

Notice of Exemption

21-2025-178

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: Marin
3501 Civic Center Drive, Suite 234
San Rafael, California 94903

From: (Public Agency): Town of Fairfax
142 Bolinas Rd.
Fairfax, California 94930
(Address)

Project Title: School Street Project - 95 Broadway (APN 002-112-13)

Project Applicant: School Street LLC

Project Location - Specific:

95 Broadway Street, Fairfax, California 94930; cross-street School Street

Project Location - City: Fairfax Project Location - County: Marin

Description of Nature, Purpose and Beneficiaries of Project:

The Project is a 243-unit multi-family infill mixed-use development located at 95 Broadway. The Project will provide both market rate units and Below Market Rate Units at the Low-Income affordability level, thereby qualifying the Project for a 50% density bonus. The Project will also contain 5,750 sf of commercial retail space on the ground floor. The Project proposes four (4) levels of residential and two (2) levels of parking for a total of 322 parking spaces. The Project will provide a mix of studios, 1 bedroom, 2 bedroom, and 3 bedroom homes, with an average home size of 1,058 square feet for a total of 257,039 square feet of residential use.

Name of Public Agency Approving Project: Town of Fairfax

Name of Person or Agency Carrying Out Project: School Street LLC

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
Categorical Exemption. State type and section number:
Statutory Exemptions. State code number: Public Resources Code section 21083.3.

FILED

DEC 02 2025

SHELLY SCOTT
MARIN COUNTY CLERK
BY: [Signature], Deputy

Reasons why project is exempt:

The Project is ministerial under Chapter 17.026 of the Fairfax Municipal Code.
The Project is independently exempt pursuant to Section 21083.3 of the Public Resources Code.

Lead Agency
Contact Person: Jeffrey Beiswenger Area Code/Telephone/Extension: 415-458-2346

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: /s/ Daniel Golub Date: December 2, 2025 Title: Attorney

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR:

POSTED 12/2/25 TO 1/1/26





## **TOWN OF FAIRFAX**

142 Bolinas Road, Fairfax, California 94930  
(415) 453-1584 / Fax (415) 453-1618

November 22, 2025

**Via Email and USPS**

Mike Kim  
Mill Creek Residential  
3697 Mt. Diablo, Suite 350  
Lafayette, CA 94549

Riley Hurd  
Ragghianti Freitas LLP  
1101 5<sup>th</sup> Avenue, Suite 100  
San Rafael, CA 94901

Re: **Approval with Conditions  
Mixed Use Project at 95 Broadway (APN 002-112-13)**

Dear Mr. Kim and Mr. Hurd:

The above-referenced application submitted to the Town of Fairfax Department of Planning and Building Services on August 18, 2025, for a mixed-use project with 243 residential units and 5,750 square feet of commercial use is approved subject to the accompanying **conditions of approval (Exhibit A) and mitigation measures (Exhibit B)**.

The subject property is located within the Limited Commercial (CL) zone district, with a Workforce Housing Overlay (WHO-A), and a General Plan land use designation of Planned Development District (PDD). The application was reviewed for completeness in accordance with the Permit Streamlining Act (California Government Code Section 65920 et seq.) and was determined to be complete on September 17, 2025.

To guide the process for projects located in WHO-A, a memo was prepared entitled, Ministerial Approval Process for Qualifying Projects within the Workforce Housing Overlay Zoning District ("Ministerial WHO Process"). This process was formalized and approved by the California Department of Housing and Community Development (HCD) as part of the Fairfax Housing Element approval process. In accordance with this memo, the Town provided you with a list of deficiencies (i.e., ways in which the proposal failed to comply with applicable City standards and requirements) in an October 16, 2025 letter.

We received a letter and revised project plans on November 14, 2025 (e-mailed at 7:40 p.m. on November 13). This November 14 submittal addressed some, but not all, project deficiencies. The remaining deficiencies, however, shall be addressed as part of the post-entitlement phase permit review process.

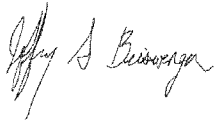
Please note that this entitlement approval does not authorize any violation of Town Code, including, but not limited to, intrusions into creek setbacks as defined by Section 17.040.040 (Setbacks; Structures Adjacent to Fairfax and San Anselmo Creeks); the removal of any Heritage Tree as defined by Section 8.36.020 (Definitions) of the Tree Ordinance; or any

95 Broadway (APN 002-112-13)  
November 21, 2025  
Page 2 of 2

encroachment into a public right-of-way, including air-space encroachments (e.g. balconies, signs, or other projections). All structures, including aerial projections, must be completely contained on private property.

Project approval is subject to the attached Conditions of Approval. Should you wish to challenge this approval with conditions, please note Town Code, Section 2.44.020 (appeal to council). Any appeal must be submitted to the Town Clerk within 10 days of the date of this letter.

Regards,

A handwritten signature in black ink, appearing to read "Jeffrey A. Beiswenger". The signature is cursive and somewhat stylized.

Jeffrey Beiswenger, AICP  
Planning & Building Services Director

Exhibits

Exhibit A – Conditions of Approval  
Exhibit B – Mitigation Measures

EXHIBIT A  
**CONDITIONS OF APPROVAL**

**General Conditions**

1. General Compliance. The applicant and owner, including all successors in interest (collectively "Applicant") shall comply with each and every condition set forth in this Approval with Conditions. This Approval with Conditions shall have no force or effect and no building permit shall be issued unless and until all required enumerated precedent conditions listed below have been performed or fulfilled.
2. Mitigation Monitoring. The project shall comply with all applicable mitigation measures adopted by the Town Council on December 13, 2023 as part of the Housing Element, included here as Exhibit B.
3. Cost and Approval. Applicant shall fully complete and satisfy each and every condition set forth in these Conditions of Approval and any other condition applicable to the project. Applicant shall be solely responsible and liable for the cost to satisfy each and every condition.
4. Continuing Obligation. Each and every condition set forth in these Conditions of Approval shall apply to the project and continue to apply to the project so long as the Applicant is operating the project under this Approval with Conditions.
5. Compliance with Laws. The construction, use, and all related activity authorized under this Approval with Conditions shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies of all local, state and federal agencies having jurisdiction over the project, including, but not limited to, Marin Municipal Water District, the Ross Valley Fire Department, and the Ross Valley Sanitary District.
6. Town Code Compliance. The project shall demonstrate continuous compliance with applicable provision of the Town Code, including the Workforce Housing Overlay (WHO) and Limited Commercial (CL) Zoning Code, sign code and all other provisions.
7. Indemnification. By accepting this Town approval and the benefit that it confers, the Applicant agrees, for itself and its successors, to defend (with counsel selected by or otherwise acceptable to the Town), indemnify, and hold harmless the Town of Fairfax, its officials, officers, employees agents, and representatives (collectively, "Town") from all claims, demands, lawsuits, writs of mandamus, and other actions or proceedings (collectively, "Actions") brought against the Town to challenge, attack, seek to modify, set aside, void, or annul any Town decision made in connection with the issuance of this Approval with Conditions, as well as any litigation arising from the project that is the subject matter of this Approval with Conditions
8. Development Fees. Prior to issuance of any building permit, Applicant shall pay all applicable Town of Fairfax development fees, including but not limited to building permit fees. These fees are collected at the time of submission of an application for a building permit. Applicant shall be solely responsible for the payment of any fees assessed by any other agencies, districts, or governmental bodies with regulatory authority over the project

