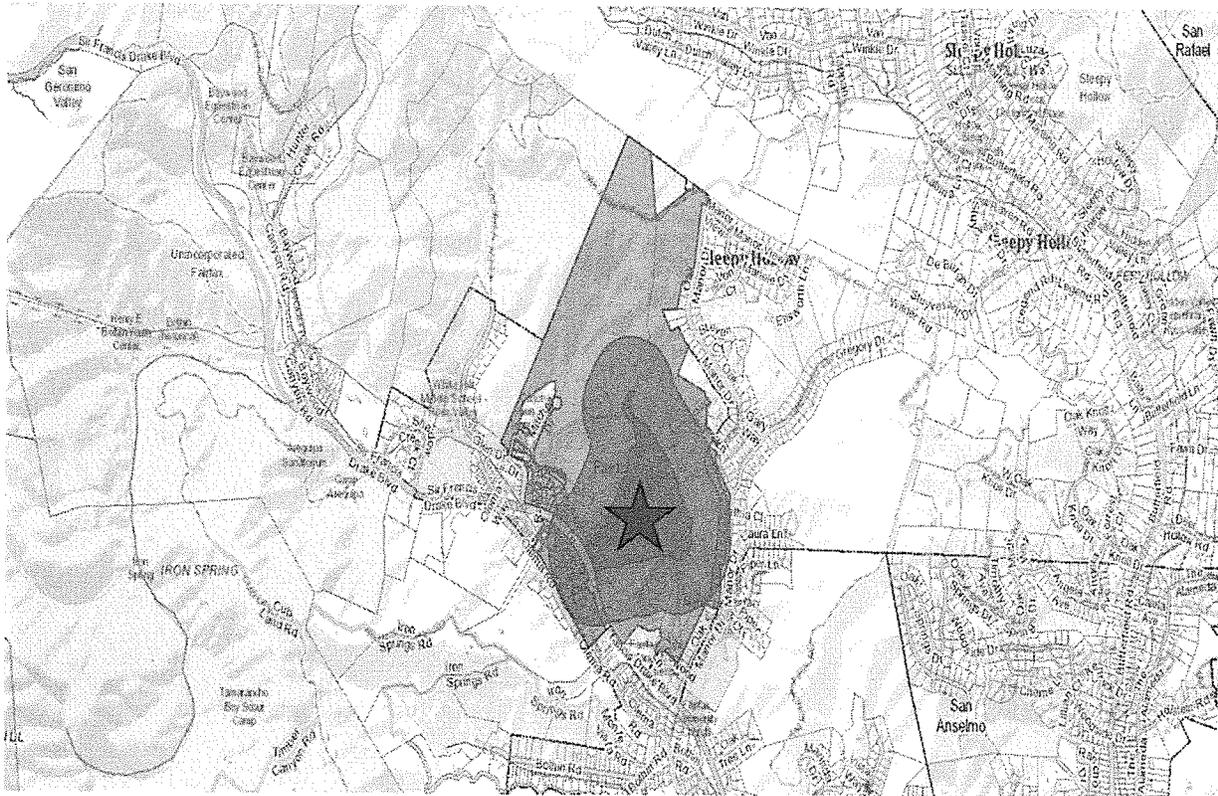


**TOWN OF FAIRFAX  
STAFF REPORT**  
Department of Planning and Building Services

**TO:** Fairfax Planning Commission  
**DATE:** December 15, 2016  
**FROM:** Garrett Toy, Town Manager  
Linda Neal, Senior Planner  
LAK Associates, Contract Planner  
**LOCATION:** 2626 Sir Francis Drake Boulevard, Fairfax, CA 94930  
**ZONING:** UR-7  
**PROJECT:** Victory Village Senior Housing project  
**ACTION:** Recommend for Approval  
**APPLICANT:** Resource for Community Development  
**OWNER:** Christ the Victor Lutheran Church  
**CEQA STATUS:** Mitigated Negative Declaration



**2626 SIR FRANCIS DRAKE BOULEVARD  
Victory Village Senior Housing Project**

## OVERVIEW

Applicant Resources for Community Development, a non-profit affordable housing developer, is requesting the Town approve a rent-restricted senior housing community at the former Christ Lutheran Church site located at 2626 Sir Francis Drake Boulevard (the "Site"). The project, which would fulfill substantial general plan policies, proposes 53 units of affordable rental housing and a single manager's unit on a 2-acre portion of the Site. If approved and constructed, it would be the first affordable senior housing to be built in Fairfax in over 30 years.

