

Notice of Preparation

To: Interested Parties

Date: August 26, 2022

Subject: Notice of Preparation of Draft Environmental Impact Report for the Town of Fairfax 6th Cycle Housing Element, General Plan Amendments, and Zoning Amendments

Lead Agency: Town of Fairfax

NOTICE IS HEREBY GIVEN THAT the Town of Fairfax will be the Lead Agency under the California Environmental Quality Act (CEQA) and will prepare an Environmental Impact Report (EIR) for the proposed project. This Notice of Preparation (NOP) includes a project description and an overview of the potential impacts that will be addressed in the EIR.

Project Title: 6th Cycle Housing Element, General Plan Amendments, and Zoning Amendments

Project Applicant: Town of Fairfax

Project Location: Town of Fairfax

The project description, location map, and discussion of probable environmental effects are provided below.

The purpose of this notice is: (1) to serve as the NOP to potential Responsible Agencies, agencies involved in funding or approving the project, and Trustee Agencies responsible for natural resources affected by the project, pursuant to Section 15082 of the CEQA Guidelines; and (2) to advise and solicit comments and suggestions regarding the preparation of the EIR, environmental issues to be addressed in the EIR, and any related issues, from interested parties in addition to those noted above, including interested or affected members of the public. The Town of Fairfax requests that any potential Responsible or Trustee Agency responding to this notice do so in a manner consistent with CEQA Guidelines Section 15082(b).

All parties that have submitted their names and mailing addresses will be notified as part of the project CEQA review process. If you wish to be placed on the mailing list or have any questions or need additional information, please contact the person identified below. A copy of the NOP can be found on the Town's website (<https://www.townoffairfax.org/>) and on file at the Town of Fairfax at: 142 Bolinas Road, Fairfax, CA 94390.

Scoping Meeting:

Date: September 13, 2022

Time: 7:00 PM

Location: Teleconference meeting via Zoom.

Link: <https://us02web.zoom.us/j/86412923111>

Meeting ID: <https://www.townoffairfax.org/>

Information on how to participate in the meeting will also be posted on the Town's website at: <https://www.townoffairfax.org/> three days prior to the scheduled meeting.

30-Day NOP Review Period: In accordance with CEQA, should your agency have any comments, please provide a written response to this NOP within the 30-day NOP review period of August 26, 2022 to September 25, 2022. Written comments should be received via email or at the mailing address below by 5:00 p.m. on September 25, 2022, or by 5:00 p.m. on the 30th day after your agency received the NOP.

Please indicate a contact person in your response and send your comments to the following contact:

Heather Abrams, Town Manager

Town of Fairfax

142 Bolinas Road

Fairfax, CA 94390

Email: habrams@townoffairfax.org

August 26, 2022

Heather Abrams

Date

Heather Abrams, Town Manager

6th Cycle Housing Element, General Plan Amendments, and Zoning Amendments Notice of Preparation

2023-2031 Housing Element Update Overview

The Town of Fairfax (Town) has begun the process of updating its Housing Element in order to update the Town's housing policies and programs through 2031 and to accommodate the Regional Housing Needs Allocation (RHNA) for the Town as determined by the California Department of Housing and Development and the Association of Bay Area Governments. The Housing Element Update also requires amendments to the General Plan Land Use Element and Safety Element, as well as the Zoning Ordinance.

Setting/Project Location

The Town is located in Marin County, approximately 14 miles north of San Francisco, 16 miles south of Petaluma, and four miles west of U.S. Highway 101, as shown in [Figure 1, Regional Location Map](#). The Town was incorporated in 1931. The current population is about 7,500. The Town is set within a largely natural setting that includes valleys, canyons, creeks, and forested, largely undeveloped ridgelines.

General Plan Elements to be Amended Housing Element

State law requires the Town to have and maintain a general plan with specific contents in order to provide a vision for the Town's future, and inform local decisions about land use and development, including issues such as circulation, conservation, and safety. The Housing Element is one of the state-mandated elements of the General Plan. State law specifically requires the Town to update the Housing Element of its General Plan by January 31, 2023, while making any changes to other elements of the General Plan needed to maintain internal consistency and undertaking any related changes to the Municipal Code (including the Town's Zoning Ordinance).

In accordance with State law, the eight-year planning period for the updated Housing Element will extend from 2023 to 2031; this is also referred to as the 6th Cycle Housing Element Update. The

Town is updating its existing Housing Element to comply with the requirements of State law by analyzing existing and projected housing needs, and updating goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing for all income categories.

Regional Housing Needs Allocation (RHNA)

The Housing Element Update will address changes that have occurred since adoption of the current (2015-2023) Housing Element and include new information to conform to current state regulations. These changes include, among others, updated demographic information, housing needs data, and analysis of the availability of housing sites. The Housing Element map of available housing sites would be updated to identify sites that could accommodate the Town's Regional Housing Needs Allocation (RHNA) for the 2023-2031 planning period. The final RHNA allocation, broken down by income level, for the Town is shown below in [Table 1, Town of Fairfax 2023-2031 Final RHNA Allocation](#).

Table -1 Town of Fairfax 2023-2031 Final RHNA Allocation

Income Group	Dwelling Units
Very Low Income (<50% of AMI) ¹	149
Low Income (50%-80% of AMI)	86
Moderate Income (80%-120% of AMI)	71
Above Moderate Income (>120% of AMI)	184
Total	490