9. Cost Reimbursement. The Applicant is required to ensure full cost recovery for Town review expenses. Staff time is charged at the fully allocated hourly rate (FAHR), outside professional services are charged at actual cost plus 20% administrative fee, if applicable, and graphic and duplication services are charged at actual cost. Review activities will be discontinued after notification to the Applicant, if adequate funds in a deposit account are not available to cover anticipated and estimated project review expenses. All review expenses incurred during entitlement processing, shall be paid in full at the time of building permit submittal.

All review expenses incurred during entitlement processing, shall be paid in full at the time of building permit submittal.

10. Severability. If any term, provision, or condition of this Approval with Conditions is held to be illegal or unenforceable by a Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Approval with Conditions shall remain operative, binding, and fully enforceable.
11. Compliance with Conditions of Approval. Upon submittal of an application for a building permit, Applicant shall provide a written description of the project's compliance with all conditions of approval.
12. Fire. The project shall comply with the requirements of the Ross Valley Fire Department and the California Fire Code.
13. Geotechnical Report. Prior to issuance of a building permit, Applicant shall provide a final summary report by the project geotechnical engineer providing that all necessary inspections were completed and that the project work was found to satisfy the requirements of the geotechnical report submitted for the project, as well as the requirements of the project's licensed geotechnical engineer.
14. Utilities Undergrounded. With the exception of any transformers and any existing above-ground wire utilities, television boxes, and cable boxes, Applicant shall underground all new wire utilities on the property.
15. Construction Storm Water Quality. Applicant shall comply with the requirements of the National Pollution Elimination Discharge System (NPDES) permit as administered by the California State Water Resources Control Board (State Board) and the San Francisco Bay Regional Water Quality Control Board (Regional Board). Prior to the issuance of any building, demolition, or grading permit, Applicant shall submit an Erosion and Sediment Control Plan (Erosion Control Plan). The erosion control plan shall show all construction best management practices (BMPs) and shall comply with the requirements of the NPDES, the guidance provided by the Marin County Stormwater Pollution Prevention Program (MCSTOPPP), and the Town's storm water and urban runoff pollution control standards and guidelines (Town's Clean Water Program). Applicant shall ensure that all contractors and subcontractors install and regularly maintain all construction BMPs as required by the approved erosion control plan, the Fairfax Town Code, and the Town's Clean Water Program.
16. Construction Stormwater Permit Compliance. Applicant shall comply with the requirements of the

Exhibit A: Conditions of Approval

Page 3

Construction General Permit as administered by the State and Regional Boards. Applicant shall obtain a Construction Activities Storm Water General Permit (State Permit) from the State Board. Prior to any construction activities and prior to the issuance of any building, demolition, or grading permit, Applicant shall submit a complete Storm Water Pollution Prevention Plan (SWPPP) and an erosion control plan and a site monitoring plan meeting the satisfaction of the Town Engineer.

Applicant shall ensure that all contractors and sub-contractors install and regularly maintain all storm water quality control measures as required by the approved SWPPP, the approved erosion control plan, the MMC, and the Town's Clean Water Program. Applicant shall provide a copy of the SWPPP to the Town (directed to the attention of the Director) upon issuance.

17. Heritage Tree Protection. No Heritage Tree (as defined in Town Code Chapter 8.36) shall be damaged or removed and shall remain on the project site in accordance with Town Code Chapter 8.36 unless a Town approved arborist determines a Heritage Tree is dead, diseased or dying. All trees remaining on the project site shall be protected with Tree Protection measures according to Section 8.36.080 Construction; Tree Protection Plan and as approved by the Town Arborist.
18. Storm Drain Improvements. Prior to building permit issuance, the final storm drain improvements needed for the site's 100-year storm drain storm flow capacity shall be certified in a form acceptable to the Town Engineer.
19. Construction Staging and Employee Parking. Applicant shall place all construction related materials, equipment, and arrange construction worker parking on-site and not located in the public right-of-ways or public easements.
20. Density Bonus. Approval of the project is issued in compliance with the state density bonus law (California Government Code § 65915). The project qualifies for a density bonus based on its provision of 41 below-market rate units at the low-income affordability level. Applicant shall enter into and cause to be recorded in the official records of Marin County an Inclusionary Housing Plan (IHP) with the Town to document the provision of dwelling units that are rent-restricted as to qualifying candidates under California Government Code § 65915. Said agreement shall guarantee the affordability of 41 of the project dwelling units at the Low-income affordability level as required by California Government Code § 65915 and shall likewise set forth the concessions and/or waivers granted to the project.
21. Replacement Units. This project has resulted in the displacement of twelve rental units. The units shall be replaced as required under density bonus law. A project that relies on density bonus and results in the removal or conversion of existing rental dwelling units, or if the property upon which the housing development is proposed has within the past five years been occupied by rental dwelling units, is required to provide the following information (See Zoning Code Section 17.050.050 (A)(10)):
  - a. A description of the housing units removed, converted, proposed to be removed or proposed to be converted;
  - b. The income levels of the persons occupying each unit removed, converted, proposed to be removed or proposed to be converted; and,
  - c. The rental rates charged for the immediately preceding five years for each unit removed,

converted, proposed to be removed or proposed to be converted.

Replacement units that match the characteristics of the lost units shall be provided as part of this project and identified in the IHP.

22. Acceptance of Approval with Conditions. Should applicant fail to file a timely appeal within ten days of the date of Approval with Conditions, inaction by applicant shall be deemed to constitute each of the following:
  - a. Acceptance of this Approval with Conditions; and
  - b. Agreement by the applicant to be bound by, comply with, and to do all things required of applicant pursuant to all of the terms, obligations, and conditions of this Approval with Conditions.

