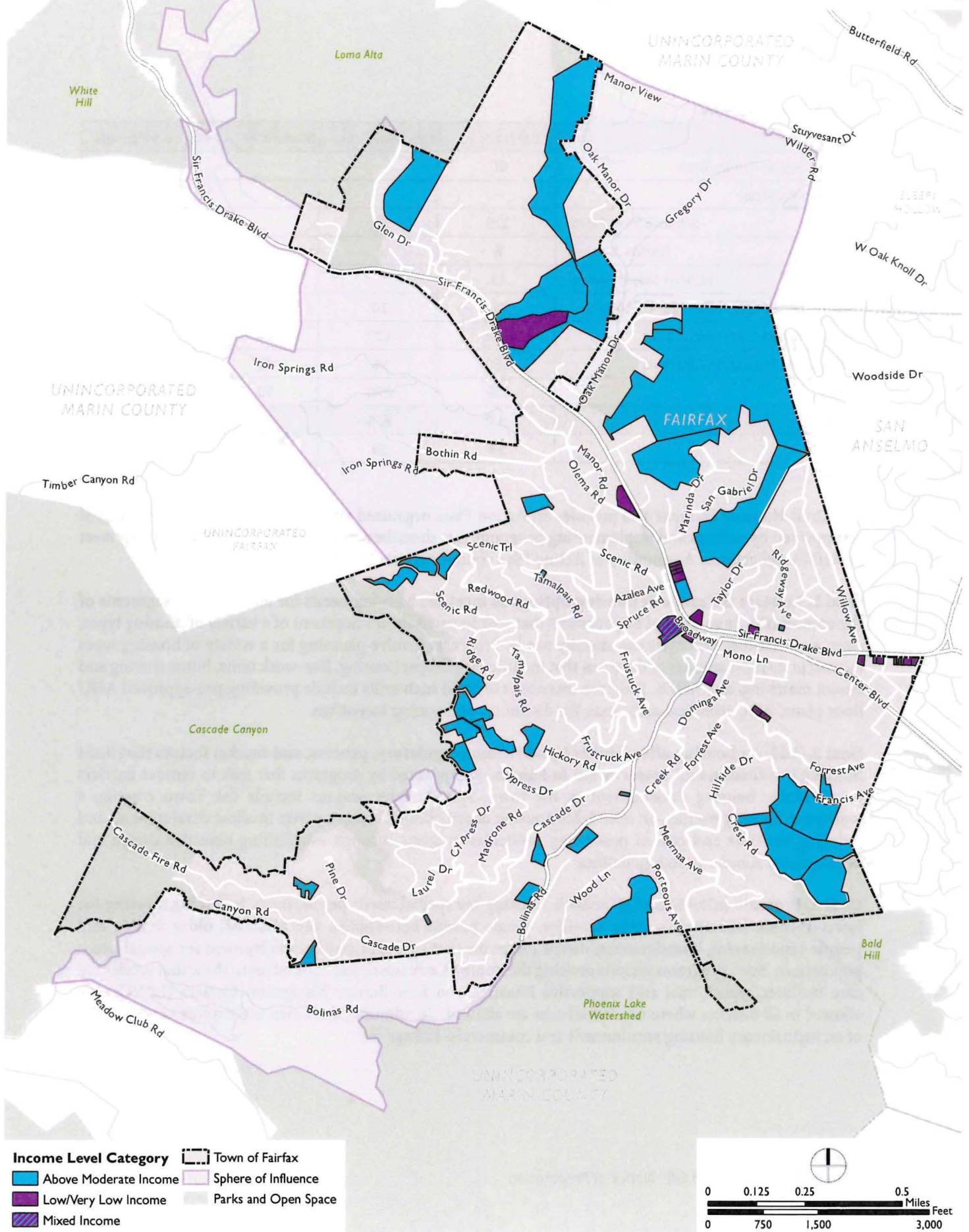
- Very Low Income - Households making less than 50 percent of the average median income (AMI)
- Low Income - Households making 50-80 percent of AMI
- Moderate Income - Households making 80-120 percent of AMI
- Above Moderate Income - Households making more than 120 percent of AMI

Amid the ongoing housing crisis in California, Fairfax is required to plan for at least 490 new housing units between 2023 and 2031, including 149 Very Low Income units, 86 Low Income units, 71 Moderate income units, and 184 Above Moderate units.

As required by State law, the Draft Housing Element includes a map of sites available for housing and an inventory of realistic capacity (see Figure 3). As shown in Table 1, the inventory demonstrates a total capacity of up to 583 new housing units, which is sufficient to meet the Town's RHNA obligations at all income levels with a buffer. The buffer is required to ensure that there is sufficient capacity to meet RHNA obligations at all times during the planning period, in the event that some sites on the inventory develop at lower densities than envisioned.