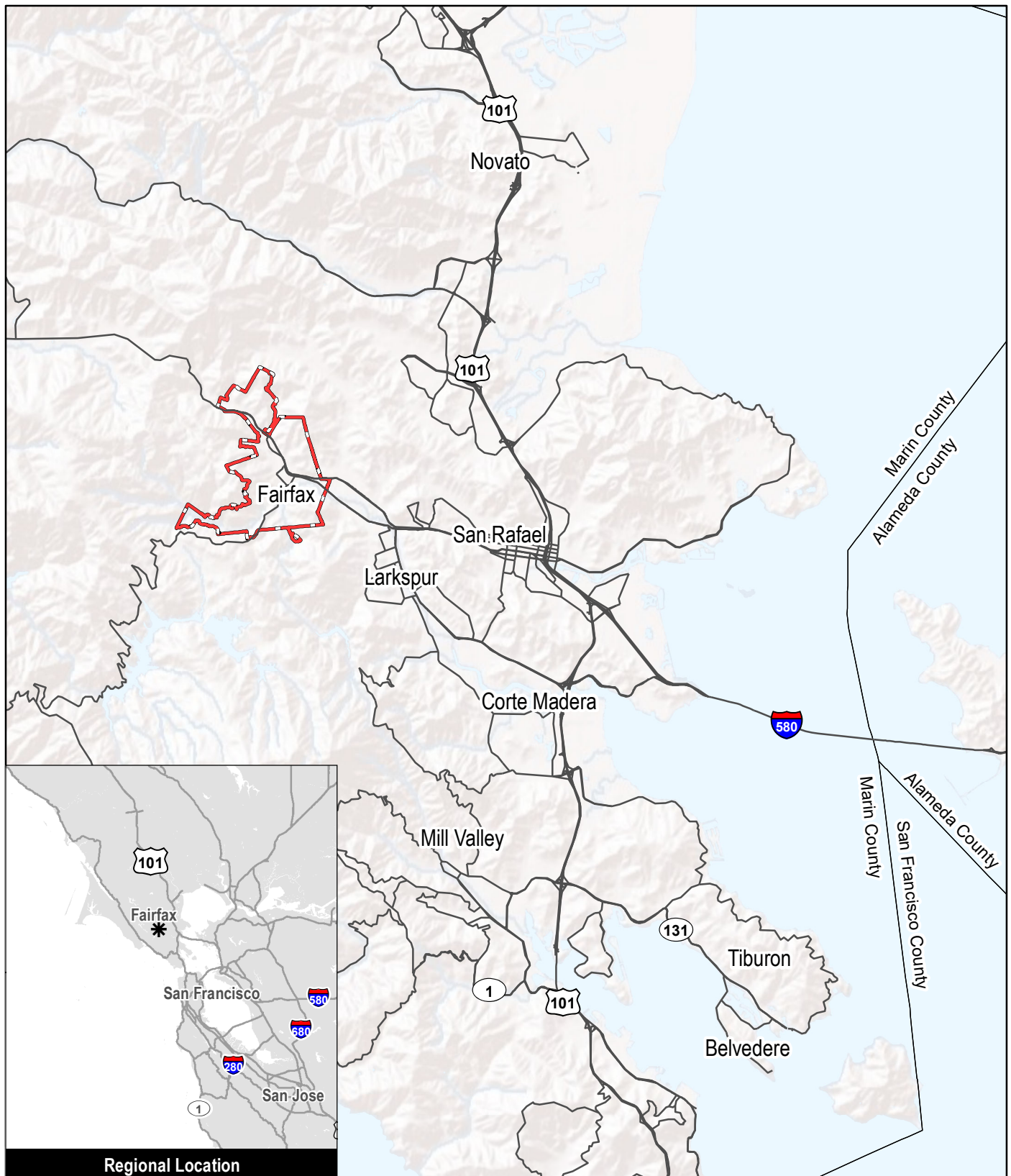
SOURCE: Town of Fairfax 2020

NOTE:

1. AMI = Area Median Income

Housing Opportunity Sites

The Housing Element Update will identify specific “opportunity” sites deemed appropriate for developing housing (including affordable units), and the Town would rezone those sites as necessary to meet the requirements of State law. The opportunity sites are located throughout the Town. The opportunity sites are subject to refinement based on additional public input, Town review of the draft Housing Element and California Office of Housing and Community Development review of the draft Housing Element. Proposed housing opportunity sites are shown on [Figure 2, Housing Opportunity Sites](#). A summary of the development potential for the opportunity sites is included in [Table 2, Housing Opportunity Sites and Development Capacity Summary](#). The Town plans to designate sites with associated residential development capacity that exceeds the RHNA numbers. The purpose is to provide a buffer for housing units to meet no net loss regulations. The residential development capacity of 531 units shown in Table 2 reflects the additional buffer.



0 2 mile



Town Limits

Source: ESRI 2014

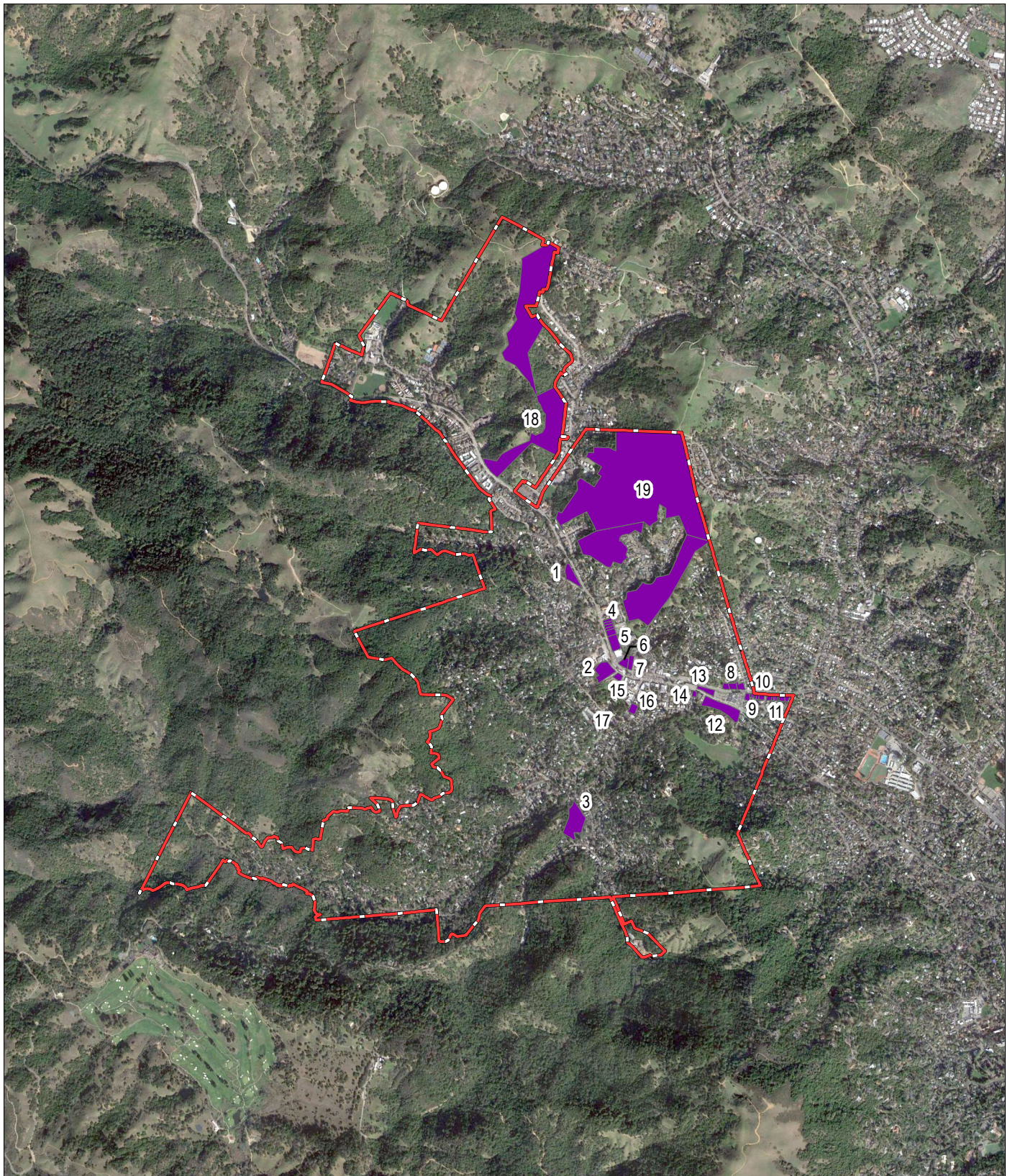
Figure 1

Regional Location Map



6th Cycle Housing Element Update, General Plan Amendments,
and Zoning Code Amendments