As discussed in greater detail below, the Applicant proposes to subdivide the 20-acre Site into three parcels: one 2-acre parcel and two 9-acre parcels. Only the 2-acre parcel is being proposed for development at this time, with the 9-acre parcels remaining unimproved. In order to approve the application, the Town would need to grant the following discretionary approvals:

- **General Plan Amendment.** The General Plan land use designation for the 2-acre parcel will remain PDD, while the two 9-acre parcels will require a General Plan amendment in order to re-designate those parcels UR-7-10.
- **Zone Change and Text Amendment.** The 9-acre parcels will remain zoned UR-7, while the 2-acre parcel will need to be rezoned PDD. In addition, the existing Planned Development District ordinance (Town Code Chapter 17.112) will require revision in order to reflect General Plan requirements and to allow a more streamlined review process for sites, such as this one, that are identified as Opportunity Sites in the Town's Housing Element. This revision was specifically contemplated in the 2015-2023 Housing Element.
- **Planned Development District Ordinance.** A new Planned Development District ordinance will be adopted for the 2-acre parcel to establish applicable land uses and development standards.
- **Parcel Map.** A parcel map will be necessary to subdivide the existing 20-acre site into three parcels.
- **Density Bonus Agreement.** The Applicant proposes to include 100% affordable housing units and thus qualifies for a density bonus of 35%, as well as three concessions, under the state Density Bonus Law (Government Code § 65915). This density bonus would allow the project to develop at a density of 27 dwelling units per acre, or 7 units per acre in excess of what is permitted by the General Plan. It also allows the Applicant to request three concessions from the Town's otherwise applicable zoning provisions. The Applicant has selected covered parking, height, and a portion of its parkland dedication requirement for its three concessions. In order to document the terms of the density bonus and secure the affordability of the units for the next 55 years, the Applicant will be required to enter into a Density Bonus Agreement with the Town which is recorded against the property. As clarification, the Planning Commission recommends the approval of the Density Bonus to the Town Council, but not the Density Bonus Agreement which only requires the Council's approval.
- **Traffic Impact Permit.** The project will require a traffic impact permit.

- **Excavation Permit.** The project will require an excavation permit.

Specifically, the Planning Commission will be considering the following: 1) the adoption of a resolution recommending adoption of mitigated negative declaration and mitigation monitoring and reporting program and 2) the adoption of a resolution recommending approval and adoption of general plan amendment, zoning ordinance and map amendment, planned development district ordinance, parcel map, density bonus, design review, traffic impact permit, and excavation permit.

### **BACKGROUND**

In 2008, the Fairfax Town Council established the Affordable Housing Committee to advise the Town Council on matters relating to affordable housing in Fairfax. The committee, made up of four community members and two members of the Town Council, was tasked with identifying suitable sites in Town for development. The Opportunity Sites outlined in the "Housing Opportunities" section of the 2015 Housing Element are the areas the Town designated as capable of hosting affordable housing.

The Site is identified as Opportunity Site #1 in the Housing Element and is thus identified as one with development potential for affordable housing. It is approximately 20 acres in size, of which roughly two acres comprise a private church facility and (previously) a private elementary school. Several General Plan Land Use Element and Housing Element policies and programs address the development of the opportunity sites, and this one in particular, including:

- *Policy LU-8.1.1: The Town of Fairfax shall facilitate the development of key housing opportunity sites to provide for the development of affordable housing as identified in the Housing Element.*
- *Program LU-8.1.1.4: Change the zoning designation for 2626 Sir Francis Drake (Christ Lutheran Church) from Residential UR-7 to Planned Development District [to facilitate its redevelopment as multi-family affordable housing].*

The Applicant submitted an application to the Town on June 16, 2016. Staff has worked with the Applicant to assemble a planning application suitable for the opportunities and constraints of the Site.

### **PROJECT DESCRIPTION**

Applicant proposes to first subdivide the existing 20-acre site into three parcels: one 2-acre parcel (Lot 1) and two remaining 9-acre parcels (Lot 2 & 3). Lot 1 will keep its existing General Plan land use designation (PDD) and will be rezoned PDD. Lots 2 and 3 will require General Plan land use designation amendments (to UR-7-10) and will retain their existing zoning (UR-7). No development is proposed on lots 2 or 3 at this time, and any future development proposal for those parcels would require an application to the Town.

