What is a Housing Element?
The Housing Element is one of eight required elements of the General Plan, along with land use, circulation, open space, conservation, safety, noise and environmental justice. It is essentially the Town’s plan for addressing local housing needs.

What’s in our Housing Element?
Key components of the Housing Element include:

- Inventory of available sites for housing in Fairfax
- A projection of the number of housing units that could realistically be accommodated on each site in view of past trends and local conditions
- An assessment of local housing needs, potential constraints to housing production, and fair housing issues - which means any factors that impede access to housing for disadvantaged groups like the disabled, the elderly, or racial or linguistic minorities.
- A program of actions to address identified needs, constraints and fair housing issues.

Why Update the Housing Element?
By law, each city or town in California must update its Housing Element every eight years to plan for the next 8-year cycle and account for changing demographics and market conditions. Jurisdictions that fail to adopt a certified Housing Element may be subject to penalties and fines.

How Much Housing Does Fairfax Need to Plan for?

<table>
<thead>
<tr>
<th>Income Level</th>
<th>AMI</th>
<th>Needed Units</th>
<th>Percent of Needed Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very-Low-Income</td>
<td>0-50%</td>
<td>149</td>
<td>30.4%</td>
</tr>
<tr>
<td>Low-Income</td>
<td>51-80%</td>
<td>86</td>
<td>17.6%</td>
</tr>
<tr>
<td>Moderate-Income</td>
<td>81-120%</td>
<td>71</td>
<td>14.5%</td>
</tr>
<tr>
<td>Above-Moderate Income</td>
<td>&gt;120%</td>
<td>184</td>
<td>37.5%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>490</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Fairfax Regional Housing Needs Assessment, 2023-2031

What Happens if the Town Does Not Adopt a Housing Element or if the Housing Element Does Not Comply with State Law?
The penalties for non-compliance have increased in scope and severity over the past few legislative cycles, and they currently include:

- Limited access to State funding, including transportation funding for local roadway maintenance and capital improvement projects.
- Court imposed fines of up to $600,000 per month. The statute also allows the state to collect these fines by withholding state funding due to the Town.
- Lawsuits: When community’s housing element is found to be out of compliance, its General Plan is at risk of being deemed inadequate and therefore invalid, opening the possibility for lawsuits.

Consequences of Lawsuits

- Court mandated compliance - Courts can issue an order that a community bring its Housing Element into compliance. In extreme cases, State law allows a court to appoint an agent with all powers necessary to bring the Town’s Housing Element into compliance with State law.
- Court suspension of local control on building matters, freezing the community’s ability to issue building permits, zoning changes, etc.
- Court approval of housing developments on behalf of the community
- Attorney fees associated with the lawsuit

Over the past 20 years, cities and counties throughout the Bay Area (including Corte Madera, Pittsburg, Alameda, Benicia, Fremont, Rohnert Park, Menlo Park, Napa County, and Santa Rosa) have faced legal challenges to the adequacy of their housing elements. In virtually every case, the city settled by amending their housing element and/or zoning ordinance to accommodate more housing and paid the plaintiffs’ attorneys fees. Each of these cases were filed prior to the most recent amendments to the state housing law which make it exceedingly more difficult for cities to win such cases.

If you have comments or questions, email Housing@townoffairfax.org
2. OVERVIEW OF THE FAIRFAX HOUSING SITES INVENTORY

A core component of the Housing Element is the inventory of sites available for housing, shown on the map at right and summarized on the table below. The inventory is accompanied by a series of implementing programs representing actions the Town will take to facilitate development of the sites on the inventory. Key programs are highlighted to the right of the map.

Amid the ongoing housing crisis in California, Fairfax is required by law to plan for at least 490 new homes by 2031, including 235 that would be affordable to households making less than 80 percent of the Marin County Area Median Income (AMI).

The Draft Sites Inventory shows capacity for a total of 583 new homes, including:
- 71 new single-family homes on vacant residential lots
- 160 new ADUs and JADUs
- 352 multi-family homes in locations with good access to transit and services per State law

<table>
<thead>
<tr>
<th>Town of Fairfax</th>
<th>Sphere of Influence</th>
<th>Parks and Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income Level Category</td>
<td>Total Units</td>
<td>Low / Very Low (&lt;80% AMI)</td>
</tr>
<tr>
<td>Vacant Single-Family Sites</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>&quot;Pipeline&quot; Projects</td>
<td></td>
<td></td>
</tr>
<tr>
<td>School Street Plaza</td>
<td>175</td>
<td>35</td>
</tr>
<tr>
<td>Fairfax Market</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Various Single Family</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>Town-Owned Sites</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Underutilized Commercial Sites</td>
<td>159</td>
<td>129</td>
</tr>
<tr>
<td>ADU/JADU Projection</td>
<td>160</td>
<td>129</td>
</tr>
<tr>
<td>Total RHNA</td>
<td>583</td>
<td>270</td>
</tr>
<tr>
<td>Buffer</td>
<td>93</td>
<td>35</td>
</tr>
</tbody>
</table>

If you have comments or questions, email Housing@townoffairfax.org
The Town of Fairfax will prepare a programmatic EIR for the Fairfax Housing Element Update, consistent with the requirement of the California Environmental Quality Act (CEQA). The EIR will provide a programmatic environmental assessment of the potential consequences of implementing the Housing Element, identify significant environmental impacts, and recommend feasible measures to mitigate those impacts. The Town released a Notice of Preparation (NOP) for the EIR in August 2022, but since that time the sites inventory and capacity projections have been revised to the NOP has been re-released.

**EIR PROCESS FLOW**

- **NOTICE OF PREPARATION (NOP)**
- **SCOPING PERIOD (30 DAYS)**
- **ENVIRONMENTAL REVIEW**
- **DRAFT EIR PUBLISHED**
- **PUBLIC COMMENT DRAFT PERIOD FOR DRAFT EIR (45 DAYS)**
- **RESPONSE TO COMMENTS AND FINAL EIR**
- **PUBLIC HEARINGS**
- **CERTIFICATION OF EIR**

Consistent with the State CEQA Guidelines, the following environmental resource categories will be analyzed:

- Aesthetics
- Agriculture and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

**Key Issues to be Studied in EIR**

- **Air Quality** The project could result in an increase in operational 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.

- **Biological Resources** The potential presence of sensitive biological resources within the Town will be reviewed as a basis to determine whether new development on one or more of the housing opportunity sites may have potential to affect such resources.

- **Geology and Soils** Given the steep terrain in much of Fairfax, there is potential for landslides, particularly in wet weather months. Hillside areas in Fairfax have experienced landslides in the past. The development of housing in or adjacent to areas of geologic hazard could potentially result in significant impacts.

- **Transportation Vehicle Miles Travelled (VMT)** forecasts will be developed for the Project to determine if Project VMT exceeds significance thresholds based on State guidance.

- **Water Supply** The project is likely to result in a net increase in water demand. The EIR will quantify the projected change in demand and evaluate whether sufficient water supply may be available to meet that demand.

- **Wastewater** The project is likely to result in a net increase in wastewater generation and may have potential to require new wastewater conveyance facilities, the construction of which may have environmental impacts.

- **Wildfire** Almost all land within the Town limit is classified as a High Fire Hazard Severity Zone. Given the extent of wildfire hazard in and adjacent to Fairfax, this section of the EIR will address whether the project would substantially impair emergency response and evacuation or exacerbate fire risk.

If you have comments or questions, email Housing@townoffairfax.org