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0 2500 feet



Opportunity Sites

Source: Marin County GIS 2022, Google Earth 2022

Figure 2

Housing Opportunity Sites



Town of Fairfax 6th Cycle (2023-2031) Housing Element Update EIR

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Several of the proposed sites include existing development, some or all of which would be removed to accommodate the proposed housing. Many of the housing opportunity sites are zoned mixed use and contain existing commercial or office development. New non-residential development could be constructed on these sites with the assumption that existing non-residential uses would be removed. However, the Town is projecting that where such development is proposed, the new building square footage would not exceed the existing building square footage. Consequently, no increase in non-residential building capacity would occur with implementation of the housing element update.

Table -2 Housing Opportunity Sites and Residential Development Capacity Summary

Site	Acres	Currently Developed?	New Dwelling Unit Capacity	General Plan Amendment?	Zoning Change?
1	1.11	Yes	25	No	No
2	1.92	Yes	163	No	No
3	1.00	Yes	33	No	No
4	.72	Yes	20	No	No
5	.62	Yes	24	No	No
6	.51	Yes	15	No	No
7	.52	Yes	10	No	No
8	1.03	Yes	36	No	No
9	.26	Yes	10	No	No
10	.63	Yes	15	No	No
11	.98	Yes	18	No	No
12	1.35	Yes	30	No	No
13	.57	Yes	10	No	No
14	.20	Yes	9	No	No
15	.35	Yes	18	No	No
16	.51	Yes	24	No	No
17	.07	Yes	10	No	No
18	50.00	No	41	Yes	Yes
19	91.21	No	20	No	No
Total	153.56		531		

SOURCE: Town of Fairfax 2022, EMC Planning Group 2022

Safety Element Update

The Safety Element is also a state-mandated component of a General Plan. The Safety Element focuses on the protection of the community from risks associated with climate change, earthquakes,

floods, fires, toxic waste, and other hazards. The Safety Element is the means by which the Town defines what measures will be undertaken to reduce potential risk of personal injury, property damage, and economic and social dislocation resulting from natural and human-made hazards. The extent of a hazard depends on local conditions since most hazards are confined to a particular area or site. Various health and safety hazards should be considered in planning the location, design, intensity, density, and type of land uses in a given area. Long-term costs to the Town, such as maintenance, liability exposure, and emergency services, are potentially greater where high hazards exist.

The Town is required to update the General Plan Safety Element to address climate change resiliency. Senate Bill (SB) 379 requires all cities to review and update their General Plan Safety Elements with climate change adaptation measures. The required review and update of the Safety Element consists of the following three components:

- A vulnerability assessment that identifies the risks climate change poses to the local jurisdictions;
- Identification of adaptation and resiliency goals, policies, and objectives; and
- Feasible implementation measures.

The Safety Element update will also address other legislative mandates to reduce fire risk, plan for emergency evacuation, and reduce risks from flooding. The update will occur simultaneously and in conjunction with the Housing Element Update.

Land Use Element Update

The Town will update the existing Land Use Element to address revised land use designations, acreages, and housing unit numbers to reflect changes made to the Housing Element. The EIR will evaluate the change in General Plan buildout resulting from adopting of the Housing Element Update and any changes resulting from the amendments to the Land Use and Safety Element Update

Zoning Amendments

The proposed project includes three types of zoning amendments. The first is to amend regulations for several existing zoning districts in Title 17, Zoning, of the Town of Fairfax Municipal Code to accommodate the development types and capacities identified in [Table 2, Housing Opportunity Sites and Potential Development Summary](#), as required by state law. The second would be to rezone one housing opportunity site to allow multi-family development. The third would be to amend the zoning map to reflect the zone change for the one noted opportunity site.

Potential Environmental Effects

The proposed project would, among other things, result in an increase in housing development and in population that would accompany such growth. The analysis of environmental effects of the project focuses on the direct and indirect effects of such growth.

Initial Study

An initial study has been prepared to evaluate the significance of potential environmental effects and to determine environmental topics to be evaluated in detail in the EIR. The initial study is attached to this NOP. Environmental effects found to have no impact, less-than significant impact, or less-than-significant impact with implementation of mitigation measures are identified. The expectation is that these topics will not be evaluated in detail in the EIR. At this time, it is anticipated that the EIR will include detailed analysis of the topics and topic issues summarized below, as identified in the initial study.

Air Quality

This section will reflect current air quality modeling and analysis methodologies and will address current federal, state, regional, and local regulations. 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

The potential presence of sensitive biological resources and communities 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.

Greenhouse Gas Emissions

Greenhouse gas effects will be evaluated in the context of the Town's *Climate Action Plan 2030*, which was adopted in 2021. Assuming the climate action plan is "qualified", consistency of the proposed project with the climate action plan will be assessed to determine if the greenhouse gas analysis can be streamlined pursuant to CEQA Guidelines section 15183. If not, a threshold of significance will be identified. If a quantified threshold of significance is developed, greenhouse gas emissions will be quantified using CalEEMod and compared to the threshold of significance, with

greenhouse gas reduction measures, including applicable reduction measures from the climate action plan, identified as mitigation as needed.

Public Services

The change in demand for public services, particularly fire and police protection, and schools, will be evaluated based on the projected increase in population. Service providers will be contacted to determine whether new demand will trigger the need for new facilities, and if so, potential impacts of constructing the facilities will be identified.

Noise

Existing noise conditions in the Town will be described as will conditions in the vicinity of the housing opportunity sites. The main sources of noise from implementing the housing element update will be construction activities at each site and traffic noise from new vehicle trips generated by new residential development. Sensitive noise receptors that could be affected will be identified.

Construction-related noise effects and traffic noise effects will be evaluated based on Town standards and data regarding noise intensities for typical construction activities.