A new Planned Development District ordinance will be adopted for the 2-acre lot to establish the land uses and development standards applicable to the senior housing portion of the Site. No development of the two 9-acre remainder parcels is contemplated as part of the proposed project. The entire Site is currently zoned UR-7, and thus the subdivision to allow two parcels of 9-acres each does not create a new intensity of development or create a change in land use for those portions of the Site.

On the 2-acre parcel (the "Senior Housing Site"), the Applicant proposes to demolish the existing primary school and church structures, an A-frame building, and parking area and replace them with 54 residential units. Of these, 53 will be rent-restricted affordable apartments for low-income seniors and one will serve as a manager's apartment (the "Senior Housing Community"). Applicant also proposes to provide 36 uncovered parking spaces to serve the Senior Housing Site.

Because the Senior Housing Community will provide 100% affordable units, it qualifies for a density bonus of 35% under the state Density Bonus Law. The base density of 20 dwelling units per acre applicable to the Senior Housing Site under Housing Element Policy HE-2.1.1.1 is thus increased to 27 dwelling units per acre. Qualifying for a density bonus at this level also makes the project eligible for three concessions under the same law. Applicant has requested concessions for height, covered parking and a portion of the project's parkland dedication requirement. These concessions are addressed below.

The Senior Housing Community is proposed to be approximately 50,755 square feet configured in an "E" shaped building with two- and three-story wings that wrap around two courtyards that terrace as the grade changes. As discussed above, the Applicant is requesting a concession as to the maximum height, which would otherwise be limited to 28'-6". The proposed heights of the structure vary as the building moves uphill away from Sir Francis Drake Boulevard. The two-story front façade has a roofline of 26' above existing grade, becoming a three-story structure 33'-6" above grade at the ridgeline of the first wing of the building. Moving uphill, the building reaches a maximum height of 40'-10" at the ridgeline of the middle wing and then drops down to 32'-10" at the ridgeline of third wing. Its appearance will be softened by landscaping between Sir Francis Drake Boulevard and the Senior Housing Community buildings.

The Senior Housing Community will be served by a new driveway that will have the same curb cut location as the existing drive and will run along the southeast edge of the property to the rear and northeast corner of the new building. There are perpendicular parking spaces along the drive for the convenience of residents and guests, with accessible parking along the drive and at the rear parking area. The rear parking area extends behind the upper building where trash collection, recycling, and servicing of the building will take place outside of the public view. There is also over 800 square feet of secured interior bicycle storage space. Sidewalks are also included to connecting the internal pedestrian circulation system of the Senior Housing Site to pedestrian access along Sir Francis Drake.

An on-site drainage system, including two detention basins, and an upgraded drainage ditch and drainage swales have been designed to capture stormwater flows from the Senior Housing Community consistent with Town standards for 10 to 100-year storm events and prevent additional water from the project area from flowing over Sir Francis Drake Boulevard to developments on the south side of Sir Francis Drake Boulevard.

The proposed project also includes an alternative access to connect to the existing storm water drainage system and an alternative vehicle access located off Sir Francis Drake Boulevard that aligns with the drive along the southeast edge of the site. (See Figure 3 – Site Plan). Currently, the Senior Housing Site is accessed via a driveway off Mitchell Drive which is also one access point for the Canon Village residential development. Mitchell Drive is a private street controlled by the Canon Village Homeowners Association. Currently, the Christ Lutheran church on the subject property has a proscriptive easement to access the project site via Mitchell Drive. Stormwater drainage is routed through this driveway access. The proposed project includes this

alternative drainage and driveway access due to the fact the road and infrastructure connections at Mitchell Drive are located on property belonging to the Canon Village Homeowners Association (CVHOA). The CVHOA must vote to continue to allow formal access easement for the Senior Housing Site. This vote is not subject to the local application review and permitting process and therefore cannot be guaranteed to occur prior to project approval from the Town of Fairfax. Therefore, the alternate drainage and access is included as part of the project, and was reviewed in the environmental review document prepared for the project.

