

RESOLUTION NO. 17-_____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX APPROVING A PARCEL MAP, DENSITY BONUS, DESIGN REVIEW PERMIT, TRAFFIC IMPACT PERMIT, AND EXCAVATION PERMIT FOR THE VICTORY VILLAGE SENIOR HOUSING PROJECT (2626 SIR FRANCIS DRAKE BOULEVARD)

WHEREAS, on April 25, 2016, Resources for Community Development (“Applicant”) submitted an application to the Town seeking approval to subdivide a 20-acre site at 2626 Sir Francis Drake Boulevard (the “Site”) and develop an affordable senior housing project on two of those acres (collectively, the “Project”). The Site is currently occupied by an existing church and affiliated elementary school, as well as small storage buildings and a paved parking area; and

WHEREAS, the Project would subdivide the 20-acres into three parcels, consisting of a single 2-acre parcel, and two 9-acre parcels. While the 9-acre parcels are not proposed to be developed at this time, the Applicant seeks approval to develop the 2-acre site with a 54-unit affordable senior housing project (53 resident units plus one manager’s unit), in a roughly 50,755 square foot ‘E’-shaped building with two- and three-story wings wrapping around courtyards that terrace with grade changes. The housing project would be served by a paved parking area providing some 36 parking spaces, and new bicycle parking, sidewalks, and associated site and frontage improvements (the “Senior Housing Development”); and

WHEREAS, the Project requires a General Plan amendment, zoning text and map amendments, the adoption of a Planned Development District ordinance, a parcel map, a density bonus, design review, an excavation permit, and a traffic impact permit, as well as ministerial permits; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) (Pub. Res. Code, § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs, tit. 14 § 15000 et seq.), the Town of Fairfax (“Town”) is the lead agency for the proposed Project; and

WHEREAS, Town staff reviewed the Project and caused an Initial Study to be prepared pursuant to State CEQA Guidelines section 15063; and

WHEREAS, on the basis of the Initial Study, which concluded that the Project will not have significant impacts on the environment with implementation of mitigation, the Town determined that a Mitigated Negative Declaration (“MND”) should be prepared for the Project, and an MND was prepared pursuant to CEQA and the State CEQA Guidelines; and

WHEREAS, the Town provided copies of the draft MND and Initial Study to the public for a twenty-day review and comment period beginning on November 30, 2016, and ending on December 20, 2016, pursuant to Public Resources Code section 21091(b); and

WHEREAS, the Town received ___ comment letters on the MND and Initial Study and has drafted written responses to those comment letters, which are included in the Final MND; and

WHEREAS, pursuant to State CEQA Guidelines section 15097, the Town has prepared a Mitigation Monitoring Program, which is attached hereto as Exhibit “B”; and

WHEREAS, as contained here, the Town has endeavored in good faith to set forth the basis for its decision on the proposed Project; and

WHEREAS, the Town has endeavored to take all steps and impose all conditions necessary to ensure that impacts to the environment would not be significant; and

WHEREAS, all of the findings and conclusions made by the Town pursuant to this Resolution are based upon the oral and written evidence before it as a whole; and

WHEREAS, the Town Council has reviewed the MND, Initial Study, and all other relevant information contained in the record regarding the Project; and

WHEREAS, on _____, 2017, at a regularly-scheduled Town Council meeting, the public was afforded an opportunity to comment on the Project and the MND/Initial Study, and the Town Council discussed and considered the Project and the MND/Initial Study; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Fairfax as follows:

SECTION 1. Recitals. The recitals above are hereby incorporated by reference as a substantive component of this Resolution.

SECTION 2. Compliance with the California Environmental Quality Act. By adoption of Resolution No. 17-____, on _____, 2017, the Town Council, as the decisionmaking body for the Project, has approved and adopted a Final MND and Initial Study and Mitigation Monitoring Program for the Project, which were completed in compliance with CEQA and the State CEQA Guidelines.

SECTION 3. Parcel Map. The Town Council hereby approves Parcel Map No. _____ based on the following findings, each of which is based on evidence in the public record:

(A) Pursuant to Fairfax Town Code § 16.08.100(A) and Government Code § 66474(a), the proposed map is consistent with the general plan and any applicable specific plan or planned development plan or any other provision of the Fairfax Town Code.

The entire 20-acre site is currently designated Planned Development District by the 2010-2030 Fairfax General Plan. This land use designation will remain in place for the 2-acre parcel, which will likewise be rezoned Planned Development District. The two 9-acre parcels will receive a new general plan land use designation of Upland Residential 7-10, which will conform to their zoning of Upland Residential 7. This implements General Plan Land Use Program H-2.1.1.1, which provides, in part, “[r]ezone two acres of the Christ Lutheran Church property [upon approval of subdivision of the site] at 2626 Sir Francis Drake Boulevard from UR-7 du/acre (UR-7) to PDD...”. There is no specific plan or planned development plan applicable to the site at this time, and no provision of the Fairfax Town Code with which the map will not comply when all conditions are met.

(B) Pursuant to Fairfax Town Code § 16.08.100(B) and Government Code § 66474(b), the design or improvement of the proposed subdivision is consistent with the general plan and

any applicable planned development plan or specific plan or any other provision of the Fairfax Town Code.