Transportation

A transportation impact assessment will be prepared for the project. It will focus on evaluating the change in vehicle miles traveled with implementation of the proposed project based on guidance provided in the California Office of Planning and Research's *Technical Advisory on Evaluating Transportation Impacts in CEQA*.

Tribal Cultural Resources

This section of the EIR will include a report on the Town's SB 18 and AB 52 Tribal Consultation process. 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 constructing new wastewater conveyance facilities. The wastewater treatment facility

operator and the wastewater collection system operator will be contacted to determine if physical improvements could be needed to accommodate the proposed project, and if so, potential impacts of such construction will be evaluated.

Wildfire

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.

Initial Study

6th Cycle Housing Element Update, General Plan Amendments, and Zoning Code Amendments

August 26, 2022



Prepared by
EMC Planning Group

INITIAL STUDY

6TH CYCLE HOUSING ELEMENT UPDATE, GENERAL PLAN AMENDMENTS, AND ZONING CODE AMENDMENTS

Town of Fairfax

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PREPARED BY

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August 26, 2022

This document was produced on recycled paper.



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A. BACKGROUND

Project Title	6 th Cycle Housing Element Update, General Plan Amendments, and Zoning Code Amendments
Lead Agency Contact Person and Phone Number	Heather Abrams, Town Manager 415-453-1584
Date Prepared	August 26, 2022
Study Prepared by	EMC Planning Group Inc. 601 Abrego Street Monterey, CA 93940
Project Location	Town of Fairfax
Project Sponsor Name and Address	Town of Fairfax
General Plan Designation	Various
Zoning	Various

Setting

The Town of Fairfax (“Town” is a small municipality in Marin County, located approximately 14 miles north of San Francisco and approximately 16 miles south of Petaluma. The Town covers a land area of about 2.2 square miles and has a population of about 7,500. 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, a number of creeks, including San Anselmo Creek, and extensive areas of protected open space in and around the Town (refer to Figure 1, Regional Map, in the Notice of Preparation for the regional and vicinity location). More information about existing setting conditions is provided in the discussions of individual environmental topics in this initial study.

Description of Project

The proposed project consists of several actions. These include updating the Town’s existing Housing Element as the 6th Cycle Housing Element and adopting the updated element as an amendment to the Town of Fairfax 2010-2030 General Plan (“General Plan”), amendments to the General Plan Land Use Element needed to integrate the 6th Cycle Housing Element Update into the General Plan, amendments to the General Plan Safety Element to integrate new statutory requirements, and amendments to the Town of Fairfax Municipal Code (“municipal code”) to support implementation of the 6th Cycle Housing Element Update.

The physical environmental changes that would be created by implementing the proposed Housing Element Update are the focus of the environmental analysis in this initial study. The Notice of Preparation (NOP) to which this initial study is attached describes these changes.

Figure 2, Housing Opportunity Sites, in the NOP shows the locations of 19 “housing opportunity sites” where new dwelling units could be constructed with implementation of the proposed Housing Element Update. Table 2, Housing Opportunity Sites and Residential Development Capacity Summary, in the NOP shows that a total of up to 531 new housing units could be constructed on these sites.

All but two of the housing opportunity sites contain existing residential and/or commercial buildings or other improvements that would be removed to enable new housing construction. New non-residential (commercial) buildings could also be constructed on many of the sites that already contain commercial buildings. However, the building square footage of new commercial development on any one site is assumed not to exceed that of the existing commercial buildings on that site. Consequently, no overall increase in existing commercial building square footage is anticipated with implementation of the proposed Housing Element Update.

Refer to the NOP for additional detail about the project description.

Other Public Agencies Whose Approval is Required

The California Housing and Community Development Department must certify the Town’s 6th Cycle Housing Element. There are no approvals needed from other agencies for the Town to approve the 6th Cycle Housing Element Update, Land Use Element Update and Safety Element amendments, or amendments to the municipal code.

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

The Town sent out letters requesting consultation from tribes affiliated with the Town on March 2, 2022. The Federated Indians of Graton Rancheria responded requesting consultation with the Town via letter dated March 22, 2022. Noticing and consultation with the tribes affiliated with the Town will be conducted during preparation of the EIR and addressed in the EIR as appropriate.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission’s Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| <input type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Public Services |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Transportation |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use/Planning | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Utilities/Service Systems |
| <input checked="" type="checkbox"/> Energy | <input checked="" type="checkbox"/> Noise | <input checked="" type="checkbox"/> Wildfire |
| <input type="checkbox"/> Geology/Soils | <input checked="" type="checkbox"/> Population/Housing | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

C. DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Heather Abrams, Town Manager
Name and Title

August 22, 2022
Date

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

1. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
2. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
3. “Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, “Earlier Analyses,” may be cross-referenced).
4. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
 - a. “Earlier Analysis Used” identifies and states where such document is available for review.
 - b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. “Mitigation Measures”—For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
5. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
6. “Supporting Information Sources”—A source list is attached, and other sources used or individuals contacted are cited in the discussion.
7. The explanation of each issue identifies:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any to reduce the impact to less than significant.

1. AESTHETICS

Except as provided in Public Resources Code Section 21099 (Modernization of Transportation Analysis for Transit-Oriented Infill Projects), would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. According to the General Plan, 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's sense of place and contribute to the overall quality of life in Fairfax. Fairfax is bordered on three sides by vast areas of open space, providing the community with scenic vistas (Town of Fairfax 2012).

According to General Plan Policy OS-3.2.3 and Program OS-3.2.3.1, development in visually significant areas is restricted from blocking or impairing existing views of visually significant areas. General plan Figure OS-1, Map of Visual Resources, identifies the referenced visually significant resources and views from existing roadways that comprise scenic vistas. Several housing opportunity sites are located at the gateways to the Town, which are included in locations from which scenic views are available and are considered to be visually prominent areas. Developers of these opportunity sites would be required to comply with the Town's General Plan requirements and guidelines to ensure scenic views are not negatively impacted.

The housing opportunity sites represent potential for new infill development in locations that, with two exceptions, are already partially or full developed with largely residential and commercial uses. Only two of the housing opportunity sites are vacant. Therefore, to the extent that scenic vistas are currently available through or over any one or more of

the opportunity sites, with required conformance to the noted General Plan policy and program, new development is not expected to substantially affect scenic vistas.

