

**TOWN OF FAIRFAX  
STAFF REPORT**

**To:** Affordable Housing Committee

**From:** Jim Moore, Director of Planning & Building Services

**Date:** July 28, 2016

**Subject:** Update on the implementation of the 2015 Housing Element, including the pending application for 54 units of senior housing at the Christ Lutheran Church site at 2626 Sir Francis Drake Blvd., and the status of the rezoning of all properties in the Highway Commercial (CH) district to Central Commercial (CC) in the Town Center Area

**BACKGROUND**

The Town's 2015 Housing Element contains six (6) Opportunity "Sites" (please see Opportunity Site Master List attached), four of which are moving forward toward implementation. Those are:

- Site #1: Rezoning of a maximum of two (2) acres of the Lutheran Church property at 2626 Sir Francis Drake Boulevard from Upland Residential (UR-7) to Planned Development District (PDD) and thereby making it possible to accommodate (40) units of senior housing.
- Sites #3, 5 and 6: Rezoning of all Highway Commercial (CH) to Central Commercial (CC), which will allow housing on second floors without a conditional use permit, thereby making it possible to accommodate at least fifty three (53) units of affordable housing spread out over multiple properties and acres with a range of mixed-income units.

**DISCUSSION**

**Christ Lutheran Church Senior Housing Project Application & Rezoning:**

The Department of Planning & Building Services received an application for Victory Village, from Resources for Community Development located in Berkeley, California, for the senior housing project on June 16, 2016. The application will be subject to Design Review, a Traffic Impact Permit / Study, Grading Permit, Subdivision Map approval, and further California Environmental Quality Act (CEQA) review. Likewise, concurrently, the Town will be processing the rezoning of the pending two (2) acre subdivided lot from Upland Residential (UR-7) to Planned Development District (PDD) – with accompanying changes to the language within the PDD section of the Zoning Ordinance.

The initial thirty (30) day review period for this application lapsed on July 16, 2016 with the application being deemed incomplete (which is often the case with projects of this size and complexity). Specific requests for clarifications and/or analysis to further process the application were submitted to the applicant on Friday, July 16, 2016.

The applicant is applying for the original forty (40) units of senior housing envisioned – and a maximum density bonus of 35% or fourteen (14) addition units since all of the units will be at affordable income ranges of low to very low (not counting one of the 54 units which will be a manager’s residence).

Victory Village will need the following development standard “concessions” in order to be financially feasible for 100% affordable housing to low- and very-low income residents:

- Height – parts of the building will exceed 28.5 feet
- Covered parking – the surface parking will not be covered
- Land dedication – in case not enough funds are raised (i.e. \$300,000) to donate the back 18 acres as an open space preserve

Please note: The development would not need a density bonus for density itself if the rezoning of the 2-acres to 20 units/acre is approved concurrently, since the state density bonus law allows density 35% above the zoned standard without using density concession.

The earliest date that staff envisions this application being ready for a public hearing at the Planning Commission would be September 15, 2016.

### **Rezoning all Highway Commercial (CH) Properties to Central Commercial (CC):**

After months of effort compiling a draft ordinance, the Planning Commission held a duly noticed public hearing on converting all CH properties to CC last Thursday, July 21, 2016. The staff report and attachments from that meeting, including the draft ordinance, are available on the Town’s website at: [townoffairfax.org](http://townoffairfax.org)

After a lengthy hearing with many people speaking during the public comment period, the Planning Commission passed a Resolution recommending that the Town Council consider and adopt the draft ordinance.

In sum, the draft ordinance that the Planning Commission considered and voted on accomplishes the following:

- Rezones all parcels currently zoned CH to CC, per the General Plan.
- Removes all references to the CH district from other sections of the Town Code.

- Amends the permitted and conditionally permitted uses in the CC district to employ a system of ‘use classifications,’ rather than listing individually enumerated uses. It is anticipated that this more modern style of zoning will avoid the need for zoning amendments and will be more efficient.
- Deletes outdated zoning definitions and adopts new definitions for use classifications to aid in administering zoning decisions.
- Brings the Town into conformance with state law requirements regarding the treatment of specific residential uses.
- Deletes language in the Town Code that vested the Planning Commission with the authority to dictate the zoning for lots where split zoning occurs.
- Amends the parking requirements for residential uses within the CC district that are 500 square feet or less to zero provided that the existing commercial space meets parking requirements.
- Imposes a maximum density of 4.5 dwelling units per acre over the entire CC zone (new and old) where none existed before.
- Implements many directives in the General Plan, as required by state law.

Please note: Town Counsel determined that the requirements of CEQA, including the State CEQA Guidelines, were satisfied by Town in the Mitigated Negative Declaration (‘MND’) prepared in order to evaluate the General Plan. The MND was sufficiently detailed such that all potentially significant environmental effects of the rezoning of the CH to CC have been adequately evaluated. Further, to the extent that any environmental effect of the proposed rezoning differs from that evaluated in the General Plan MND, such a difference will result in a decrease, rather than an increase, in those impacts and thus no additional environmental review is required.

## ATTACHMENT

Opportunity Site Master List (from the Fairfax Housing Element)

OPPORTUNITY SITES

Opportunity Site Master List - 6 Total Sites