## **DISCUSSION**

Development of the proposed project would require the Town to approve the following:

**Parcel Map.** A parcel map will be necessary to subdivide the existing 20-acre site into three parcels, one consisting of 2-acres and two parcels of 9-acres each. Division of the property into 3 parcels constitutes a minor subdivision per the Town's definition of a minor subdivision which is a subdivision of a piece of property into 4 or fewer parcels [Town Code §§ 16.04.030, Definition of a Minor Subdivision, and 16.08.060(A), Planning Commission Action]. Prior to taking action on a tentative parcel map the Town Engineer must review and provide a report including recommendations in relation to the requirements of the Tentative Parcel Map Chapter, the Subdivision Map Act and applicable ordinances and regulations and changes that are necessary for property consideration of the Map [Town Code § 16.08.040(D)].

The Town Engineer has reviewed the proposed tentative parcel map and has indicated the map complies with the Town Subdivision Ordinance, the State Subdivision Map Act and recommends that the Commission approve the tentative map subject to the conditions included in the resolution approving the map.

The Planning Commission should note that, as a condition of issuing a map, the Town is authorized to require the dedication of parkland in an amount of 5 acres for every 1,000 persons residing in the proposed subdivision. (Town Code 16.24.100.) Alternatively, the subdivision applicant may pay a fee in lieu of dedicating such land. Applicant proposes to meet this requirement as to the two 9-acre parcels by paying the in-lieu fee. With regard to the requirement vis-à-vis the Senior Housing Project, Applicant makes two requests:

- (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. Applicant requests the Town Council issue such credit to this project, given its service to low-income seniors.
- (2) As is discussed in further detail below, 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 requests the Town grant it a concession waiving the remaining dedication requirement.

**General Plan Amendment.** The property is currently designated PDD in the General Plan (see Land Use Figure LU-1). The Applicant proposes to retain this PDD land use designation for the 2-acre parcel but redesignate the two 9-acre parcels UR-7-10. This General Plan Amendment

will retain the development rights of the remaining 18 acres and will ensure consistency with the Town of Fairfax Zoning Ordinance and Map, as required by state law. Pursuant to the GP Policy LU-8.1.1, the amendment designation would be consistent with the General Plan and promotes the reuse of the property for affordable housing.

**Zone Change and Text Amendment.** Similar to the GP Amendment described above, the subject property will require rezoning of the 2-acre Senior Housing Site. This will implement Housing Element Program H-2.1.1.1, which calls for this 2-acre site to be rezoned PDD. The two 9-acre parcels will remain zoned UR-7, and will retain the existing development rights.

In addition, the existing Planned Development District Ordinance (*Fairfax Town Code Chapter 17.112*) will require revision in order to reflect General Plan requirements and to allow a more streamlined review process for sites, such as this one, that are identified as Opportunity Sites in the Town's Housing Element. The streamlined approval process is meant to facilitate the development of affordable housing by removing obstacles to approval and allowing for more tailored development and use standards at qualifying sites. Generally, the changes will:

- Only apply to requested PDDs that are also identified as Opportunity Sites in the Housing Element.
- Implement Housing Element Program 2.1.1.1, which allows for the development of this PDD at a site that is less than five acres (which is the minimum otherwise required for development of a PDD by the existing Code language).
- Allow for the Town to set development standards particular to the PDD at issue, rather than simply imposing the standards applicable to the zoning district most similar in nature to the project.
- Acknowledge that the density of a given PDD will be set by the general plan.
- Streamline the application submission and review process, such that the three-step preliminary development plan, master development plan, and precise development plan process is replaced by the submission of an application that is heard by the Planning Commission and decided by the Town Council.

As indicated above, approval of the proposed rezoning would be consistent with the Town's GP and Housing Element which specifically target the subject property for development of affordable housing. The rezoning of the 2-acre project site would also allow the Town to comply with provisions of the State Housing Law requirement for providing sites zoned to accommodate affordable housing. Furthermore, because the two remainder parcels will remain zoned UR-7, there is no change in the potential development intensity of that portion of the Site.

**Planned Development District Ordinance.** A new Planned Development District ordinance will be adopted for the 2-acre parcel to establish the land uses and development standards applicable to the Senior Housing Site.