- b. There are no state-designated scenic highways in the Town. There nearest are State Route 1 (approximately 4.75 miles to the west), U.S. Highway 101 (approximately 4.0 miles to the northeast), and State Route 37 (approximately 5.6 miles to the northeast) (Caltrans 2022). Therefore, no damage to scenic resources within a state-designated scenic highway would occur.
- c. All of the opportunity sites present opportunities for urban infill on sites that, with two exceptions, are already developed. New development must comply with the Town's Title 20: Objective Design and Development Standards (Town of Fairfax 2021) as may be updated over time. Compliance with the design standards would ensure that new development is compatible with the Town's design priorities as expressed in the standards.

General plan Policy LU-1.2.3 requires that new or renewed development be designed and located to minimize its visual mass and requires using exterior materials and colors that blend the exterior appearance of structures with the surrounding natural landscape.

Consistency of new development with the Town's design and development standards and General Plan policy would be ensured by the Town as part of the development review process for individual projects proposed on the opportunity sites. Therefore, the project would have no impact from conflict with applicable zoning and other regulations governing scenic quality.

- d. Most of the opportunity sites that contain existing non-residential development, particularly those located along major roadways, are developed with uses that include lighting of one or more types and intensities (e.g., building lighting, landscape lighting, safety lighting, pathway and parking lot lighting, etc.). New development on these sites would include lighting of similar types and intensities, and must conform with the Town's "night sky" requirements and be designed to avoid spillover light and glare. The two existing vacant opportunity sites (18 and 19) are not located in the Town's urban core, but are adjacent to existing residential uses and would be developed solely with a limited number of residential units relative to the site size.

As part of the Town's development review process, each new proposed project would be required to provide lighting plans. As part of that process, the Town would review the plans to ensure that lighting is designed to be properly shielded, does not cause significant illumination of off-site properties, and is no more intense than needed for the specific lighting application. In addition, new development must be designed consistent with General Plan Policy LU-1.2.3, which requires exterior materials and colors that blend the exterior appearance of structures with the surrounding natural landscape, which would reduce the potential for using exterior building materials with potential to create glare.

Because new development would occur on sites that are already development with uses that include lighting, lighting for new development would be similar in character as that on existing developed sites, residential development on vacant sites would be compatible existing adjacent residential development, and all new development must conform to uniformly applied lighting regulations and policies, impacts from lighting and glare are expected to be less than significant.

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a-e. There are no agricultural farmland designations in the Town (California Department of Conservation 2022). Therefore, the proposed project would not convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use. No land within the Town is under a Williamson Act contract or would other type of agricultural land conservation contract. The proposed project would not conflict with existing zoning for agricultural use, forest land, or timberland.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions, such as those leading to odors adversely affecting a substantial number of people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a-d. New residential development enabled by the proposed project would result in an increase in criteria air emissions during its operations, primarily through new vehicle trips, and during construction. These impacts will be evaluated in the EIR.

4. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a-f. New development enabled by the proposed project could result in impacts on biological resources and natural communities that may exist on or adjacent to one or more of the opportunity sites. These impacts will be evaluated in the EIR.

5. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. A cultural resources records search was conducted through the Northwest Information Center to determine if historic resources have been recorded as present in the Town. There are no recorded above ground or below ground historic resources within any of the housing opportunity sites. The records indicate the presence of historic bridges and a historic theater; none of which are within the boundaries of an opportunity site. Therefore, the proposed project would not cause a substantial adverse change in the significance of a known, recorded historical resource pursuant to section 15064.5.

All but two of the housing opportunity sites contain existing development. It is unknown whether any of the developed sites contain above ground historic resources. It is possible that structures on one or more of the sites could be historically significant. Structures older than 50 years are considered to be potentially historic in the absence of substantial evidence which confirms they are not. Implementation of the following mitigation measure would ensure that substantial adverse changes to potentially historic resources are avoided by defining whether such resources currently exist and by defining measures to be implemented to protect such resources should they be identified.

Mitigation Measure

CR-1 Applicants proposing development on all housing opportunity sites other than sites 18 and 19 shall have a historic resource inventory survey conducted where such sites contain structures that are more than 50 years old. If the survey concludes that historical resources are present that would be adversely impacted, applicants shall follow recommendations in the survey report to appropriately mitigate the impacts. Inventory surveys shall be conducted and submitted for review to the Town Community Development Director prior to project approval. If mitigation is required, a mitigation plan shall be identified and implemented prior to approval of a building permit.

- b. There are no known archaeological resources within the Town. However, construction activities on any one of the opportunity sites could uncover previously unknown, buried archaeological resources. Disturbance of a unique archaeological resource would be considered a significant environmental impact. General Plan Program CON-8.1.1.3 require archaeological and historic investigations during the permit application process that allow recovery of important prehistoric and historic information. Implementation of the following mitigation measure would reinforce this uniformly applied development requirements to ensure that if such resources are uncovered, appropriate steps would be taken to protect them. This would reduce potential impacts to a less-than-significant level.

Mitigation Measure

CR-2 Due to the possibility that previously unknown, significant buried cultural resources could be found during construction, the following language will be included on all construction documents and on any permits issued for individual opportunity sites, including, but not limited to, grading and building permits:

“If archaeological resources or paleontological resources are unexpectedly discovered during construction, work shall be halted immediately within 50 meters (160 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, an appropriate resource recovery shall be formulated.”

Implementation of Mitigation Measure CR-2 would require construction to be halted and appropriate evaluation and actions be taken should archaeological resources be discovered during construction.

- c. According to the Federated Indians of Graton Rancheria, the Town is within the traditionally and culturally affiliated areas of the Tribe. Construction activities on any one of the opportunity sites could uncover and result in damage to previously unknown, buried of Native American human remains. This would be a significant impact. Implementation of the following mitigation measure would reduce this potential impact to a less-than-significant level.

Mitigation Measure

CR-3 Due to the possibility that human remains may be discovered during construction activities, the following language shall be included in all construction documents and on any permits issued for development on individual housing opportunity sites, including, but not limited to grading and building permits:

“If human remains are found during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner is contacted to determine that no investigation of the cause of death is required.

If the coroner determines the remains to be Native American, then the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendant (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98.

The landowner or authorized representative will reburial the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being allowed access to the site; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.”

Implementation of Mitigation Measure CR-3 would ensure if a find is made, activity is stopped and the appropriate measures are taken.

6. ENERGY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a,b. This topic will be evaluated in the EIR and include an overview of the standard of review for evaluation of energy effects of the project, an overview of related state legislation and regulations, and quantification of energy demand from the proposed project. Mitigation measures that result in reduced energy consumption that reduce energy consumption will be identified as necessary.

7. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The analysis presented below has been written against the backdrop of CEQA case law addressing the scope of analysis required for potential impacts resulting from existing environmental hazards found at the site or in the vicinity of a site for a proposed project. In *California Building Industry Association v. Bay Area Air Quality Management District* (2015)

62 Cal.4th 369, 377, the California Supreme Court held that “agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project’s future users or residents” (*italics added*). The court reasoned that “ordinary CEQA analysis is concerned with a project’s impact on the environment, rather than with the environment’s impact on a project and its users or residents” (*Id.* at p. 378).