The design and improvement of the proposed subdivision is consistent with the 2010-2030 Fairfax General Plan, as it proposes to subdivide the property into a 2-acre parcel to accommodate an affordable senior housing facility, thus implementing a portion of Land Use Program H-2.1.1.1, which directs that two acres of the 20-acre site be rezoned to PDD to “thereby make it possible to accommodate a minimum of 40 units and a maximum of 41 units of senior housing. The maximum does not apply to any units granted under the State Density Bonus Law.” There is no specific plan or planned development plan applicable to the site at this time, and no provision of the Fairfax Town Code with which the proposed design and improvements will not comply when all conditions are met.

(C) Pursuant to Fairfax Town Code § 16.08.100(C) and Government Code § 66474(c), the site is physically suitable for the type of development proposed.

The site is physically suitable for the development of an affordable senior housing project as it has previously been developed with a church and school and will replace structures in the areas of existing disturbance, which will limit the need for substantial amounts of additional grading or excavation. The slope of the site does not preclude its development for this purpose.

(D) Pursuant to Fairfax Town Code § 16.08.100(D) and Government Code § 66474(d), the site is physically suitable for the proposed density of development.

The Town has determined that the Site is physically suitable for the proposed density of development through its general plan planning process, during which it determined that the two-acre portion of the Site should bear a density of 20 dwelling units per acre, which base density may be increased pursuant to a state density bonus (see Housing Element Program 2.1.1.1), and the remaining acreage should continue to be zoned UR-7, which permits development at a rate of one residential unit per every seven acres.

(E) Pursuant to Fairfax Town Code § 16.08.100(E) and Government Code § 66474(e), neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.

As set forth in the Mitigated Negative Declaration adopted by Town Council Resolution No. _____, no substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat will occur as a result of the proposed subdivision. To the extent any impacts have been identified, they will be mitigated by the performance of the mitigation measures adopted in the Mitigation Monitoring Reporting Program, compliance with which is a condition of approval of the Project.

(F) Pursuant to Fairfax Town Code § 16.08.100(F) and Government Code § 66474(f), the design of the subdivision or type of improvements is not likely to cause either significant or serious public health problems.

As set forth in the Mitigated Negative Declaration adopted by Town Council Resolution No. _____, no significant or serious public health problems will occur as a result of the proposed subdivision. To the extent any impacts have been identified, they will be mitigated by

the performance of the mitigation measures adopted in the Mitigation Monitoring Reporting Program, compliance with which is a condition of approval of the Project.

(G) Pursuant to Fairfax Town Code § 16.08.100(G) and Government Code § 66474(g), the design of the subdivision or the type of improvements will not conflict with any easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

The proposed design of the subdivision or the type of improvements will not conflict with any easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

(H) Pursuant to Fairfax Town Code § 16.08.100(H), any land or improvement to be dedicated to the Town is consistent with the General Plan, and any other provision of the Fairfax Town Code.

The Applicant proposes to pay a fee in lieu of dedicating parkland for the two 9-acre parcels that will be created by the subdivision. With respect to the dedication requirement for the 2-acre Housing Development Project, the Applicant wishes to make use of the following methods to satisfy this requirement:

- (1) Under Town Code § 16.24.100(B)(10)(b), planned developments are eligible to receive a credit, as determined by the Town Council, against the amount of land required to be dedicated, or the amount of the fee imposed, pursuant to this section, for the value of private open space within the development which is usable for active recreational uses. For the purposes of this section, private open space is that open space which is available to all residents within the development. The Applicant has requested and the Town Council agrees to issue such credit to this project, given its service to low-income seniors.
- (2) Under the state density bonus law (Government Code 65915), the Applicant is entitled to request a number of concessions. To the extent the open space provided on the Senior Housing Site does not satisfy the Senior Housing Site's entire parkland dedication requirement (after the credit mentioned above is given), Applicant has requested and the Town has agreed to grant a concession waiving the remaining dedication requirement.

(I) Pursuant to Fairfax Town Code § 16.08.100(J) and Government Code § 66474.6, the subdivision will not violate existing waste discharge requirements prescribed by the Regional Water Quality Control Board.

The proposed project has been reviewed by the Town Engineer and conditioned accordingly. Applicant will have to comply with all requirements necessary to avoid violating existing waste discharge requirements prescribed by the Regional Water Quality Control Board in order to secure a building permit.

(J) Pursuant to Fairfax Town Code § 16.08.100(K), the proposed subdivision is compatible with the housing needs of the region, the public service needs of residents and available fiscal and environmental resources.

The proposed subdivision will offer 53 units of affordable housing to seniors in the region, thus meeting a public service need of residents, for whom such housing options are in short supply, in a manner that is compatible with available fiscal resources. It will be constructed and operated in compliance with the Mitigation Monitoring Program attached hereto and incorporated herein as Exhibit 'B,' thus protecting environmental resources.

(K) The Town Council thus approves the proposed subdivision map attached hereto and incorporated herein as Exhibit 'C,' subject to all conditions included in this Resolution and on the subdivision map.

SECTION 4. Density Bonus. The Town Council hereby approves the density bonus requests made by the Applicant based on the following findings, each of which is based on evidence in the public record, as set forth in this Section 4.