The creation of a PDD requires consistency with the PDD adoption process and standards discussed above. Applicant is requesting a PDD with standards very similar in nature to the RM Zone, which is the zoning district most similar in nature to the project. However, some deviations are requested. Generally, these are as follows:

- Density. The project's base density of 20 units per acre is established in the General Plan. As discussed below, the Senior Housing Project qualifies for a density bonus under California Government Code § 65915. As a result, the project's base density of 20 dwelling units per acre is increased to 27 dwelling units per acre, which will allow for the construction of 54 units on the 2-acre Senior Housing Site.
- Principal permitted uses. The General Plan provides that the Senior Housing Site shall be used for residential purposes only. This requirement is incorporated into the PDD.
- Building site requirements. The building site requirements are tailored to the site, as is customary for most planned development districts.
- Height. As discussed below, Applicant has requested a concession under the state density bonus law as to maximum permissible height. Where the Fairfax Town Code would generally require a maximum of 28'6", Applicant has requested a maximum height of 40'10".
- Off-street parking. As discussed below, Applicant has requested a concession under the state density bonus law regarding parking. Where the Fairfax Town Code would generally require on-site parking to be covered, Applicant has requested that uncovered parking. In addition, because Applicant is providing rent-restricted affordable housing for seniors 62 and older, and the project is located near transit, it qualifies for a state-mandated parking ratio of 0.5 parking spaces per dwelling unit. (California Government Code § 65915(p).)

The proposed project also includes the undergrounding of all proposed utilities.

The project's compliance with the applicable standards of the most similar residential Zone District, the Multiple Family Residential RM Zone, as follows [Town Code§17. 17.112.030(A)(4)]:

	<b>Front Setback</b>	<b>Rear Setback</b>	<b>Combined Front/Rear Setback</b>	<b>Side Setback</b>	<b>Combined Side Setbacks</b>	<b>Lot Coverage</b>	<b>Height</b>
<b>Required/ Permitted</b>	10 ft.	10 ft.	40 ft.	10 ft. & 10 ft.	25 ft.	.35	28'5", 3 stories
<b>Proposed</b>	40 ft.	142 ft.	182 ft.	18 ft. & 28 ft.	46 ft.	.24	27'6" and 2 stories to 40'10" and 3 stories

**Density Bonus.** Applicant proposes to provide 100% of the resident units at rent-restricted housing rates affordable to low income seniors. 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.) Under the state density bonus law, if a project provides 20% or more of its units to low-income households or 11% or more of its units to very low-income households, it qualifies for a density bonus of 35% above the otherwise maximum allowable residential density. (Government Code § 65915(f).) "Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the general plan, per Government Code § 65915(o)(2). In addition, for projects that provide at least 30% of the total units for low income households, the Applicant is entitled to three incentives or concessions (Government Code § 65915(d)(2)(C)), which are defined as:

- A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.
- Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
- Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable, financially sufficient, and actual cost reductions.

(Government Code § 65915(k).) If the Town refuses to grant a requested concession, the Applicant is entitled to initiate judicial proceedings, and the Town would need to demonstrate that it had denied the request due to "a specific, adverse impact ... upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.." (Government Code § 65915(e)(1).) Otherwise, the Town would potentially be liable for payment of attorney's fees and costs of suit, as well as required to grant the requested concession. The statute does, however, also provide that the requirement to provide concessions "does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements." (Government Code § 65915(l).)

Two of Applicant's requested concessions were discussed above: (1) height (allowing 40'10" instead of 28'6"), and (2) uncovered parking (instead of covered parking). Applicant has represented that these concessions will result in identifiable, financially sufficient, and actual cost reductions, and they thus fall within the concessions contemplated under Subsection (k) of the density bonus law. The third requested concession is the waiver of 8,900 square feet of the parkland that the Senior Housing Project would be required to dedicate (or, alternatively, waiver of the fees that could be paid in lieu of actually offering land for dedication). This request is thus not subject to Subsection (k), but rather Subsection (l) cited above, and the Town has more

discretion as to whether or not it wishes to grant this final concession. (Note that the parkland requirement for the two 9-acre parcels is not subject to any requested concessions, and Applicant has proposed to pay the required fee in-lieu for that requirement.) Staff supports all three requested concessions, on the grounds that the Senior Housing Project provides a great public benefit to the community by improving a vacant site with rent-restricted affordable housing to seniors.

**State Law Parking Reduction.** The density bonus law, separate and apart from any concessions or incentives, allows senior housing developments where residents are 62 years or older to provide parking at a ratio of .5 spaces per unit, provided the project is located within one half mile of a fixed bus route that operates at least eight times per day or the project offers paratransit service. (State Government Code § 65915(p).) By meeting these parameters, Victory Village will qualify for this reduced parking standards. Thus, the project's 54 units would only require 27 parking spaces. The project proposes to include 36 on-site parking spaces and therefore, exceeds the state law minimum requirement for the on-site parking.