The court did not hold, however, that CEQA never requires consideration of the effects of existing environmental conditions on the future occupants or users of a proposed project. But the circumstances in which such conditions may be considered are narrow: “when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project’s impact on the environment—and not the environment’s impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions” (*Id.* at pp. 377-378, *italics added*).

- a. **Earthquake Rupture.** No known fault crosses any one of the opportunity sites and the sites are not located in an Alquist-Priolo Earthquake Zone (California Department of Conservation 2022). New development would not exacerbate seismic hazards associated within earthquake rupture. No further analysis is required.

Seismic Ground-Shaking. New development would not exacerbate seismic hazards associated within seismic ground-shaking. No further analysis is required.

Liquefaction. According to the MarinMap Map Viewer, the Town boundary includes areas susceptible to liquefaction. However, new development would not exacerbate this hazard, as it is a function of seismic shaking acting on subsurface, generally loosely consolidated, saturated soils, conditions over which new development has no potential effect. No further analysis is required.

Landslides. According to the MarinMap Map Viewer, the Town has areas susceptible to landslides. Several of the housing opportunity sites are located within these landslide hazard zones. Development of these housing opportunity sites could exacerbate landslide hazards through grading or other site modification activities that reduce slope stability. This would be significant impact in the absence of actions required to reduce the impact.

General plan Policy OS-4.1.1 requires that areas prone to landslides must be developed consistent with adequate engineering recommendations designed to mitigate the hazard. All new development and substantial improvement proposals are required to prepare geotechnical analyses pursuant to General Plan Policy S-1.1.1 and Program S-1.1.1.1. Recommendations identified in the geotechnical engineering analyses for avoiding exacerbating landslide/slope instability hazards would be required as a condition of approval as part of the Town’s building permit processes. Required compliance with these uniformly applied development measures would ensure that landslide hazard impact would be less than significant.

- b. Wind and water are the main forces that cause soil erosion. Depending on how well exposed soil surfaces are protected from these forces, the erosion process can be very slow or rapid. Removal of natural or manufactured protection can result in substantial soil erosion and excessive sedimentation. Construction activities that would occur on individual opportunity sites represent the greatest potential cause of erosion.

Compliance with regulations in the municipal code, which enforce the Town's compliance with the Clean Water Act, Porter-Cologne Water Quality Control Act, and the Town's Phase II National Pollutant Discharge Elimination System (NPDES) Permit, would be required during construction and under post-construction conditions to reduce soil erosion, particularly its adverse effects on surface water quality.

Municipal code Chapter 16.24.170, Grading and Erosion Control, contains erosion control regulations focused on preventing sedimentation and damage to off-site property. Chapter 8.32, Urban Runoff Pollution Prevention, identifies regulations regarding reducing urban runoff and minimizing soil erosion that can impact surface water quality. Its purposes are, in part, to require operators of construction sites, new or redeveloped land, and industrial and commercial facilities to implement and maintain best management practices that reduce erosion during construction and operations, to maintain pre-development stormwater runoff rates, and to prevent nonpoint source pollution. These goals are to be achieved through implementing stormwater management controls and ensuring that these management controls are properly maintained. These measures are enforced erosion control plans and stormwater pollution prevention plans that are subject to review and approval of the Town.

Required compliance of new development projects with the above-mentioned requirements would ensure that impacts related to soil erosion are less than significant.

- c. The current Safety Element of the General Plan indicates that the Town is located in an area that has incidences of unstable soils. Construction activities on individual opportunity sites could risk exacerbating unstable soil conditions during grading and/or other site development/excavation activities. Developers are required to comply with uniformly applied municipal code development regulations regarding preparing soils and geotechnical reports. These requirements can be found in Chapters 16.24 and 17.072, among other locations, in the municipal code. Compliance with the recommendations in these reports would be required as part of the development review and building permit process and would reduce potential to exacerbate soil instability hazards to less-than-significant.
- d. According to Marin County's MarinMap Map Viewer, the Town of Fairfax has minimal expansive soil hazards. New development would not exacerbate expansive soil conditions. No further analysis is required.
- e. All proposed units on each of the housing opportunity sites would connect into the Town's existing sanitary sewer system. No further analysis is required

- f. According to the Town of Fairfax General Plan 2010-30 – Initial Study, there are no known unique paleontological resources within the Town. However, it is possible that unknown paleontological resources could be accidentally discovered during excavation or other related construction activities associated with development at each opportunity site. Directly or indirectly destroying a unique paleontological site is considered a significant environmental impact. Implementation of the following mitigation measure would ensure this potential impact would be less than significant.

Mitigation Measure

- GEO-1 The following language shall be included in all demolition and grading permits: “If paleontological resources are discovered during demolition and earthmoving activities, work shall stop within 100 feet of the find until a qualified paleontologist can assess if the find is unique and, if necessary, develop appropriate treatment measures in consultation with the Town’s Department of Planning and Building.”

8. GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a,b. The proposed project would result in an increase in greenhouse gas emissions resulting from new vehicle trips and increased demand for electricity and natural gas. Emissions will be estimated for construction, vegetation removal, transportation, energy and water consumption, area sources, and solid waste generation. Potential impacts will be evaluated in the EIR.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Residential development does not commonly involve the use of acutely hazardous materials of the types that could pose a threat to public health and safety. Similarly, new commercial development that could occur on a number of the opportunity sites is not commonly a source of substantial hazardous materials risk. Therefore, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- b. All but two of the opportunity sites contain existing structures that would be wholly or partially be demolished to construct new housing and commercial uses. It is possible that

existing structures may contain hazardous substances such as asbestos and/or lead materials. General plan Program CON-2.1.2.3 requires that demolition activities comply with applicable Bay Area Air Quality Management District standards and procedures for mitigating the risk of exposure to lead paint and asbestos. The California Department of Industrial Relations Subchapter 4, Construction Safety Orders - Article 4 discusses the requirements for construction sites and construction workers dealing with demolishing buildings that may contain asbestos or lead-based paint. Compliance with these uniformly applied requirements would be required by the Town as part of the development review and building permit processes for individual projects on opportunity sites for which demolition activities would occur. This would reduce impacts involving the potential release of hazardous materials into the environment to a less-than-significant level.