(A) Applicant proposes and agrees to provide 100% of the resident units at rent-restricted housing rates affordable to low income seniors for a period of at least 55 years. As such, the Senior Housing Project qualifies for a density bonus of 35% and associated concessions under the state density bonus law. (Government Code § 65915.)

(B) Given the 100% affordability of the Senior Housing Project, Applicant is entitled to request three concessions or incentives, as said terms are defined in California Government Code § 65915. Accordingly, Applicant has requested the following concessions:

1. Covered parking. Applicant has requested a concession under the state density bonus law regarding parking. Whereas the Fairfax Town Code would generally require on-site parking to be covered, Applicant has requested that uncovered parking.
2. Height. Applicant has requested a concession under the state density bonus law as to maximum permissible height. Whereas the Fairfax Town Code would generally require a maximum of 28'6", Applicant has requested a maximum height of 40'10".
3. Parkland dedication. Applicant has sought approval from the Town Council to receive a credit against its parkland dedication requirement for the Senior Housing Development under Town Code § 16.24.100. To the extent this credit does not entirely satisfy the dedication requirement, Applicant requests the Town grant it a concession waiving the remaining dedication requirement.

(C) The Applicant has represented that these requested concessions would result in identifiable, financially sufficient, and actual cost reductions.

(D) The Town Council finds that the requested concessions will not result in any specific adverse impact, as said term is defined in Government Code 65589.5(d)(2).

(E) The Town Council thus agrees to grant a 35% density bonus to the Senior Housing Project and acknowledges an applicable density of 27 dwelling units per acre for the Senior Housing Project, as well as approves the concessions set forth herein, subject to the execution and recordation of a density bonus agreement in such form as shall be approved by the Town Council.

SECTION 5. Traffic Impact Permit. The Town Council hereby approves Traffic Impact Permit No. ____ based on the following findings, each of which is based on evidence in the public record:

(A) Pursuant to Fairfax Town Code § 17.056.110(A), the Project's average daily traffic, when added to the existing daily traffic, plus projected traffic, will not cause the performance of intersection of roadway linkages to fall below the acceptable level of service or otherwise further reduce the system performance if it is already below the acceptable level of service; nor will it cause a significant degradation in service levels for impacted intersections at their peak traffic periods.

(B) Pursuant to Fairfax Town Code § 17.056.110(B)(1), the traffic impact mitigation plan approved by the Planning Commission and Town Council will adequately mitigate any adverse traffic impacts caused by the Project.

(C) Pursuant to Fairfax Town Code § 17.056.110(B)(2), the traffic impact mitigation plan prepared for the Project is consistent with the goals and objectives of the Fairfax general plan and the intent of the zoning district in which the Project is situated, and of chapter 17.056 of the Fairfax Town Code ('Traffic Impact Permit').

(D) Pursuant to Fairfax Town Code § 17.056.110(C), the Project's average daily traffic will not increase the traffic volume on any roadway segments or intersection approaches of the Town's principal circulation system by more than one percent or by more than 100 vehicles, whichever is less.

(E) Pursuant to Fairfax Town Code § 17.056.110(D), the Project will provide an overriding public benefit that will sufficiently offset any adverse traffic impacts. The Project is a Senior Housing Development which will provide rent-restricted affordable housing to seniors, which is a substantial public benefit to the community, and is not anticipated to effect adverse traffic impacts.

(F) On the basis of the findings set forth herein, and subject to the conditions of approval attached hereto as Exhibit 'A', the Town Council hereby approves the traffic impact permit for the project.

SECTION 5. Excavation Permit. The Town Council hereby approves Excavation Permit No. XXX based on the following findings, each of which is based on evidence in the public record:

(A) Pursuant to Fairfax Town Code 12.20.080(B)(1), the health, welfare and safety of the public will not be adversely affected by issuance of this Excavation Permit because the proposed excavation is not of a quantity that would pose such a hazard and will be carried out on a site that has been previously developed, thereby limiting the necessary excavating.

(B) Pursuant to Fairfax Town Code 12.20.080(B)(2), adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work given the project location and as further documented in the Mitigated Negative Declaration prepared to study the project.

(C) Pursuant to Fairfax Town Code 12.20.080(B)(3), adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work inasmuch as the proposed work is anticipated to address drainage associated with development of the project.

(D) Pursuant to Fairfax Town Code 12.20.080(B)(4), the amount of excavation or fill proposed is not more than is required to allow the property owner substantial use of his or her property, as the site has previously been developed and the excavation needs are thus minimized.

(E) Pursuant to Fairfax Town Code 12.20.080(B)(5), the visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary, given that the project design respects its visual context and seeks to minimize interruption of the view of the neighboring ridgelines through thoughtful site planning.

(F) Pursuant to Fairfax Town Code 12.20.080(B)(6), natural landscaping will not be removed by the project more than is necessary and, as set forth in the Mitigated Negative Declaration, will include the removal of dangerous trees whose conditions pose a hazard in their current condition. Applicant will improve the site with extensive landscaping that compliments the natural conditions and respects the native plant palette.

(G) Pursuant to Fairfax Town Code 12.20.080(B)(7), the time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff nor prolonged exposure of unstable excavated slopes.

Applicant shall be conditioned to conduct work to avoid such as to avoid any such siltation.