The capacity projections for the inventory assume development of 71 new single-family homes on vacant land with residential zoning, including 11 pipeline projects recently approved or currently under review and which are anticipated to receive a certificate of occupancy with the 2023-31 planning period. Based on permitting trends in Fairfax since 2018 and a robust suite of programs intended to incentivize and promote small scale housing, the Town projects development of up to 160 new accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) over the planning period. Additionally, the inventory assumes construction of up to 352 multifamily housing units located on underutilized properties, primarily in the Town Center area of Fairfax. The majority of these properties have commercial zoning, which means that under the Affordable Housing and High Road Jobs Act of 2022 and the Middle Class Housing Act of 2022, multifamily housing projects that pay prevailing wages for construction work and meet specified affordable housing targets are permitted. The Draft Housing Element also incorporates programs that propose revisions to the Town's development and design standards in order to integrate new housing and foster compatibility with surrounding uses.

**Figure 3 Sites Available for Housing**



Sources: MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022



**Table 1: Sites Inventory**

	<i>Total Units</i>	<i>Low/Very Low</i>	<i>Moderate</i>	<i>Above Moderate</i>
Vacant Single-Family Sites	60			60
Pipeline Projects				
<i>School Street Plaza</i>	175	35		140
<i>Fairfax Market</i>	8			8
<i>Various Single Family</i>	11			11
Town-Owned Sites (002-123-17/144-01)	10	10		
Underutilized Commercial Sites	159	129	30	
ADU/JADU Projection (@20/yr)	160	96	48	16
<b>Total</b>	<b>583</b>	<b>270</b>	<b>78</b>	<b>235</b>
<b>RHNA</b>	<b>490</b>	<b>235</b>	<b>71</b>	<b>184</b>
<b>Buffer</b>	<b>93</b>	<b>35</b>	<b>7</b>	<b>51</b>

The Draft Housing Element also includes an Action Plan, organized around five housing goals. Each goal is supported by policies and implementing programs that describe actions the Town will take to help meet its RHNA obligations. A summary of Action Plan contents is provided below.

**Goal 1, Increase the range of housing options to meet the housing needs for all economic segments of the community**, is supported by programs that seek to promote development of a variety of housing types, sizes, and densities that meet community needs. Programs involve planning for a variety of housing types located in mixed-use areas of the town that include shopkeeper housing, live-work units, home sharing and tenant matching, and ADUs. Program incentives to build such units include providing pre-approved ADU floor plans, ADU technical assistance, fee discounts, and zoning incentives.

**Goal 2, Address housing affordability by addressing regulatory, process, and market factors that limit housing production and preservation in Fairfax**, is supported by programs that seek to remove barriers to affordable housing development in the town. Specific interventions include the Town creating a workforce housing overlay, an affordable housing density bonus, rezoning sites to allow development, and reducing the time and cost of processing residential projects through establishing objective design and development standards and guidelines.

**Goal 3, Promote suitable and affordable housing for special needs populations, including housing for lower income households, large families, single parent households, the disabled, older adults, and people experiencing homelessness**, details programs that support housing development for special needs populations. Such programs include revising the Zoning Code use regulations tables to show that residential care facilities, transitional and supportive housing, and Low Barrier Navigation Centers (LBNCs) are allowed in all districts where residential uses are allowed. In addition, the Town will explore the feasibility of an inclusionary housing requirement and commercial linkage fee.



**Goal 4, Foster equal housing opportunity for all residents of Fairfax, regardless of race, religion, sex, marital status, ancestry, national origin, color, or ability,** is supported by programs that ensure the housing stock will better accommodate the needs of all current and future residents. The Town will encourage and facilitate affordable housing development in Fairfax by preparing information on available sites and potential opportunities for development, conducting targeted outreach to developers, providing technical assistance to developers, and exploring various sources of funding opportunities. The Town will also promote landlord participation in the Housing Choice Voucher program and facilitate awareness of fair housing information and State legislation that prohibits housing discrimination.

**Goal 5, Monitor the effectiveness of housing programs to ensure that they respond to housing needs,** is supported by programs that provide a regular monitoring and update process to assess housing needs and achievements. Programs commit the Town to annual reporting on progress toward Housing Element objectives, ensuring adequate sites are available to meet the Town's share of RHNA at all times throughout the planning period, and monitoring of ADU and JADU trends.

### **PROBABLE ENVIRONMENTAL IMPACTS OF THE PROJECT**

The EIR will fulfill CEQA requirements for environmental review of the Project. The Town has determined that an EIR is necessary following preliminary review of the project; as such, no initial study has been prepared or is required, pursuant to CEQA Guidelines Section 15063(a). The EIR will provide a programmatic environmental assessment of the potential consequences of implementing the Project, identify significant environmental impacts, and recommend feasible measures to mitigate those impacts. The EIR will also: evaluate potential cumulative and growth-inducing effects of the Project; consider and analyze alternatives to the Project; and identify the environmentally superior alternative. Consistent with the State CEQA Guidelines (Appendix G), the following environmental resource categories were analyzed:

- Aesthetics
- Agricultural and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- 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
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

All of the resource categories listed above will be considered in the EIR; however, given the local context of Fairfax, the following issues will be central to the environmental analysis:

### **Air Quality**

The proposed project could result in an increase in operational criteria air emissions through new vehicle trips generated by additional housing. Emissions increases will be evaluated against Bay Area Air Quality Management District thresholds to determine significance. The proposed project may also increase community health risks and hazards by placing sensitive receptors near existing or planned sources of toxic air contaminants or other hazardous emissions; this issue will be evaluated based on Air District guidance. Project consistency with the Bay Area Air Quality Management District's Clean Air Plan will also be evaluated.