**Traffic Impact Permit.** Town Code Chapter 17.056 requires a traffic impact permit as a prerequisite to any building permit, site improvement, occupancy permit or any discretionary approval from the Town for projects that have a floor area of more than 5,000 square feet. The proposed project is 50,755 square feet and therefore, it requires the approval of a Traffic Impact Permit [Town Code § 17.056.050(A)(1)(b)]. As indicated in the IS/MND and the reports and materials prepared by Parisi Transportation Consultants, the proposed project would not cause the performance of intersection of roadway linkages to fall below the acceptable level of service or otherwise further reduce the system performance within the Town of Fairfax. As there is no potential impacts, no traffic impact plan is required for development of the proposed project. 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. Therefore, there are no potential impacts related to traffic as a result of the project and the project will provide an overriding public benefit with the addition of much needed, affordable, senior housing units.

The proposed project also includes an alternative access, with direct connection to Sir Francis Drake Boulevard (south of the current access off Mitchell Drive). This access point was also studied by Parisi and found to have no significant potential impacts related to additional traffic or increased delays within the existing circulation system. However, as noted in the IS/MND, a two-way left turn pocket would be required to allow for turning in and out of the property in both directions along Sir Francis Drake. Consistent with the traffic study for the 54 unit project, there would be no adverse impacts, and therefore the project will provide an overriding public benefit.

**Excavation Permit.** Town Code § 12.20.080(A) requires that any project requiring the excavation and/or fill of 100 cubic yards of material or more obtain an excavation permit from the Fairfax Planning Commission. The project requires an excavation permit because it will entail the excavation or fill of 1,670 cubic yards of material, the majority of which would be required for the undergrounding of utilities.

The Town Engineer has reviewed the following information submitted by Applicant relating to the proposed excavation and performed site inspections of the property on July 8, 2016, and July 23, 2016. Based on his review of all the above reference documents and plans and his site inspection, the Town Engineer has determined that the project can be developed as proposed without creating any impacts that cannot be mitigated and that the required findings for the

excavation permit can be made as set forth in the resolution accompanying this staff report.

The Applicant's preliminary civil and hydrology studies indicate that the project meets the required standards grading and drainage. Furthermore, the IS/MND evaluated the proposed project for potential impacts to geologic and hydrologic conditions and found that mitigation incorporated to the project would result in a less than significant impact. As there are no immediate residences on adjacent properties, excavation and grading activities would not be disruptive to residents on either side of the Senior Housing Site. The Applicant will be required to comply with standards and practices for erosion and sediment control, as well as stormwater pollution control, to ensure that construction activities on site do not impact neighboring properties, or properties across Sir Francis Drake Boulevard.

**Design Review.** Pursuant to Fairfax Town Code Chapter 17.020.040, the proposed Senior Housing Project will require design review for new construction. When reviewing a project for compliance with the Design Review Ordinance, the Planning Commission must determine that the design meets the criteria set forth in Town Code § 17.020.040(A) through (N).

The exterior facade of the structure is articulated through the alternating use of vertical fiber cement board and batten siding, cement plaster siding, vertical cement board siding and fiber cement panels painted in varying colors of tan (Sherman Williams Downing Sand SW 2822), light brown (Sherman Williams Hubbard Squash SW 0044), olive green (Sherman Williams Bamboo Shoot SW 7733), off white and gray (Sherman Williams Functional Gray SW 7024).

The exterior of the structure is further articulated and the massing of the structure is broken up by the use of the "E" shaped floor plan, use of varying roof pitches, inclusion of trellis structures adjacent the courtyards, the covered entry porch features and the use of alternating and varied window sizes and shapes throughout the building.

The proposed development is consistent with the design review findings because it will 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. The proposed project is articulated and varied in height and does not project over ridgelines behind the development area. The proposed project design aesthetic is of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area. The craftsman style architectural aesthetic, including varying material choices and articulated roof eaves and heights presents an overall style reminiscent of the diverse residential neighborhoods throughout the Town. As the building has been designed with several articulations in façade and height it is consistent with provisions requiring sufficient variety in the design of the structures and grounds to avoid monotony in external appearance. The size and design of the structure is in proportion to its 2-acre building site and has a balance and unity among its external features so as to present a harmonious appearance.