(H) On the basis of the findings set forth herein, and subject to the conditions of approval attached hereto as Exhibit 'A', the Town Council hereby approves the excavation permit for the project.

SECTION 6. Design Review. The Town Council hereby approves the Design Review for the Project based on the following findings, each of which is based on evidence in the public record:

(A) The proposed development shall create a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community.

As evidenced in the Project elevations and plans presented at the Town Council meeting held _____, 2017, the proposed Senior Housing Development offers a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community in that it respects the topography of the site by stepping the Project up with the grade to avoid unduly interrupting views of the ridgeline.

(B) Only elements of design which have significant relationship to exterior appearance of structures and facilities shall be considered; these elements may include height, arrangement on the site, texture, material, color, signs, landscaping and appurtenances.

The Town Council has considered the height, arrangement on the site, texture, material, color, signs, landscaping and appurtenances proposed by Applicant and finds them to be appropriate to the Site and the greater Fairfax community.

(C) The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.

The proposed project is of a quality and character appropriate to, and serves to protect the value of, private and public investments in close proximity, as it offers attractive construction of a new facility that will replace vacant church and school buildings and surface parking lots.

(D) The proposed development shall conform with all requirements for landscaping, screening, usable open space and the design of parking and off-street loading areas set forth in this title.

The Senior Housing Development, as proposed, conforms with all requirements set forth in the relevant landscaping and zoning ordinances, and the design of the parking is such that it is less visually intrusive from the public right of way.

(E) Where the proposed development is located in an area where a neighborhood plan or precise plan has been adopted by the town, the design of the development shall conform in all significant respects with the plans.

This requirement does not apply to this project.

(F) There shall exist sufficient variety in the design of the structures and grounds to avoid monotony in external appearance.

The design of the structures and grounds, as proposed, avoid monotony in external appearance by virtue of the varying roof lines, building articulation, landscaping, and placement of recreational areas, including courtyards and walking paths.

(G) The size and design of the structure shall be considered for the purpose of determining that the structure is in proportion to its building site and that it has a balance and unity among its external features so as to present a harmonious appearance.

The Town finds that the size and design of the structure is in proportion to the building site and demonstrates a balance and unity amongst its external features so as to present a harmonious appearance, given the placement of the buildings on the site, the stepped up roofline of the Senior Housing Development and the placement of parking on the Site.

(H) The extent to which the structure conforms to the general character of other structures in the vicinity insofar as the character can be ascertained and is found to be architecturally desirable.

Given the wide variety of architectural styles in the Senior Housing Development's immediate environs, there is not 'general character' of other such structures to which the project must conform. However, the design of the Senior Housing Development is not out of place within the

(I) The extent to which ornamentation is to be used and the extent to which temporary and second-hand materials, or materials which are imitative of other materials, are to be used.

As evidenced in the project elevations, renderings, and materials boards, the project proposes a design that uses the building articulation, design, and palette as its ornamentation and does not rely on temporary or second-hand materials to achieve its desired effect.

(J) The extent to which natural features, including trees, shrubs, creeks and rocks and

the natural grade of the site are to be retained.

Applicant's landscape plan has taken into account the health of the existing vegetation and tree coverage in determining how many trees to remove and has likewise studied the grade to determine how much of it shall be retained. The Town finds the resulting project design respects those elements of the site that may be safely retained and proposes to include elements that will complement and enhance these existing features.

(K) The accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets.

The off-street parking areas proposed to serve the project are easily accessible from adjacent streets.

(L) On the basis of the findings set forth herein, and subject to the conditions of approval attached hereto as Exhibit 'A', the Town Council hereby approves the design review for the project.

SECTION 7. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at the Town's offices, located at 142 Bolinas Road, Fairfax, California 94930. Garrett Toy, Town Manager, is the custodian of the record of proceedings.

SECTION 8. CEQA.

SECTION 9. Effective Date. This Resolution shall be effective immediately.

The forgoing Resolution was duly passed and adopted at a regular meeting of the Town Council of the Town of Fairfax held in said Town on the ____th day of _____, 2017, by the following vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

_____, Mayor

Attest:

Michele Gardner, Town Clerk

Exhibit:

- A – Conditions of Approval
- B – Mitigation Monitoring and Reporting Program
- C – Parcel Map

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF FAIRFAX RECOMMENDING THE TOWN COUNCIL APPROVE A MITIGATED NEGATIVE DECLARATION AND ADOPT A MITIGATION MONITORING PROGRAM FOR THE VICTORY VILLAGE SENIOR HOUSING PROJECT (2626 SIR FRANCIS DRAKE BOULEVARD)

WHEREAS, on June 16, 2016 Resources for Community Development ("Applicant") submitted an application to the Town of Fairfax seeking approval to subdivide a 20-acre site located at 2626 Sir Francis Drake Boulevard (the "Site," APN 174-070-010) and develop an affordable senior housing project on two of those acres (collectively, the "Project"). The site is currently occupied by an existing church and affiliated elementary school, as well as small storage buildings and a paved parking area; and