Prior to Construction Plan Submittals

The following conditions shall be met prior to any detailed construction plan check submittals (Building or Engineering, except demolition and rough grade plans), unless otherwise approved by the Director. Town reserves the right to reject any plan check submittal if any of the following conditions are not met.

23. Setback and property line compliance. Building plans shall indicate that all building elements shall be contained within the confines of the private property. Any overhanging balconies or other air space encroachments into public rights-of-way or easements are prohibited. All site and building improvements must be outside the stream setback lines as established by the Town Code.
24. Open Space Plan. Final open space plan in compliance with Section 17.126.030 Development Standards in WHO Zones shall be submitted for review and approval by the Director.
25. Solid Waste and Recycling Handling Plan. Applicant shall submit a final solid waste and recycling handling plan for Town's review and approval in accordance with Town Code.
26. Stormwater Control Plan. Applicant shall submit a Storm Water Control Plan that incorporates best management practices (BMPs) for treatments of storm water run-off from all parcels. The Storm Water Control plan shall incorporate source control, site design and storm water treatment requirements consistent with Marin County requirements with BMPs such as the use of bio-treatment areas into the landscape design elements and the use of permeable pavement BMPs compliant with the current Bay Area Stormwater Management Agencies Association (BASMM) handbooks. The site plan shall be consistent with the final Storm Water Control plan to the satisfaction of the Town Engineer.
27. Grading. Design of site grading work shall comply with Fairfax Town Code requirements, including but not limited to those set forth in Chapter 12.20 ('Excavations Generally'), and shall be certified in a form acceptable to the Town Engineer prior to any site work
28. Solid Waste and Recycling Facility Design. Applicant shall comply with all applicable Town design guidelines/details associated with haul route, turning radius, vertical and horizontal clearance, trash enclosure, staging area, and storage areas.

PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE

The following conditions shall be addressed as part of the off-site improvement plan review and shall be met prior to encroachment permit issuance, unless otherwise approved by the Town Engineer.

29. Public Improvement Design Standards. All public improvements shall be designed and constructed in accordance with current Marin County design guidelines, drawings and specifications, as well as with Americans with Disabilities Act (ADA) requirements, where applicable.
30. Domestic Water and Fire Service Calculations. Applicant shall submit potable water and fire service calculations to confirm adequacy of lateral size, pressure and flow, to be reviewed and approved by the Town Engineer and the Ross Valley Fire Department.
31. Curb Drain Maintenance Agreement. Applicant shall record a Maintenance Agreement for perpetual maintenance of any new curb drains as approved by the Town.
32. MMWD Will-Serve Letter. Will-serve letter from Marin Municipal Water District (MMWD) not provided: A project of this size requires a will-serve letter from MMWD to confirm that adequate water capacity and infrastructure is available to serve the project and to identify system improvements that may be necessary. A will-serve letter from MMWD must be provided to the Town.
33. RVSSD Will-Serve Letter. Will-serve letter from Ross Valley Sanitary Sewer District (RVSSD) not provided: Applicant shall contact the RVSSD to review the project to determine if adequate capacity and infrastructure is available to serve the project and what system improvements may be necessary. A will-serve letter from RVSSD must be provided to the Town.
34. Encroachment Permit (temporary). Prior to any work in the public right-of-way or public easement, obtain a temporary encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Town.

PRIOR TO BUILDING PERMIT ISSUANCE

The following conditions shall be addressed during the building plan check process and shall be met prior to any building permit issuance (except demolition permit and rough grade permit), unless otherwise approved by the Town Engineer.

35. Water Efficient Landscapes. Applicant shall comply with Fairfax Town Code Chapter 17.132 ('Water Conservation') for landscape design.
36. Dewatering. If dewatering is needed during construction, Applicant shall obtain any permits required by law for discharging groundwater to a sanitary sewer system.
37. Construction Demolition and Debris. Applicant shall comply with the provisions of Fairfax Town Code Chapter 8.14 ('Collection, Recycling, and Disposal of Waste Generated From Construction, Demolition, and Renovation Projects').

Exhibit A: Conditions of Approval

Page 6

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

The following conditions shall be met prior building occupancy, unless otherwise approved by the Town Engineer.

38. Completion of Public Improvements. Applicant shall complete all public improvements, including but not limited to the Broadway and Merwin Drive frontage improvements, as on Town-approved plans.
39. Record Drawings. Applicant shall submit record drawings, including site plans and all building improvement plans, in pdf format for Town records.

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>				
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>	
<b>3.1 Aesthetics</b>				
3.1-1	Implementation of the Proposed Project would not have a substantial adverse effect on scenic vistas.	None required	Less than significant	Not applicable
3.1-2	Development under the Proposed Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	None required	No impact	Not applicable
3.1-3	Development under the Proposed Project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings in non-urbanized areas or conflict with applicable zoning and other regulations governing scenic quality in urbanized areas.	None required	Less than significant	Not applicable
3.1-4	Development under the Proposed Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	None required	Less than significant	Not applicable
	In combination with other past, present, and reasonably foreseeable projects, the Proposed Project would not result in significant cumulative impacts related to scenic resources within a state scenic	None required	Less than significant	Not applicable

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>				
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>	
highway; degradation of visual character; or light and glare.				
<b>3.2 Air Quality</b>				
3.2-1	Implementation of the Proposed Project would not conflict with or obstruct the implementation of the applicable air quality plan.	None required	Less than significant	Not applicable
3.2-2	<p>Implementation of the Proposed Project would not result in a cumulatively considerable net increase of criteria pollutants for which the Project region is nonattainment under an applicable federal or State ambient air quality standard.</p> <p><i>Construction</i></p> <p>Construction associated with buildout of the Proposed Project would result in the temporary generation of ozone precursors (ROG, NOx), CO, and particulate matter emissions that could result in short-term impacts on ambient air quality within the Planning Area and contribute to ozone formation and other air pollution in the SFBAAB. As such, construction emissions generated in the planning area by implementation of the Proposed Project would result in a potentially significant impact and mitigation would be required.</p> <p>To ensure projects achieve consistency with the BAAQMD's construction</p>	<p><b>MM AQ-1: Implement BAAQMD Basic Construction Mitigation Measures.</b></p> <p>The Town shall require new project development projects to implement the BAAQMD's Basic Control Mitigation Measures to address fugitive dust emissions that would occur during earthmoving activities associated with project construction. These measures include:</p> <ul style="list-style-type: none"> <li>a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>d) All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> </ul>	Potentially significant	Less than significant with mitigation incorporated

