

**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission

DATE: November 16, 2023

FROM: Jeffrey Beiswenger, AICP, Planning & Building Director

ACTION: Conduct a public hearing on the Fairfax 2023-31 Housing Element Draft Environmental Impact Report (EIR).

CEQA STATUS: The 45-day public comment period on the Draft EIR started on September 26, 2023 and ended on November 11, 2023. Responses to public comments on the Draft EIR are being prepared and will be included in the Final EIR, anticipated for release on November 30, 2023.

The Town of Fairfax (Town), as the Lead Agency, has prepared a Draft Environmental Impact Report (DEIR) in compliance with the California Environmental Quality Act for the Town of Fairfax, 2023-31 Housing Element Update. The Element is a component of the Town's General Plan that primarily addresses housing matters for the Town. This hearing is an additional opportunity for the public to receive information and provide comments.

This staff report provides an overview of the EIR process and summarizes the key findings of the Draft EIR. A brief summary of comments received to date will be provided during the staff presentation on this item.

PUBLIC PARTICIPATION AND REVIEW

Pursuant to California law, a programmatic Environmental Impact Report (EIR) for the Fairfax Housing Element Update was prepared to evaluate potentially significant environmental impacts associated with the adoption and implementation of the 2023-31 Housing Element.

Consistent with the State California Environmental Quality Act (CEQA) a Notice of Preparation (NOP) for the EIR was publicized and circulated to State and local agencies on August 26, 2022, as well as to members of the public. The purpose of an NOP is to provide sufficient information about the proposed project and its potential environmental effects to provide the opportunity to provide a meaningful response related to the scope and content of the EIR.

Subsequent to this first NOP, the inventory of sites available for housing and the projections for their realistic capacity to accommodate housing was revised. Therefore, the Town recirculated a second NOP for the EIR on the Proposed Project and submitted it again to the State Clearinghouse on April 3, 2023 and circulated it among relevant State and local agencies, as well as to members of the public. The Town received a total of five comment letters from State public agencies and 22 comment letters from individuals during the both of the NOP's 30-day review periods, which ended on September 26, 2022 and May 2, 2023, respectively. The NOP

and comments on the NOP received by the Town are summarized in Chapter 3 of the EIR and included as Appendix A and B of the EIR.

Consistent with legal requirements and State guidance, an EIR Scoping Meeting was held on April 19, 2023, at the Fairfax Women's Club to receive comments and suggestions on scope and content for the EIR; solicit input on potential impacts, mitigation measures, and alternatives to consider; and consult with public agencies responsible for natural resources, other regulatory bodies, neighboring communities, Native American tribes, and members of the public. Comments on the NOP, along with input received during public workshops and meetings over the course of the Proposed Project's process, have helped to identify the major planning and environmental issues and concerns and establish the framework of the EIR.

The legally mandated 45-day public comment period on the Draft EIR started on September 26, 2023 and ended on November 11, 2023. Responses to public comments on the Draft EIR are being prepared and will be included in the Final EIR, anticipated for release on November 30, 2023.

ORGANIZATION OF THE DRAFT EIR

The complete Draft EIR document and appendices can be found on the Town's website at:

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

The Draft EIR is organized into the following chapters and appendices:

- ES. Executive Summary.** Summarizes the EIR by providing an overview of the Proposed Project, the potentially significant environmental impacts that could result from the Proposed Project, the mitigation measures identified to reduce or avoid these impacts, alternatives to the Proposed Project, and identification of the environmentally superior Alternative.
- 1. Introduction.** Introduces the purpose of the EIR, explains the EIR process and intended uses of the EIR, and describes the overall organization of the EIR.
- 2. Project Description.** Describes in detail the Proposed Project, including its location and boundaries, purpose and objectives, and projected buildout.
- 3. Environmental Analysis.** Analyzes the environmental impacts of the Proposed Project. Impacts are organized by major topic. Each topic area includes a description of the environmental setting, significance criteria, methodology, and potential impacts.
- 4. Analysis of Alternatives.** Presents a reasonable range of alternatives to the Proposed Project, including the No Project alternative, provides discussion of environmental impacts associated with each alternative, compares the relative impacts of each alternative to those of the Proposed Project and other alternatives, discusses the relationship of each alternative to the Proposed Project's objectives, and identifies the environmentally superior alternative.
- 5. CEQA Required Conclusions.** Summarizes significant environmental impacts, including growth-inducing, cumulative, and significant and unavoidable impacts; significant irreversible environmental change; and impacts found not to be significant.
- 6. List of Preparers.** Identifies the persons and organizations that contributed to the preparation of the EIR.

- 7. Appendices.** Includes the NOP and compilation of agency and public comments received on the NOP, as well as other technical appendices including data used for environmental analysis in the EIR.

SUMMARY OF DRAFT EIR FINDINGS

The environmental analysis completed to date indicates that the majority of impacts are less than significant. There are seven impacts related to Air Quality, Biological Resources, and Cultural and Tribal Cultural Resources that would be reduced to less than significant with mitigation. Two impacts related to GHG Emissions and Transportation were significant and unavoidable that there were no cumulatively considerable impacts.

Even after all feasible mitigation, the Housing Element would result in significant and unavoidable impacts related to:

- **Greenhouse Gas Emissions:** The Town of Fairfax Climate Action Plan (CAP) establishes a target of net zero emissions by 2030 and an executive order by the California Governor establishes a statewide target of carbon neutrality by 2045. While buildout of the inventory would result in emissions per service population below the Statewide target for 2030, emissions resulting from buildout would exceed the targets established in the Fairfax CAP and the State. The DEIR recommends a mitigation measure pursuant to which the Town will update the CAP to identify measures necessary for compliance with State target; however, as this update has not yet been completed and the specific measures have not yet been identified, the DEIR conservatively concludes that the associated impact would remain significant and unavoidable even after implementation of this mitigation measure.
- **Transportation:** Buildout of the inventory would result in per capita townwide Vehicle Miles Traveled (VMT) that is 10.4 percent below existing townwide VMT. While this represents a substantial improvement over existing conditions, it is not sufficient to meet the threshold of 15 percent below existing levels required for consistency with CEQA Guidelines § 15064.3, subdivision (b). As described more fully in Chapter 3.13 of the DEIR, there are no feasible mitigation measures available to address this impact, which would remain significant and unavoidable.

These impacts are not uncommon for a long-range development plan and the Town can approve the project based on overriding considerations, such as housing production and compliance with State law.

The Town began work on the 6th Cycle Housing Element in 2021, which has required a more robust process than previous cycles due to increased state regulation, oversight, and potential penalties, and tightened timelines.

RECOMMENDATION

Conduct a public hearing on the Fairfax 2023-31 Housing Element DEIR and provide comments for consideration by the Town Council prior to certification of the Final EIR and the Fairfax 2023-31 Housing Element.

ATTACHMENT

None