WHEREAS, the Project would subdivide the Site into three parcels, consisting of a single 2-acre parcel, and two 9-acre parcels. While the 9-acre parcels are not proposed to be developed at this time, the Applicant seeks approval to develop the 2-acre parcel with a 54-unit affordable senior housing project (53 resident units plus one manager's unit), in a roughly 50,755 square foot 'E'-shaped building with two- and three-story wings wrapping around courtyards that terrace with grade changes. The housing project would be served by a paved parking area providing some 39 parking spaces, and new bicycle parking, sidewalks, and associated site and frontage improvements; and

WHEREAS, the Project requires a General Plan amendment, zoning text and map amendments, the adoption of a Planned Development District ordinance, a parcel map, a density bonus agreement, design review, an excavation permit, and a traffic impact permit; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Pub. Res. Code, § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs, tit. 14 § 15000 et seq.), the Town of Fairfax ("Town") is the lead agency for the proposed Project; and

WHEREAS, Town staff reviewed the Project and caused an Initial Study to be prepared pursuant to State CEQA Guidelines section 15063; and

WHEREAS, on the basis of the Initial Study, which concluded that the Project will not have significant impacts on the environment with implementation of mitigation, the Town determined that a Mitigated Negative Declaration ("MND") should be prepared for the Project, and an MND was prepared pursuant to CEQA and the State CEQA Guidelines. The MND is attached hereto and incorporated herein as Exhibit 'A'; and

WHEREAS, on October 5, 2016, pursuant to Public Resources Code § 21080.3.1(d), the Town provided formal notification to the designated contact of traditionally and culturally affiliated California Native American tribes that have requested notice of the Project, which is within a geographic area traditionally and culturally affiliated with such tribes; and

WHEREAS, the Town provided copies of the draft MND and Initial Study to the public and the State Clearinghouse for a twenty-day review and comment period beginning on November 30, 2016, and ending on December 20, 2016, pursuant to Public Resources Code section 21091(b); and

PC RES 2

WHEREAS, pursuant to State CEQA Guidelines section 15097, the Town has prepared a Mitigation Monitoring Program, which is attached hereto as Exhibit 'B'; and

WHEREAS, as contained here, the Town has endeavored in good faith to set forth the basis for its decision on the proposed Project; and

WHEREAS, the Town has endeavored to take all steps and impose all conditions necessary to ensure that impacts to the environment would not be significant; and

WHEREAS, all of the findings and conclusions made by the Town pursuant to this Resolution are based upon the oral and written evidence before it as a whole; and

WHEREAS, the Planning Commission has reviewed the MND, Initial Study, and all other relevant information contained in the record regarding the Project; and

WHEREAS, on December 15, 2016, at a regularly-scheduled Planning Commission meeting, the public was afforded an opportunity to comment on the Project and the MND/Initial Study, and the Planning Commission discussed and considered the Project and the MND/Initial Study; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Fairfax as follows:

SECTION 1. Recitals. The recitals above are hereby incorporated by reference as a substantive component of this Resolution.

SECTION 2. Compliance with the California Environmental Quality Act. As the advisory body to the Town Council, the Planning Commission has independently reviewed and considered the information contained in the MND, Initial Study, and administrative record, on file with the Town and available for review at the Town offices located at 142 Bolinas Road, Fairfax, California 94930. The Planning Commission finds that the MND and Initial Study have been completed in compliance with CEQA and the State CEQA Guidelines.

SECTION 3. Findings on Environmental Impacts. In the Planning Commission's role as an advisory body to the Town Council, the lead agency under CEQA, the Planning Commission finds that the MND and Initial Study contain a complete and accurate reporting of the environmental impacts associated with the Project. The Planning Commission further finds that the documents have been completed in compliance with CEQA and the State CEQA Guidelines. The Planning Commission further finds that all environmental impacts of the Project are either less than significant or can be mitigated to a less than significant levels pursuant to the mitigation measures outlined in the MND, Initial Study, and the Mitigation Monitoring Program. The Planning Commission further finds that there is no evidence in the record supporting a fair argument that the Project may result in significant environmental impacts, and that any comments received regarding the Project have been examined and determined to not modify the conclusions of the MND. The Planning Commission finds that the MND contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment of the Planning Commission.

SECTION 4. Adoption of Mitigated Negative Declaration. The Planning Commission

hereby recommends that the Town Council approve and adopt the MND prepared for the Project.

SECTION 5. Adoption of the Mitigation Monitoring Program. Pursuant to Public Resources Code section 21081.6, the Planning Commission hereby recommends the Town Council approve and adopt the Mitigation Monitoring Program prepared for the Project, attached hereto as Exhibit 'B'.

SECTION 6. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at the Town's offices, located at 142 Bolinas Road, Fairfax, California 94930. Garrett Toy, Town Manager, is the custodian of the record of proceedings.

SECTION 7. Notice of Determination. The Planning Commission recommends that the Town Council direct Staff to file a Notice of Determination with the County of Marin and the State Clearinghouse within five (5) working days of approval of the Project, if it should approve the Project.

SECTION 8. Effective Date. This Resolution shall be effective immediately.