**Table ES-1: Summary of Impacts and Mitigation Measures**

<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
<p>screening criteria or, if consistency with the construction screening criteria cannot be demonstrated, the Town is incorporating Mitigation Measure AQ-1 and AQ-2 into future project development projects to mitigate this potential impact to a less-than-significant level.</p> <p><i>Operations</i></p> <p>The Proposed Project's net operational emissions would not exceed the BAAQMD's significance thresholds for any of the pollutants. As such, operational air quality impacts are less than significant.</p>	<ul style="list-style-type: none"> <li>e) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>f) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>g) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>h) Post a publicly visible sign with the telephone number and person to contact at the Town regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</li> </ul> <p><b>MM AQ-2: Prepare Project-level Construction Emissions Assessment.</b></p> <p>The Town shall require new development projects to submit a quantitative project-level construction</p>		

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
	<p>criteria air pollutant and toxic air contaminant emissions analysis prior to the start of construction activities that shows project construction activities would not exceed BAAQMD project-level thresholds of significance. The analysis may rely on BAAQMD construction screening criteria to demonstrate that a detailed assessment of criteria air pollutant and toxic air contaminant construction emissions is not required for the project. If the project does not satisfy all BAAQMD construction screening criteria, the analysis shall estimate and compare construction criteria air pollutant and toxic air contaminant emissions against the project-level thresholds of significance maintained by BAAQMD and, if emissions are shown to be above BAAQMD thresholds, then the project must implement measures to reduce emissions below BAAQMD thresholds. Mitigation measures to reduce emissions could include, but are not limited to:</p> <ul style="list-style-type: none"> <li>a) Watering exposed surfaces at a frequency adequate to maintain a minimum soil moisture content of 12 percent, as verified by moisture probe or lab sampling;</li> <li>b) Suspending excavation, grading, and/or demolition activities when average wind speeds exceed 20 miles per hour;</li> <li>c) Selection of specific construction equipment (e.g., specialized pieces of equipment with smaller engines or equipment that will be more efficient and reduce engine runtime);</li> <li>d) Installing wind breaks that have a maximum 50 percent air porosity;</li> </ul>		

**Table ES-1: Summary of Impacts and Mitigation Measures**

<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
	<ul style="list-style-type: none"> <li>e) Restoring disturbed areas with vegetative ground cover as soon as possible;</li> <li>f) Limiting simultaneous ground-disturbing activities in the same area at any one time (e.g., excavation and grading);</li> <li>g) Scheduling/phasing activities to reduce the amount of disturbed surface area at any one time;</li> <li>h) Installing wheel washers to wash truck and equipment tires prior to leaving the site;</li> <li>i) Minimizing idling time of diesel-powered construction equipment to no more than two minutes or the shortest time interval permitted by manufacturer's specifications and specific working conditions;</li> <li>j) Requiring equipment to use alternative fuel sources (e.g., electric-powered and liquefied or compressed natural gas), meet cleaner emission standards (e.g., U.S. EPA Tier IV Final emissions standards for equipment greater than 50-horsepower), and/or utilizing added exhaust devices (e.g., Level 3 Diesel Particular Filter);</li> <li>k) Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM;</li> <li>l) Requiring all contractors use equipment that meets CARB's most recent certification</li> </ul>		

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
	standard for off-road heavy-duty diesel engines; and  m) Applying coatings with a volatile organic compound (VOC) that exceeds the current regulatory requirements set forth in BAAQMD regulation 8, Rule 3 (Architectural Coatings).		
3.2-3 Implementation of the Proposed Project would not expose sensitive receptors to substantial pollutant concentrations.  With the implementation of Mitigation Measures AQ-1 through AQ-3, TAC construction emissions associated with the Proposed Project would not result in significant adverse health risks at receptor locations.	<p><b>MM AQ-1: Implement BAAQMD Basic Construction Mitigation Measures.</b></p> <p><b>MM AQ-2: Prepare Project-level Construction Emissions Assessment.</b></p> <p><b>MM AQ-3: Review Air Quality Risks to New Housing Sites.</b></p> <p>The Town shall require new project residential development projects to review and identify, using the BAAQMD's publicly available Stationary Source Screening Map or another standard methodology (e.g. BAAQMD public records request), permitted stationary sources within 1,000 feet of the project that may result in risks and hazards to new receptors. If screening-level information indicates potential stationary source risks and hazards would exceed the BAAQMD's thresholds, the project applicant shall: 1) incorporate site and building design measures into the project that reduce exposure to pollutants; or 2) conduct refined, site-specific modeling, using the latest information and guidance from the BAAQMD, demonstrating sources risks and hazards would not exceed BAAQMD thresholds for new receptors. Site and building design measures that may reduce potential exposure to pollutants would include, but are not limited to,</p>	Potentially significant	Less than significant with mitigation incorporated

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
	buffering/increasing the distance between sources and receptors, designing the site to limit exposure to the highest pollutant concentrations, and incorporating enhanced filter systems into heating, ventilation, and air conditioning equipment.		
3.2-4 Implementation of the Proposed Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	None required	Less than significant	Not applicable
In combination with other past, present, and reasonably foreseeable projects, the Proposed Project would not result in significant cumulative impacts related to conflicting with an applicable air quality plan, criteria pollutants, sensitive receptors, or other emissions (such as those leading to odors).	None required	Less than significant	Not applicable
<b>3.3 Biological Resources</b>			
3.3-1 Implementation of the Proposed Project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, but impacts would be reduced with implementation of Mitigation Measures BIO-1 through BIO-6.	<p><b>MM BIO-1: Conduct Preconstruction Surveys for Special Status Species.</b></p> <p>Prior to ground-disturbing activities and during the appropriate identification periods for special-status plants and wildlife listed in Tables 3.3-1 and 3.3-2, project applicants proposing development on sites with the potential for special-status species to occur shall engage a licensed biologist with prior experience conducting surveys for subject species in Marin County to conduct field surveys within work areas and the immediately adjacent areas to determine the presence of habitat for special-status</p>	Potentially significant	Less than significant with mitigation incorporated