### **Biological Resources**

Given the extent of biological resources throughout Fairfax, future development pursuant to the Proposed Project has the potential to adversely affect sensitive species, riparian habitats, sensitive communities, and federally protected wetlands. The potential presence of sensitive biological resources within the Town will be reviewed as a basis to determine whether new development on one or more of the housing opportunity sites may have potential to affect such resources. Where potential impacts are identified, programmatic biological resources mitigation measures will be identified that would apply to future individual development projects.

### **Geology and Soils**

Given the steep terrain in much of Fairfax, there is potential for landslides, particularly in wet weather months. Hillside areas in Fairfax have experienced landslides in the past. The development of housing in or adjacent to areas of geologic hazard could potentially result in significant impacts, which will be analyzed in further detail in the EIR.

### **Hazards and Hazardous Materials**

The risk of natural hazards, including flooding and wildfire, is present in Fairfax. Portions of Sir Francis Drake Boulevard, the principal evacuation route in Town, are located within the 100-year flood plain and could be obstructed in the event of a natural disaster. Further, given the extent of wildfire hazard in Fairfax, project implementation could potentially expose people and structures to risk from wildland fires. Emergency evacuation and wildfire are potentially significant impacts that will be analyzed in further detail in the EIR.

### **Noise**

Vehicle trips generated by new residential development pursuant to the Project may increase ambient noise levels in Fairfax, while construction activities may cause intermittent impacts. Construction-related noise effects and traffic noise effects will be evaluated based on Town standards and data regarding noise intensities for typical construction activities. Noise modeling will be conducted to determine if noise levels



in excess of standards established in the General Plan and Town Code could be exceeded as a result of project implementation, either cumulatively or as a result of project implementation.

### **Transportation**

According to State guidance, transportation impacts would result if home-based vehicle miles travelled (VMT) per resident under the Project are not 15 percent below baseline levels. VMT forecasts will be developed for the Project to determine if Project VMT exceeds the threshold prior to mitigation. Potentially significant impacts will be analyzed in the EIR with mitigation identified accordingly.

### **Tribal Cultural Resources**

Given the high potential for yet undiscovered tribal cultural resources in Fairfax and the ongoing tribal consultation, it cannot be definitively determined that no significant impact will result at this stage. This section will address whether the Proposed Project may have an adverse change on the significance of a tribal cultural resource.

### **Water Supply**

The project is likely to result in a net increase in water demand. As the Marin Municipal Water District is the water purveyor, information in the district's *2020 Urban Water Management Plan* will be used to quantify the projected change in demand and to evaluate whether sufficient water supply may be available to meet that demand. The *Groundwater Sustainability Plan for the Santa Rose Subbasin* was adopted in 2022. The groundwater sustainability plan will be reviewed to assess whether the project could impair implementation of the groundwater sustainability plan.

### **Wastewater**

The project is likely to result in a net increase in wastewater generation and may have potential to require new wastewater conveyance facilities, the construction of which may have environmental impacts. This potentially significant impact will be evaluated in the EIR.

### **Wildfire**

Given the extent of wildfire hazard in and adjacent to Fairfax, this section of the EIR will address whether the project would substantially impair an adopted emergency response plan or emergency evacuation plan; expose people to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; require installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or expose people or structures to significant risks, including downslope of downstream flooding or landslides as a result of runoff, postfire slope instability, or drainage changes.

**SCOPING MEETING:**

A Special Fairfax Town Council Meeting will be conducted on Wednesday April 19, 2023 to collect oral comments from agencies and members of the public regarding the scope and content of the EIR in accordance with CEQA Section 21083.9.

**Special Fairfax Town Council Meeting on the Fairfax Housing Element Update and EIR**

Wednesday April 19, 2023 | 5:00 PM

In-person at the Fairfax Women's Club, 46 Park Road

And via Zoom teleconference

Information on how to participate in the meeting will be posted on the Town's website at:


<https://www.townoffairfax.org/> three days prior to the scheduled meeting.

For project information, please visit <https://www.townoffairfax.org/housing-element/>

Please contact Heather Abrams at 415-453-1584 or [habrams@townoffairfax.org](mailto:habrams@townoffairfax.org) with any questions regarding this notice or the scoping meeting.



Heather Abrams, Town Manager



Date