PASSED AND ADOPTED this 15th day of December, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Laura Kehrlein, Chair

ATTEST:

Planning and Building Services Director

Exhibits:

A – Mitigated Negative Declaration

B - Mitigation Monitoring Program

PLEASE TAKE NOTE THAT THE EXHIBITS NOTED IN RESOLUTION NUMBER 16-34, THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING PROGRAM, ARE LOCATED ELSEWHERE IN THIS PLANNING COMMISSION PACKET BUT WILL BE ATTACHED TO THE DOCUMENT IF IT IS APPROVED PRIOR TO FINAL SIGNATURE OF THE COMMISSION CHAIR

EXHIBIT # A & B

Linda Neal

From: Elizabeth Greason <epgreason@comcast.net>
Sent: Wednesday, December 07, 2016 5:37 PM
To: Council Member Barbara Coler; Mayor Renee Goddard; Council Member John Reed; Council Member David Weinsoff; Council Member Peter Lacques; Garrett Toy; Linda Neal; nfragoso49; laura; bruce; mimi.newton; phil; meg-p; cindyswift
Subject: Senior Housing Project

Dear Town of Fairfax,

I am writing to urge you to approve the Senior Housing Project in Fairfax. I am a psychotherapist and live on Chester Ave. in Fairfax. It seems to me that a Senior Housing Project in Fairfax with affordable housing is an obvious need for our community as the housing market has sky rocketed and prices are astronomical and are far out of the reach of many us today.

I understand that the main objection is that there will be more problems with traffic but I do not believe this will be the case. Traffic is at it's highest when children are dropped off at school. Many seniors are not driving at that time of day and from what I hear from friends living at Cannon Village the morning are the only time this might be an issue.

I have not been to any of the town meetings but I feel strongly that this is the right thing for us to do.

I hope you will approve the project.

Thank you.

Elizabeth Greason, LCSW

Linda Neal

From: Stan Rosenfeld <vegstan2@ix.netcom.com>
Sent: Tuesday, December 06, 2016 2:51 PM
To: Mayor Renee Goddard; Council Member John Reed; Council Member David Weinsoff; Council Member Peter Lacques; Garrett Toy; Linda Neal; bcoler@townoffairfax.or; geomonley@earthlink.net
Cc: nfragoso49@gmail.com; laura@fdvinearchitects.com; bruce@laughingcrows.net; mimi.newton@gmail.com; phil@greenandgreen.com; meg-p@comcast.net; cindyswift@sbcglobal.net
Subject: A neighbor in favor

Dear Town Council and Planning Commission members:

I own two units in Canon Village: 12 Rally Ct. and 17 Deuce Ct. And I wish I could write you two letters in support of the new building planned for the Lutheran Church lot, but I know that one must suffice.

The only drawback to this very much needed affordable housing for seniors is that a number of trees must be cut down for the project. In other circumstances I'd be loudly protesting this, but housing that's affordable is so desperately needed, that I am strongly in favor of it despite the tree issue. I do hope that the town will hold the developer to its promise to replant at least one tree for every one being cut for the building.

Any complaints about traffic are not valid in my mind because most residents won't be driving during school commute hours, and that's the only time when too many cars are an issue.

Since moving to Canon Village in 1991, there was new housing built on June Ct. across from Canon Village; at Shadow Creek next to Lefty Gomez field; off Oak Manor, and now above the 7-11 on SFD Blvd. These are all luxury homes that were expensive when they were new and are now valued at astronomical prices. Our town – and the entire county – needs affordable housing. I cannot imagine a more attractive building plan or a more appropriate place than this new planned residence.

Thank you for doing the right thing. Thank you for supporting this project. (And for following up with the promised re-planting of trees)

Sincerely,
Stan Rosenfeld
12 Rally Ct.
Fairfax, CA 94930
415 459 4668

Linda Neal

From: Patti Breitman <eatplants@earthlink.net>
Sent: Monday, December 05, 2016 3:12 PM
To: Linda Neal
Subject: Please say yes to Victory Village

Dear Linda and other planning commissioners, (Thank you for forwarding this to them, Linda.)

I wrote a similar letter to the town council members last week, and they suggested that I write to the planning commission as well.

Since I wrote this, the tragic fire in Oakland reminds me that a lack of affordable housing leads people to live in unsafe spaces. I know a number of people who are sleeping in their cars, living on rickety boats as "anchor outs" in Sausalito, and sleeping in the hills or behind commercial buildings. Affordable housing is a public health issue, and lives are at stake.

I am writing as a 25 year resident of Canon Village to enthusiastically support the building of Victory Village (although I would prefer another name for the project). I like that a resident manager will live on site, and that the land is being used for people in need, not more luxury housing. I like having seniors as neighbors. We in the over 62 crowd tend to be more quiet, kind, and respectful than we were in our youth.

As to worries about traffic on Sir Francis Drake Boulevard, I hope you will share these ideas with those concerned:

1. The school that was on that property had far more people coming and going every day than these residents will.
2. Senior residents will, most likely not be traveling during peak commute hours and won't be driving children to and from school.
3. I will offer rides to the residents every time I have a regularly scheduled trip to San Rafael. Others in Canon Village can do the same, for our own neighbors here in Canon Village and for the residents of Victory Village. A simple website could allow us to post ride sharing offers and needs. We are all aging, and at some point, even if just for a temporary setback, we will all need rides.

As to construction concerns:

The need for affordable housing, especially for seniors, is enormous. A year (or less) of inconvenience for us in Canon Village is a small price to pay to enable seniors without means to live with dignity for the rest of their lives.