<b>Table ES- I: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
<p>Given the extent of biological resources throughout the community, housing sites identified in the Proposed Project do occur along riparian areas near Bothin, San Anselmo, and Fairfax Creeks; the construction of which could potentially adversely affect several special-status species.</p>	<p>plant and wildlife species. The field surveys are to be conducted when special-status species that could occur in the area are evident and identifiable, generally during the blooming or breeding period. One or more surveys shall be conducted as needed to account for different special-status species identification periods. The results of field surveys shall be summarized in an accompanying report documenting all proposed work areas and the presence or absence of any sensitive resources that could be affected by development. Additionally, the report shall outline where species and/or habitat-specific mitigation measures (as required under Mitigation Measures BIO-2 through BIO-6) are required. This report will provide the basis for any applicable permit applications and consultations with regulatory agencies where incidental take may occur.</p> <p><b>MM BIO-2: Worker Environmental Awareness Training Program.</b></p> <p>If it is established pursuant to Mitigation Measure BIO-1 that special status species occur on the site, prior to the issuance of grading or building permits, and for the duration of construction activities, the project proponent shall demonstrate that it has in place a Construction Worker Environmental Awareness Training Program for all construction workers at the project site. All construction workers shall attend the Program prior to participating in construction activities. The Program shall be developed and conducted by a licensed biologist with experience in Marin County. The training may be presented in video form. The Program shall include:</p>		

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
	<ul style="list-style-type: none"> <li>• Information on the life history of wildlife and plant species that may be encountered during construction activities and legal protection status of each species;</li> <li>• The definition of “take” under the Federal Endangered Species Act and the California Endangered Species Act;</li> <li>• Measures the project proponent/operator is implementing to protect the species; and</li> <li>• Specific measures that each worker shall employ to avoid take of wildlife species, and penalties for violation of the Federal Endangered Species Act or California Endangered Species Act.</li> </ul> <p><b>MM BIO-3: Install Temporary Flagging or Barrier Fencing to Protect Sensitive Biological Resources Adjacent to the Work Area.</b></p> <p>If required pursuant to Mitigation Measure BIO-1, a licensed biologist with prior experience for subject species in Marin County shall identify and flag or fence sensitive biological habitat onsite to ensure it is avoided during construction and pre-construction activities. Flagging or fencing shall be installed prior to the site of site preparation activities remain in place for the duration of construction activities.</p> <p><b>MM BIO-4: Avoid and Minimize Disturbance to Special-Status Plant Species.</b></p> <p>If necessary pursuant to the results of surveys conducted under Mitigation Measure BIO-1, the</p>		

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
	<p>work area shall be modified to the extent feasible to avoid indirect or direct impacts on special-status plants. If complete avoidance of special-status plants is not feasible, at a minimum the special-status plant species shall be relocated on-site, at least 20 feet away from construction directly relating to the project. All site preparation, seed/cutting/root collection, grow-out, and plant installation shall be conducted by a landscape company approved by the Town of Fairfax with experience working on restoration projects and within the habitats present on-site. Following the relocation, the plantings/seedlings shall be monitored annually for three to five years by a licensed biologist paid for and hired by the applicant to determine the success of the relocation. For individual plants, the success criteria would be the establishment of new viable occurrences equal to or greater in number than the number of plants impacted. On-site maintenance of the relocated plants shall be contracted to a landscaping company which will also be paid for and hired by the applicant. An annual report by a licensed biologist detailing the success of the relocation shall be drafted and submitted to all responsible agencies (e.g., CDFW, USFWS) for their review.</p> <p><b>MM BIO-5: Disturbance to Obscure Bumble Bee.</b></p> <p>If required pursuant to Mitigation Measure BIO-1, in order to minimize disturbance to the obscure bumble bee, a licensed entomologist paid for and hired by the applicant shall conduct a take avoidance survey for active bumblebee colony nesting sites in any previously undisturbed area no more than 14</p>		

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
	<p>days prior to each phase of construction, if the work will occur during the flying season, generally between March 1 and September 1.</p> <p>The surveys shall occur when temperatures are above 60 degrees Fahrenheit (°F), on sunny days with wind speeds below 8 miles per hour, and at least 2 hours after sunrise and 3 hours before sunset. Surveyors shall conduct transect surveys focusing on detection of foraging bumble bees and underground nests using visual aids such as binoculars. If no obscure bumble bees or potential obscure bumble bees are detected, no further mitigation is required. If potential obscure bumble bees are seen but cannot be identified, the applicant shall obtain authorization from CDFW within 14 days prior to groundbreaking to use nonlethal netting methods to capture bumble bees to identify them to species. If protected bumble bee nests are found, they shall be protected in place until they are no longer active as determined by a licensed entomologist. Survey results, including negative findings, shall be submitted to CDFW and the Town prior to groundbreaking within 14 days of completing the take avoidance survey.</p> <p><b>MM BIO-6: Disturbance to Foothill Yellow-Legged Frog (FYLF).</b></p> <p>If required pursuant to Mitigation Measure BIO-1, in order to minimize disturbance to dispersing or foraging FYLF, all grading activity within 100 feet of aquatic habitat shall be conducted during the dry season, generally between May 1 and October 15, or before the onset of the rainy season, whichever occurs first, unless exclusion fencing is utilized.</p>		

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
	<p>Construction that commences in the dry season may continue into the rainy season if exclusion fencing is placed between the construction site and Bothin Creek, Fairfax Creek, or San Anselmo Creek, and includes drainage features to keep the frog from entering the construction area. Additionally, the following measures shall be implemented to lessen impacts to FYLF:</p> <ul style="list-style-type: none"> <li>a) Prior to building permit issuance the applicant shall submit evidence to the building department to demonstrate that they have retained a licensed biologist with experience with FYLF to implement each of the following measures.</li> <li>b) No more than 14 days before the start of ground disturbance activities, pre-construction surveys for FYLF shall be conducted by a qualified biologist and shall cover the project site, access areas, and aquatic features within 200 feet of the project site. Additionally, for construction activity within 100 feet of Bothin Creek, Fairfax Creek or San Anselmo Creek, a survey shall be conducted by a qualified biologist every morning before construction activities commence for the day to ensure that no FYLF are present in the construction area. If FYLF are observed in the construction area or access areas, all work in the vicinity of the FYLF shall be stopped and the USFWS shall be consulted immediately. The biologist shall submit a summary of their surveyed findings to the</li> </ul>		