- c. Many of the opportunity sites are located within one-quarter mile of an existing school. However, new residential and commercial development on these sites would involve use of acutely hazardous materials. Therefore, the significant impacts from emitting hazardous materials, substances, or waste within one-quarter mile of an existing school are not expected.
- d. According to the California Department of Toxic Substances Control Envirostor database, there are only two hazardous sites within the Town of Fairfax. One of these is located at Fair Anselm Center, Inc., at 709 & 711 Center Boulevard (Envirostor ID 60001218). This is the location of opportunity site 12.

The site history summary in the database describes that a former drycleaning operation at this location was likely the source of the reported perchloroethylene contamination. Impacted soil has already been removed/remediated where possible, but impacted soil under the building foundation has not. A Draft Removal Action Plan was prepared in 2018 and was implemented starting in 2019. By 2021, hazardous material concentrations had been substantially lowered and the majority of the contaminants had been removed. As of 2021, the existing building has been reoccupied because sampling and analysis of the indoor air demonstrated that the perchloroethylene concentration was below applicable screening levels.

While the hazardous materials condition appears to have been largely or completely remediated, this should be verified as part of the Town's development review and building permit process prior to approval of a building permit to ensure that redeveloping opportunity site 12 does not pose risk to public health and safety from release of hazardous materials. Implementation of the following mitigation measure would reduce this potential impact to less than significant.

Mitigation Measure

- | | |
|-------|---|
| HAZ-1 | Prior to approval of a building permit for redeveloping opportunity site 12 at 711 Center Boulevard, the project applicant shall provide evidence to the Town Building Official that the hazardous material conditions at |
|-------|---|

the site as reported by the California Department of Toxic Substances Control (Envirostor Database ID 60001218) have been remediated consistent with Department of Toxic Substances Control regulatory for the types of development being proposed.

- e. The Town is located approximately 3.5 miles southwest of the San Rafael Airport. Therefore, development of the housing opportunity sites would not result in a safety hazard or excessive noise for people residing or working at any of the opportunity sites.
- f. Primary and secondary evacuation routes are located throughout the Town (County of Marin 2022). Development of the proposed housing opportunity sites would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan because the development would not involve changes to the street system.
- g. The Town is adjacent to moderate and high fire hazard zones. New development on one or more of the opportunity sites could expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires (CalFire 2022). This impact will be addressed in detail in the EIR.

10. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(1) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Water quality within the Town is regulated by the State Water Resources Control Board through the National Pollution Discharge Elimination System (NPDES) program, which was established by the Clean Water Act. The San Francisco Bay Regional Water Quality Control Board issues and enforces the NPDES permits for discharges to water bodies in the portion of Marin County that drains to the San Francisco Bay.

Projects disturbing more than one acre of land during construction are required to file a notice of intent to be covered under the NPDES General Permit for Storm Water Discharges Associated with Construction Activity for discharges of storm water associated with construction activities. The applicant must propose storm water quality control measures that are consistent with this permit and consistent with recommendations and policies of the local agency and the Regional Water Quality Control Board. The General Construction Permit requires development and implementation of a Storm Water Pollution Prevention Plan that includes storm water best management practices to control runoff, erosion and sedimentation from the site both during and after construction.

The Town enforces the NPDES regulations through required compliance with regulations in the municipal code. Chapter 16.24.170, Grading and Erosion Control, contains erosion control regulations focused on preventing sedimentation and damage to off-site property. Chapter 8.32, Urban Runoff Pollution Prevention, identifies regulations regarding urban runoff and minimization of erosion that can impact surface water quality. Its purposes are, in part, to require operators of construction sites, new or redeveloped land, and industrial and commercial facilities to install, implement, or maintain appropriate best management practices that substantially reduce urban pollutants in storm water runoff discharged from a site during construction and operations. The regulations also include a standard that requires maintaining pre-development stormwater runoff rates under post-development conditions and preventing nonpoint source pollution through on-site stormwater management controls and ensuring that these controls are properly maintained.

Compliance with the requirements of the NPDES General Permit as enforced by municipal code regulations would ensure that potential water quality impacts are less than significant.

- b. The Town is located within the Ross Valley Groundwater Basin and receives a nominal amount of water from the Santa Rosa Groundwater Basin (Marin Municipal Water District 2021). The proposed project would increase demand for domestic water supply. The EIR will evaluate the sufficiency of water supply to meet projected new demand and whether that demand may impede sustainable groundwater management.
- c. Several opportunity sites are located adjacent to local creeks. Development on these sites would be required to maintain setbacks from the creeks such that no alteration of the creeks would occur.

All but two of the housing opportunity sites are already developed with buildings and other impervious surfaces. Therefore, a significant change in area of impervious cover is not anticipated with implementation of the proposed Housing Element Update. New development on the two vacant opportunity sites would increase impervious area on those sites relative to their existing condition.

Erosion. Refer to the response under checklist question “b” in Section 7, Geology and Soils.

Stormwater Runoff Rate, Flooding and Stormwater Infrastructure Capacity. As previously discussed, qualifying projects must implement stormwater best management practices pursuant to NPDES requirements as enforced through regulations in the municipal code. One of these practices to prepare a stormwater control plan, which identifies the best management practices for stormwater quality management to be implemented on a development site and to demonstrate that a new development project would not increase the rate of stormwater discharge from a site relative to pre-development conditions. This uniformly applied regulation would ensure that runoff from new development on the opportunity sites does exacerbate existing flood hazards or exceed the capacity of the existing stormwater management system.

Flood Flows. According to the Federal Emergency Management Agency (FEMA) Flood Map Service Center, portions of the Town are within a flood hazard zone (Federal Emergency Management Agency 2022). Opportunity sites 1, 3, 14, 16, and 17, all of which are developed, are within a flood hazard zone.

Risks to public safety from new development within a flood hazard zone are managed through regulations contained in Chapter 171.068, Floodplains, in the municipal code. New development within a flood hazard zone would have the potential to impede or redirect flood flows in a manner that exacerbates upstream or downstream flooding primarily by reducing flood storage capacity. Chapter 171.068, Article IV, Provisions for Flood Hazard Protection, includes regulations for construction in a floodway that require new development to implement measures that avoid increasing the base flood elevation such that such development would avoid impeding or redirecting flood flows in a manner that exacerbates existing flood hazard potential. Required conformance of qualifying projects with these uniformly applied regulations would ensure that this potential impact would be less than significant.