Like the rest of Marin and the Bay Area, Fairfax has become out of reach for the vast majority of people living on Social Security and a small pension. Our town's tradition of forward thinking and compassionate choices will be sustained by the addition of Victory Village.

The presentation by RCD Housing was very well done last week. Their design is thoughtful, efficient and quite attractive. I found myself wishing I could live there myself. Please add my voice to the chorus advocating for this building on the church site. And let me know how else I can be helpful in making it happen.

With all best wishes,

Patti Breitman

12 Rally Ct.
Fairfax, CA 94930
415 459 1666

Linda Neal

From: Spirit L Wiseman <spiritji@aol.com>
Sent: Tuesday, December 06, 2016 1:05 PM
To: Council Member Barbara Coler; Mayor Renee Goddard; Council Member John Reed; Council Member David Weinsoff; Council Member Peter Lacques; Garrett Toy; Linda Neal; nfragoso49@gmail.com; laura@fdvinearchitects.com; bruce@laughingcrows.net; mimi.newton@gmail.com; phil@greenandgreen.com; meg-p@comcast.net; cindyswift@sbcglobal.net
Cc: spiritji@aol.com
Subject: Not sure my letter went through so second email please ignore if already received concerning support of senior housing

To the Town of Fairfax,

I have lived in Fairfax since the 1970's and well aware of the changes our Town has gone through since that time. I also presently live in Canon Village, next to the proposed project and work in Fairfax at Bradley Real Estate. So I know a bit more than most about housing and traffic in the immediate area.

I write in support of the project and basically beg you to do whatever you can to move forward with affordable senior housing. Do I want to live next to something that might look like the Marriott Hotel named "Victory Village"well not really but this comfortable way of thinking is not an option.

As a Realtor it breaks my heart that people can no longer afford to live in my town. We have seen in recent years an influx of people from Silicon and the City bidding up some homes hundreds of thousands beyond the asking price because they received a one million dollar bonus from Twitter. Fairfax has become a very desirable location. We need and must keep the balance here

I nearly lost my little Condo in Canon Village in the housing crisis to foreclosure. So I know what it feels like to face homelessness, worry and concern about housing, The rents have been rising to a place that borders on unethical. It really is completely crucial that some balance is put into place.

As I live in Canon Village I know the traffic flow well and really the only time there is a problem is when school is in session as so many parents seem to drive the kids back and forth in a single car.

Seniors living in Senior housing are not likely to be driving kids to school, plus I know some seniors who live in Canon Village who do not drive much at all. We have bus stops nearby.

There appear to be some loud voices against the project which are fear based. Please do not let these voices run the show or think they represent the majority because they do not. My friends and neighbors very much support the project even if they are not appearing at meetings and writing letters. The voices I hear against it, I happen to know live in comfortable homes and seem to not understand the whole picture. They have not faced being a senior on limited income or near homelessness.

It dismays me when traffic is used as a road block argument but PLEASE don't buy it... I live right here....I see the situation everyday and it can easily handle the few cars extra on the road from Senior housingunlikely for all 62 cars to leave the parking lot at the same time.....We have 109 places here in Canon Village and we have no traffic issue outside of school time.

Please listen to reason not fear and help move this project forward, it is timely and crucial and the responsibility of the town to support senior housing at this time and in this place.

Thank you for reading my email,

Spirit Wiseman
9 Herrea Dr

Fairfax, Calif 94930
415-847-4828

Spirit L Wiseman

Bradley Real Estate
Chairman's Club 2013/2014/2015
415-847-4828

Spirit L Wiseman
Bradley Real Estate
Chairman's Club 2013/2014/2015

415-847-4828

<http://www.zillow.com/profile/spiritwiseman/>

Linda Neal

From: Larry Kennings <larry@lakassociates.com>
Sent: Sunday, December 04, 2016 1:15 PM
To: AKlein@rcdhousing.org; aklein@rcdev.org; Linda Neal; Pam Goode; Garrett Toy; Sean Kennings
Subject: Fwd: Victory Village

TOWN OF FAIRFAX

Sent from my iPhone

DEC 05 2016

Begin forwarded message:

RECEIVED

From: Susanne Chaney <susannechaney@me.com>
Date: December 4, 2016 at 2:08:46 PM MST
To: larry@lakassociates.com
Subject: Victory Village

Concerns re construction

I suffer from a very serious lung disorder and live very near to the construction of this project. I'm concerned that dust and other pollutants will seriously impact the daily walks and other activities I enjoy in my home and neighborhood.

How are you going to protect me from increased costs to me to have my home cleaned more often and perhaps having to power wash decks and patios to keep my home dust free.

Also I am concerned after inspecting the proposed project today that it's too large and that too many trees are being sacrificed. I'm also against it being three stories.

I would be more comfortable if it were two stories and less bulky

There also is not enough parking.

The design also doesn't fit into the woodsy cottage feeling of the neighborhood.

Everything else seems to fit into the surrounding landscape. This design feels more like a big city design than a design for Fairfax. I feel it changes completely the character of our town.

The colors proposed are also not pleasing.