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
	<p>town planner by email within 14 days prior to groundbreaking.</p> <p>c) Exclusion fencing shall be installed around any work area within 100 feet of a drainage, wetland, or Bothin Creek, Fairfax Creek or San Anselmo Creek, unless construction activity will be completed in one day or less at that location. A qualified biologist shall be present to monitor the installation of the exclusion fence.</p> <p>d) Because dusk and dawn are often the times when FYLF are most actively foraging, all construction activities shall cease one half hour before sunset and shall not begin prior to one half hour before sunrise. Construction activities shall not occur during rain events, which are any occurrences of rain that result in an accumulation of 0.1 inches or more in 24 hours, unless a survey is conducted by a licensed biologist each day prior to the start of construction activities and one-half hour before sunset to ensure that no FYLF are observed in the construction area or access areas.</p> <p>e) Any open holes or trenches shall be covered using timber mats or an equally effective material at the end of each working day to prevent FYLF from becoming entrapped.</p> <p>f) A Spill Prevention and Control Plan shall be created and made part of the plans for the</p>		

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>				
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>	
	<p>building permit application. The plan shall outline equipment and procedures to prevent and respond to a spill. Containers (tanks, drums, totes) are required to have sized secondary containment and overflow prevention. The plan and materials necessary to implement it shall be accessible on-site. Heavy equipment shall be checked daily for leaks. Equipment with leaks shall not be used until leaks are fixed. Refueling shall occur at designated sites outside of active stream channels or above the ordinary high water mark.</p> <p>g) Any disturbed ground shall receive erosion control treatment pursuant to Chapter 8.32 of the Town Code and native seed mix within seven days following completion of construction or within seven days following a seasonal stoppage of construction.</p> <p>h) All workers shall ensure that food scraps, paper wrappers, food containers, cans, bottles, and other trash from the construction area are deposited in covered or closed trash containers. The trash containers shall not be left open and unattended overnight.</p>			
3.3-2	<p>Implementation of the Proposed Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California</p>	None required	Less than significant	Not applicable

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
Department of Fish and Game or U.S. Fish and Wildlife Service.			
3.3-3 Implementation of the Proposed Project would not have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal areas, etc.) through direct removal, filling, hydrological interruption, or other means.	None required	Less than significant	Not applicable
3.3-4 Implementation of the Proposed Project would not 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.	None required	Less than significant	Not applicable
3.3-5 Implementation of the Proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	None required	Less than significant	Not applicable
3.3-6 Implementation of the Proposed Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan.	None required	No impact	Not applicable
In combination with other past, present, and reasonably foreseeable projects, the	None required	Less than significant	Not applicable

<b>Table ES- I: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
Proposed Project would not result in significant cumulative impacts related to special status species, riparian or natural habitat, federally protected wetlands, movement of native or migratory fish or wildlife species, conflict with adopted local policies or ordinances protecting biological resources, or conflict with adopted habitat conservation plans.			
<b>3.4 Cultural and Tribal Cultural Resources</b>			
3.4-1 Implementation of the Proposed Project at the program level could cause a substantial adverse change in the significance of a historical resource, as defined as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historic resource would be materially impaired, but this impact is reduced through the implementation of mitigation measures CUL-1 and CUL-2 (Guidelines Section 15064.5).	<p><b>MM CUL-1: Evaluate Age-Eligible Properties That Have Not Previously Been Evaluated Prior to Development Projects to Identify Historic Resources.</b></p> <p>As a condition of project approval for a development project proposed on a parcel within the Planning Area that includes a building, structure, or landscape more than 45 years old (typical age threshold applied by the California Office of Historic Preservation) and that has not previously been evaluated for potential historic significance, the Town shall require the project applicant shall retain a professional who meets the Secretary of the of the Interior's Professional Qualifications Standards for architectural history or history (as appropriate), to conduct an evaluation of historic significance and eligibility for listing on local, State, or national registers.</p> <p><b>MM CUL-2: Avoidance or Minimization of Effects on Identified Historic Resources.</b></p>	Potentially Significant	Less than significant with mitigation incorporated

**Table ES-1: Summary of Impacts and Mitigation Measures**

<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
	<p>The project applicant shall consult with Town staff to determine whether a project can be feasibly redesigned or revised to avoid significant adverse impacts on listed and identified eligible historic resource(s), including historic districts. If a local landmark or historic district is part of a proposed development, the project's Historic Application must be reviewed by the Town's Planning Commission. If avoidance of historic resource(s) is not feasible, where feasibility is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors," the project sponsor shall seek to reduce the effect on historic resource(s) to a less-than-significant level pursuant to CEQA Guidelines Section 15364. Projects that conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties are considered to have a less-than-significant effect on historic architectural resources.</p>		
<p>3.4-2 Implementation of the Proposed Project at the project level could cause an adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5., but this impact is reduced through the implementation of Mitigation Measure CUL-2 (Guidelines Section 15064.5).</p>	<p><b>MM CUL-3: Conduct Cultural Resources Awareness Training.</b></p> <p>Prior to the start of any ground disturbance or construction activities, developers of projects within 50 feet of a creek or within 50 feet of recorded archaeological resources or tribal cultural resources in the Planning Area shall retain a qualified professional archaeologist to conduct cultural resource awareness training for construction personnel. This training shall include an overview of what cultural resources are and why they are important, archaeological terms (such as site,</p>	<p>Potentially Significant</p>	<p>Less than significant with mitigation incorporated</p>

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
	feature, deposit), project site history, types of cultural resources likely to be uncovered during excavation, laws that protect cultural resources, and the unanticipated discovery protocol per the PRC Section 21083.		
3.4-3 Implementation of the Proposed Project could have the potential to disturb human remains, including those interred outside of formal cemeteries, but this impact is reduced through the implementation of Mitigation Measure CUL-3.	<b>MM CUL-3: Conduct Cultural Resources Awareness Training.</b>	Potentially significant	Less than significant with mitigation incorporated
3.4-4 Implementation of the Proposed Project could cause an adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, 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:  (a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k), or  (b) 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 PRC Section 5024.1. In	<b>MM CUL-3: Conduct Cultural Resources Awareness Training.</b>	Potentially significant	Less than significant with mitigation incorporated

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
<p>applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p> <p>However, this impact is reduced through the implementation of Mitigation Measure CUL-3.</p>			
<p>In combination with other past, present, and reasonably foreseeable projects, the Proposed Project would not result in significant cumulative impacts related to historic resources, archaeological resources, disturbance of human remains, or tribal cultural resources.</p>	None required	Less than significant	Not applicable
<b>3.5 Energy</b>			
<p>3.5-1 Implementation of the Proposed Project would not cause wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.</p>	None required	Less than significant	Not applicable
<p>3.5-2 Implementation of the Proposed Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.</p>	None required	Less than significant	Not applicable
<p>In combination with other past, present, and reasonably foreseeable projects, the Proposed Project would not result in significant cumulative impacts related to wasteful energy consumption, or conflict</p>	None required	Less than significant	Not applicable