- d. There are no tsunami or seiche hazards zones in the Town. As described in item “c” above, several of the opportunity sites are located in flood hazard zones. These sites include existing residential and/or commercial development. Under the proposed Housing Element Update, these sites could be developed with the same types of uses, neither of which involve use of acutely hazardous materials with significant potential to cause substantial environmental impacts if released during a flood event.
- e. The Sustainable Groundwater Management Act is a state law requiring groundwater basins to be sustainable. The Act enables eligible local agencies to form groundwater sustainability agencies, whose roles are to develop groundwater sustainability plans for designated basins to ensure that groundwater supply is managed to be sustainable. The EIR will evaluate if the proposed project would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

11. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause any significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The locations of proposed housing opportunity sites are illustrated in Figure 2, Housing Opportunity Sites, in the NOP. All of these sites are considered infill locations and would be developed with uses that are similar to existing uses (for existing developed sites) and/or consistent with adjacent land use types (for vacant opportunity sites). No infrastructure or other major improvements would be required with potential to physically divide the Town.
- b. At this time, it is uncertain whether the proposed project could conflict with all applicable policies that serve to mitigate or avoid and environmental effects. A General Plan policy consistency analyses will be included in the EIR to ascertain whether such conflicts exist and could result in significant environmental impacts.

12. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a,b. The California Geological Survey designates Mineral Resource Zones, which are areas containing potentially valuable mineral deposits. According to the California Department of Conservation's Mineral Land Classification interactive web map, there are no known mineral resources located in the Town of Fairfax and no Mineral Resource Zones (California Department of Conservation 2022). Therefore, the project would not result in the loss of availability of a known or locally important mineral resource or recovery site.

13. NOISE

Would the project result in:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Generation of excessive ground-borne vibration or ground borne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a-c. The proposed project would result in an increase in residential development capacity and place housing on some opportunity sites that do not contain existing residential uses. Impacts of the proposed project on new and existing noise-sensitive receptors will be evaluated in the EIR. A noise study, which will also address potential vibration effects, will be prepared for this purpose, with the results discussed in the EIR.

There are no private airports in the vicinity, nor is any part of the Town within an airport land use plan.

14. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The proposed project would result in new residential development capacity and an increase in population in the Town. Population growth-related effects of the project will be evaluated in the EIR.
- b. Eight of the proposed opportunity sites contain residential units. Approximately 40 of these units would be demolished to enable new residential and potentially commercial development on these sites. The primary project objective is to construct new housing to meet the Town's regional fair share of new housing. Loss of existing housing would be substantially mitigated by constructing up to 531 units of new housing.

15. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

a-e. The Town is served by the Ross Valley Fire Department, which has a contract with the County of Marin to provide fire protection services to County areas contiguous to the Ross Valley Fire jurisdiction. Police protection is provided by the Fairfax Police Department located at 142 Bolinas Road. Two school districts serve the Town, Ross Valley Elementary School District and Tamalpais High School District, and the Fairfax Parks and Recreation District manages Town-owned park and recreational facilities.

The proposed project would result in the increase in population. With an increase in population, the demand on public services would also increase. Therefore, potential impacts to fire and police protection services, schools, parks, and other public facilities may occur and require the need for new or physically altered facilities, the construction of which could cause significant environmental impacts. This issue will be discussed in the EIR.

16. RECREATION

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a,b. The proposed project would result in an increase in population, which could increase the demand on recreational facilities causing potential physical deterioration and/or trigger the need to expand or construct new parks. This issue will be discussed in further detail in the EIR. No new parks would be constructed on any one of the housing opportunity sites as part of implementing the proposed Housing Element Update.

17. TRANSPORTATION

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a-d. The proposed project would generate an increase in vehicle trips and vehicle miles traveled. A transportation analysis will be prepared to evaluate this issue and to evaluate the other issues identified above. The analysis will be included in the EIR.

18. TRIBAL CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. Pursuant to SB18, tribal noticing and consultation in accordance with statutory timelines is required when a general plan is amended. The Town sent out letters requesting consultation from tribes affiliated with the Town on March 2, 2022. The Federated Indians of Graton Rancheria responded requesting consultation with the Town via letter dated March 22, 2022. Noticing and consultation with the tribes affiliated with the Town will be conducted, with results reported in the EIR.

19. UTILITIES AND SERVICES SYSTEMS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a,c. The proposed project involves the development of 531 residential units. The increase in demand for water (and associated changes in wastewater generation that could result in the need to construct new facilities) will be examined in the EIR. Impacts of constructing storm water facilities would be similar to those for constructing other future improvements within each of the housing opportunity sites. These effects are evaluated in other sections of this initial study and for several environmental topics, will also be evaluated in the EIR.
- b. Development of the project would result in an increase in water demand. The change in demand for groundwater and its potential impacts on adequacy of water supply will be examined in detail in the EIR in combination with similar topics identified within the hydrology and water quality section.

- d-e. Solid waste generated from new residential and commercial development would be disposed of at the Redwood Landfill, to which 95 percent of solid waste generated in Marin County is delivered. The landfill is operated by Waste Management.

Zero Waste Marin is the formal name for the Marin Hazardous and Solid Waste Joint Powers Authority, which is comprised of representatives from across the county, including Fairfax. Zero Waste Marin reported that as of 2021, the Redwood Landfill had approximately 15 years of waste disposal capacity remaining. Among other responsibilities, Zero Waste Marin works to ensure that waste disposal activities in the county comply with state recycling mandates.

At this time, there is no evidence to suggest that solid waste capacity demand of the new residential and commercial development enabled by the proposed Housing Element Update will, on its own, trigger the need to develop additional landfill capacity, the construction of which could result in significant environmental impacts. New landfill capacity/disposal projects proposed by Waste Management or other interests to meet the long-term disposal needs of Town residents and businesses would undergo separate CEQA review at the time such projects are proposed.

Waste Management and Zero Waste Marin are responsible for ensuring that solid waste management activities in the county, including Fairfax, are consistent with related state regulatory requirements. As needed, Waste Management and Zero Waste Marin have, and continue to implement programs (e.g., recycling, waste diversion, organic waste composting, etc.) with which new development in which new development must participate. The proposed project would not have significant impacts related to solid waste.

20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a-d. The Town is surrounded by moderate and high fire hazard state responsibility zones (CalFire 2022); therefore, potential impacts related to public health and safety associated with wildfires may occur. This issue will be evaluated and discussed in the EIR.

21. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The proposed project could result in impacts on biological resources and natural communities that may exist on or adjacent to one or more of the new housing opportunity sites. These impacts will be discussed in more detail in the EIR.
- Development of the housing opportunity sites could impact historic resources, and/or previously unknown buried archaeological resources. Implementation of mitigation measures CR-1, CR-2, and CR-3 in this initial study would ensure that previously unknown subsurface significant unique archaeological resources and/or Native American Remains uncovered during development of the sites are reduced to a less-than-significant level.
- b,c. The proposed project could result in cumulative environmental and public health and safety impacts related to the environmental topics that will be evaluated in the EIR.

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