I also object to having the little trees in front cut down as they were planted by children to remember 911

Susanne Chaney

Sent from my iPad

To: FAIRFAX PLANNING COMMISSION

From: Board of Directors
Village West Homeowners Association (Fairfax)

Date: December 5, 2016

Subject: **CONCERNS ABOUT WATER MANAGEMENT PLAN for the
Victory Village Project (2626 SF Drake Boulevard in Fairfax)**

Village West is a planned unit development of 68 townhomes located at the west end of Fairfax, directly across the street from the Cañon Village complex and the Christ Lutheran Church property at 2626 Sir Francis Drake Boulevard—site of the proposed Victory Village project.

Members of the Village West Board attended the Victory Village Informational Meeting on November 29th at Christ Lutheran Church. We heard about the proposed plan for water management on the property and are concerned that the plan might be inadequate. You need to know that:

- Historically, Village West has had a problem with rainwater flowing across Sir Francis Drake Boulevard from the church property onto the lower-lying ground at Village West.
- Water flows through our complex toward Fairfax Creek, which runs through the center of Village West. In years of heavy rainfall, there has been flooding in garages as the rainwater flows through Village West toward the creek.
- In the flood of December 31, 2005, run-off from the hillside of the church property, combined with overflow of the storm drains at the church, contributed to the flooding of many homes at Village West.

We want to be sure that the Victory Village water management system is adequate to handle large volume of run-off from the hillside and prevent overflow across Sir Francis Drake Boulevard.

We would like this letter to be placed on record at the public hearing of the Fairfax Planning Commission on December 15, 2016.

Village West contact person:
Jean Moore, Village West Board Secretary (415-453-3021)

cc: Linda Neal (Fairfax Principal Planner)
Larry Kennings (LAK Associates) larry@lakassociates.com
Resources for Community Development (2220 Oxford Street, Berkeley, CA 94704)

kevin morris <kmorris1970@gmail.com>
To: kevin morris <kmorris1970@gmail.com>

Tue, Dec 6, 2016 at 11:21 AM

Town of Fairfax Planning Department

142 Bolinas Road

Fairfax, CA 94930

TOWN OF FAIRFAX

DEC 08 2016

RECEIVED

RE: Victory Village – Affordable Housing

I am writing to express to express my opposition to this project as it is currently proposed.

I am opposed to this project for 2 main reasons:

1. I believe that a 3-story structure of this size is not appropriate in this particular location. There are no other buildings of this height in the proximity of this proposed development. It simply does not fit into the neighborhood scheme and would be a true eye-sore.

2. I also cannot support this project where a 54-unit development is only allocated 39 parking spaces. I would think that at a minimum, 1 parking space per unit should be the plan. And that plan would not allow for any visitor parking. I understand that not all seniors are car-drivers, but I do believe that the majority of them still do drive. The lack of sufficient parking included in this building plan will result in a serious overflow of additional cars parking in the surrounding area.

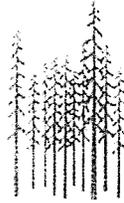
For these reasons, I am voicing my opposition to this project in its current proposed form.

Thank you.



Kevin Morris
17 Rally Court
Fairfax, CA

[Quoted text hidden]



Fairfax Open Space Committee

August 10, 2016

TOWN OF FAIRFAX

AUG 11 2016

RECEIVED

Mr. James Moore and Ms. Linda Neal
Town of Fairfax Planning Department
142 Bolinas Road
Fairfax, CA 94930

Dear Mr. Moore and Ms. Neal,

Thank you for providing the Fairfax Open Space Committee (FOSC) the opportunity to review and submit comments regarding the Victory Village development proposal for affordable senior housing located at the current site of Christ the Victor Lutheran Church in Fairfax.

Based on the current design, as shown in the plans dated 6/15/16, below are the issues identified by FOSC, through the FOSC subcommittee formed for the purpose of this review:

- **Aesthetic view to maintain ridgeline.** We are concerned that the three-story structure may obstruct existing views from the Sir Francis Drake scenic corridor of the open space ridgeline on the north side of the boulevard. We suggest view studies assess this concern. The goal of the Fairfax General Plan's Open Space element OS-3.2.3 is to prevent development from blocking or impairing existing views of visually significant areas.
- **Trail connectivity.** We believe there are current hiking trails that have been used for decades that cut across the Lutheran Church property. We believe that at the back of the property there are trails that connect with open space lands such as the Loma Alta Open Space Preserve. FOSC believes that these trails already are public access ways and should be expressly identified and acknowledged as such.
- **Intermittent streams.** It appears that during the rainy season there are one or more streams that flow through the property. We are concerned that the streams have been severely degraded and need to be restored to more natural function and not further impacted by the development.
- **Open space retention.** We are pleased to know that the 18 acres in the back of the property may be preserved as permanent open space. We are also pleased to know that the outdoor stage, amphitheater, and basketball courts are planned to be not

ATTACHMENT _____

demolished but will be retained on one parcel of open space. The goal of FOSC is to have the open space preserved.

On behalf of FOSC and the FOSC Subcommittee (Jack Judkins, Chris Powers, Michael Simler and Michael Ardito), these are the comments we have at this time. We appreciate being kept informed of project progress and the need for any further FOSC review or help with the open space element.

Respectfully submitted,



Michael Ardito

FOSC Acting Chair / Co-Secretary

Email: michael.ardito@sbcglobal.net

Cell phone: 415-298-8405

cc: Alicia Klein, Resources for Community Development