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
with adopted plans for renewable energy or energy efficiency.			
<b>3.6 Geology, Soils, and Seismicity</b>			
3.6-1 Implementation of the Proposed Project would not expose residents, visitors and employees, as well as public and private structures, to substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault; strong seismic ground shaking; seismically related ground failure, including liquefaction; or landslides.	None required	Less than significant	Not applicable
3.6-2 Implementation of the Proposed Project would not result in substantial soil erosion or the loss of topsoil.	None required	Less than significant	Not applicable
3.6-3 Implementation of the Proposed Project would not locate structures on expansive soils or on a geologic unit or soil that is unstable, or that would become unstable as a result of new development under the Proposed Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, or create substantial risks to life or property.	None required	Less than significant	Not applicable
3.6-4 Implementation of the Proposed Project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating	None required	Less than significant	Not applicable

<b>Table ES- I: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
substantial direct or indirect risks to life or property.			
3.6-5 Implementation of the Proposed Project would not 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.	None required	Less than significant	Not applicable
3.6-6 Implementation of the Proposed Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	None required	Less than significant	Not applicable
In combination with other past, present, and reasonably foreseeable projects, the Proposed Project would not result in significant cumulative impacts related to exposure to seismic hazards, soil erosion, or location of structures on unstable soils.	None required	Less than significant	Not applicable
<b>3.7 Greenhouse Gas Emissions</b>			
<p>3.7-1 Implementation of the Proposed Project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.</p> <p><i>Construction</i></p> <p>Construction associated with buildout of the Proposed Project would require energy and generate temporary construction-related GHG emissions</p>	<p><b>MM GHG- I: Require implementation of BAAQMD-recommended BMPS.</b></p> <p>All applicants within the Planning Area shall require their contractors, as a condition of contract, to reduce construction-related GHG emissions by implementing BAAQMD's recommended best management practices, including (but not limited to) the following measures (based on BAAQMD's CEQA Guidelines):</p>	<p>Construction: Potentially significant</p> <p>Operations: Significant and unavoidable</p>	<p>Construction: Less than significant with mitigation incorporated</p> <p>Operations: Significant and unavoidable</p>

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
<p>from mobile and stationary construction equipment. However, this impact is reduced through the implementation of Mitigation Measure GHG-1.</p> <p><i>Operations</i></p> <p>Operation of the land uses introduced by the Proposed Project would require energy consumption and generate long-term emissions of CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O. Future conditions under the Proposed Project would not meet the 100 percent GHG emissions reduction target for 2030 set by the Town Climate Action Plan. Even with Mitigation Measure GHG-2, the associated impact would remain significant and unavoidable and cumulatively considerable.</p>	<ul style="list-style-type: none"> <li>• Ensure alternative fueled (e.g., biodiesel, electric) construction vehicles/equipment make up at least 15 percent of the fleet.</li> <li>• Use local building materials of at least 10 percent (sourced from within 100 miles of the Planning Area).</li> </ul> <p><b>MM GHG-2: Update the Fairfax Climate Action Plan 2030.</b></p> <p>The Town will update its CAP to reach carbon neutrality by 2045, consistent with Executive Order B-55-18. The updated CAP shall include community emission forecasts that incorporate the changes in population and number of households anticipated under the Proposed Project.</p>		
<p>3.7-2 Implementation of the Proposed Project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.</p> <p><i>Construction</i></p> <p>Construction associated with buildout of the Proposed Project would require energy and generate temporary construction-related GHG emissions from mobile and stationary construction equipment. However, this impact is reduced through the implementation of Mitigation Measure GHG-1.</p>	<p><b>MM GHG-1: Require Implementation of BAAQMD-recommended BMPs.</b></p> <p><b>MM GHG-2: Update the Fairfax Climate Action Plan 2030.</b></p>	<p>Construction: Potentially significant</p> <p>Operations: Significant and unavoidable</p>	<p>Construction: Less than significant with mitigation</p> <p>Operations: Significant and unavoidable with mitigation</p>

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
<p><i>Operations</i></p> <p>Future conditions under the Proposed Project would not meet the 100 percent GHG emissions reduction target for 2030 set by the Town Climate Action Plan. Even with Mitigation Measure GHG-2, the associated impact would remain significant and unavoidable and cumulatively considerable. Further, the Proposed Project's mobile-source GHG emissions would conflict with SB 743.</p>			
<p>In combination with other past, present, and reasonably foreseeable projects, the Proposed Project would not result in significant cumulative impacts construction-generated GHG emissions.</p>	None required	Less than significant	Not applicable
<b>3.8 Hazards and Hazardous Materials</b>			
<p>3.8-1 Implementation of the Proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.</p>	None required	Less than significant	Not applicable
<p>3.8-2 Implementation of the Proposed Project would not 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.</p>	None required	Less than significant	Not applicable

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
3.8-3 Implementation of the Proposed Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	None required	Less than significant	Not applicable
3.8-4 Implementation of the Proposed Project would not result in development 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, would create a significant hazard to the public or the environment.	None required	Less than significant	Not applicable
3.8-5 Implementation of the Proposed Project would not result in development located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public uses airport, and would result in a safety hazard or excessive noise for people residing or working in the Planning Area.	None required	No impact	Not applicable
3.8-6 Implementation of the Proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	None required	Less than significant	Not applicable
3.8-7 Implementation of the Proposed Project would not expose people or structures, either directly or indirectly, to a	None required	Less than significant	Not applicable

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
significant risk of loss, injury or death involving wildland fires.			
In combination with other past, present, and reasonably foreseeable projects, the Proposed Project would not result in significant cumulative impacts related to transport of hazardous materials, accidental release of hazardous materials into the environment, emission of hazardous materials near a school, development on a known hazardous site, airport hazards, adopted emergency response plans, or exposure to significant risk due to wildfires.	None required	Less than significant	Not applicable
<b>3.9 Hydrology and Water Quality</b>			
3.9-1 Implementation of the Proposed Project would not violate any federal, state, or local water quality standards or waste discharge requirements.	None required	Less than significant	Not applicable
3.9-2 Implementation of the Proposed Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.	None required	Less than significant	Not applicable
3.9-3 Implementation of the Proposed Project would not 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	None required	Less than significant	Not applicable

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
the addition of impervious surfaces in a manner which would result in substantial erosion, siltation, or flooding on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows.			
3.9-4 In flood hazard, tsunami, or seiche zones, implementation of the Proposed Project would not risk release of pollutants due to project inundation.	None required	Less than significant	Not applicable
3.9-5 Implementation of the Proposed Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	None required	Less than significant	Not applicable
In combination with other past, present, and reasonably foreseeable projects, the Proposed Project would not result in significant cumulative impacts related to federal, state, or local water quality standards; depletion of groundwater; alteration of natural drainage or impediment of flood flows; exposure to flood risk; or conflict with adopted water quality or sustainable groundwater management plans.	None required	Less than significant	Not applicable

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
<b>3.10 Land Use, Population, and Housing</b>			
3.10-1 Implementation of the Proposed Project would not physically divide an established community.	None required	No impact	Not applicable
3.10-2 Implementation of the Proposed Project would not cause a 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.	None required	No impact	Not applicable
3.10-3 Implementation of the Proposed Project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).	None required	Less than significant	Not applicable
3.10-4 Implementation of the Proposed Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.	None required	Less than significant	Not applicable
In combination with other past, present, and reasonably foreseeable projects, the Proposed Project would not result in significant cumulative impacts related to division of an established community, conflict with an adopted land use plans, unplanned population growth, or	None required	Less than significant	Not applicable

Draft Environmental Impact Report for the Fairfax General Plan Housing Element Update  
Executive Summary

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
displacement that necessitates construction of replacement housing.			
<b>3.11 Noise</b>			
3.11-1 Implementation of the Proposed Project would not result in 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 applicable standards of other agencies.	None required	Less than significant	Not applicable
3.11-2 Implementation of the Proposed Project would not generate excessive groundborne vibration or groundborne noise levels.	None required	Less than significant	Not applicable
3.11-3 Implementation of the Proposed Project would not be located within the vicinity of a private airstrip or an airport land use plan or expose people residing or working in the Planning Area to excessive noise levels.	None required	No impact	Not applicable
In combination with other past, present, and reasonably foreseeable projects, the Proposed Project would not result in significant cumulative impacts related to ambient noise levels, groundborne vibration or groundborne noise levels, or airport noise.	None required	Less than significant	Not applicable
<b>3.12 Public Services and Recreation</b>			

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
3.12-1 Implementation of the Proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 public services: fire protection, police protection, schools, parks, or other public facilities.	None required	Less than significant	Not applicable
3.12-2 Implementation of the Proposed Project would not 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.	None required	Less than significant	Not applicable
3.12-3 Implementation of the Proposed Project would not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	None required	Less than significant	Not applicable
In combination with other past, present, and reasonably foreseeable projects, the Proposed Project would not result in significant cumulative impacts related to conflict with public services plans or staffing/equipment needs, maintenance of acceptable service ratios, the physical	None required	Less than significant	Not applicable

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
state of facilities, or require the construction or expansion of facilities.			
<b>3.13 Transportation</b>			
3.13-1 Implementation of the Proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, and bicycle and pedestrian facilities.	None required	Less than significant	Not applicable
3.13-2 Implementation of the Proposed Project would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).  CEQA Guidelines Section 15064.3 requires that the determination of significance for transportation impacts be based on VMT instead of a congestion metric such as LOS. The change in the focus of transportation analysis is the result of SB 743. OPR's Technical Advisory provides recommendations for implementing Section 15064.3 of the CEQA Guidelines related to VMT. OPR recommends that if a project does not achieve a level of 15 percent or more below regional or citywide VMT, it may indicate a significant transportation impact. While implementation of the Proposed Project would result in a 10.4 percent reduction in per capita home-based VMT in 2031, there are no	No feasible mitigation available	Significant and unavoidable	Significant and unavoidable

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
feasible mitigation measures available to further reduce VMT and achieve a 15 percent reduction over existing Townwide VMT. As such, Proposed Project VMT would remain significant and unavoidable.  This impact is cumulative by nature because the effects specific to the Proposed Project cannot be reasonably differentiated from the broader effects of regional growth and development.			
3.13-3 Implementation of the Proposed Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)	None required	Less than significant	Not applicable
3.13-4 Implementation of the Proposed Project would not result in inadequate emergency access.	None required	Less than significant	Not applicable
In combination with other past, present, and reasonably foreseeable projects, the Proposed Project would not result in significant cumulative impacts related to conflict with adopted transportation plans, hazards related to roadway design features, or emergency access.	None required	Less than significant	Not applicable
<b>3.14 Utilities and Service Systems</b>			
3.14-1 Implementation of the Proposed Project would not require or result in the	None required	Less than significant	Not applicable

<b>Table ES- I: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.			
3.14-2 Implementation of the Proposed Project would have sufficient water supplies available to serve the Planning Area and reasonably foreseeable future development during normal, dry and multiple dry years.	None required	Less than significant	Not applicable
3.14-3 Implementation of the Proposed Project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	None required	Less than significant	Not applicable
3.14-4 Implementation of the Proposed Project would not 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.	None required	Less than significant	Not applicable
3.14-5 Implementation of the Proposed Project would not conflict with federal, state, and local management and reduction	None required	Less than significant	Not applicable

**Table ES-1: Summary of Impacts and Mitigation Measures**

<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
statutes and regulations related to solid waste.			
In combination with other past, present, and reasonably foreseeable projects, the Proposed Project would not result in significant cumulative impacts related to relocation or construction of new utilities, water supply, wastewater treatment capacity, generation of solid waste, or conflict with adopted plans related to local waste.	None required	Less than significant	Not applicable
<b>3.15 Wildfire</b>			
3.15-1 Implementation of the Proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan.	None required	Less than significant	Not applicable
3.15-2 Implementation of the Proposed Project would not exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.	None required	Less than significant	Not applicable
3.15-3 Implementation of the Proposed Project would not 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.	None required	Less than significant	Not applicable

<b>Table ES-1: Summary of Impacts and Mitigation Measures</b>			
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Significance before Mitigation</i>	<i>Significance after Mitigation</i>
3.15-4 Implementation of the Proposed Project would not 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.	None required	Less than significant	Not applicable
In combination with other past, present, and reasonably foreseeable projects, the Proposed Project would not result in significant cumulative impacts related to an adopted emergency response plan or emergency evacuation plan, exposure of residents to pollutants, or the exposure of structures or people to significant risks.	None required	Less than significant	Not applicable