As proposed the project height is taller than the maximum 28'6" height limitation throughout town. However, as discussed above in the Density Bonus section, the applicant is requesting a concession from height limitations to accommodate the total unit count on the 2-acre development footprint. As designed, the front façade and first roof ridge line can comply with the 28'6" height restriction. The building gradually steps up to a three-story structure, with a maximum height of 40'10", in the middle of the building and then reduces back down to 33' at the rear. This variable height reduces the overall mass and bulk of the proposed structure and lessens its appearance as a tall apartment building. As designed the proposed building is set back 40' from the front

property boundary and is suitably positioned on the site. Material selection, including textures, colors, and other appurtenances appear to be harmonious with the overall Town aesthetic.

Solar panels have been suggested in the project application, but are not proposed at this time. The Applicant is intending to include infrastructure as part of the initial construction so that panels can be installed at a later date. If proposed, a separate design review permit would be required to consider the visual impacts associated with the design.

The proposed project it is consistent with all requirements for landscaping, screening, usable open space, and the design of parking and off-street loading areas set forth in the Town Code. The robust landscaping plan proposes to soften the front yard facing Sir Francis Drake with species and trees suitable for drought tolerant environments. The majority of off-street parking is located to the rear of the project and would thus be hidden from public view.

The proposed Senior Housing Project is located in an area of existing disturbance and would therefore protect the balance of natural features on site, including trees, shrubs, creeks, and rocks and the natural grade of the site.

The proposed landscaping is consistent with the requirement for screening service and storage areas from the street and helps to break up large expanses of paved areas while separating and screening parking lots from the street. The proposed building is designed in such a way, that internal landscaped areas will separate building areas from paved areas to provide access from buildings to open space areas.

Although the proposed project will require up to 69 tree removals, 26 trees are proposed for removal due to poor health or hazardous conditions. The majority of the remaining 44 trees proposed for removal are California bay laurel. The Applicant had a survey conducted and tree protection plan of all trees within the development footprint. Pursuant to Fairfax Town Code § 8.36.050, the Applicant is required to submit a tree removal permit to the Tree Advisory Committee for review and approval of the proposed removals and suggested replanting plan. Applicant has requested to be added to the Tree Committee's January 2017 meeting for this purpose.

### **Other Agency Comments/Conditions**

To date, comments and conditions concerning the project have been received from Marin Municipal Water District, which notes:

- The above parcel is currently being served. The proposed demolition of the existing structures, subdivision of the existing parcel into three lots and construction of a 54-unit senior housing facility will not impair the District's ability to continue to provide water service to this property.
- The current annual water entitlement of 0.38 acre-feet will be insufficient for this new use. Therefore, the purchase of additional water entitlement will be required. The proposed parcels labeled as "Lot 2" and "Lot 3" on the plans will not meet the conditions for service as set forth by the Water District which state in part: "the property must be fronted by a water main; the structure must be within 125 feet of the water main".
- Should backflow protection be required, said protection shall be installed as a condition of water service.

- Ordinance No. 429 requires the installation of gray water recycling systems when practicable for all projects required to install new water service and existing structures undergoing “substantial remodel”.

Comments have also been received from the Ross Valley Fire Department as follows:

1. A fire alarm system shall be installed throughout all buildings which complies with the requirements of the National Fire Protection Association (NFPA) 72 and local standards. A separate deferred permit shall be required for this system. Plans and specifications for the system shall be submitted by an individual or firm licensed to design and/or design-build alarm systems. This requirement is a deferred submittal and is required prior to building permit approval.
2. A private fire hydrant system is required for this project. The location of the proposed hydrant appear to meet minimum requirements. The actual placement of hydrants will be performed in the field and approved by a Ross Valley Fire Inspector. Fire hydrants shall be installed and made serviceable prior to delivery of combustibles to the construction site. This requirement shall be noted on building plan cover sheet.
3. A Vegetation Management Plan designed in accordance with Ross Valley Fire Standard #220 is required for this project. A separate deferred permit shall be required for this plan. Please submit directly to the Fire Department for review. This requirement is a deferred submittal on building permit plan set and is required prior to building permit approval.
4. Approved address numbers a minimum 6 inches in height shall be placed on all new and existing buildings above the doorway or in such a position as to be plainly visible and legible from the street or road fronting the property. Newly permitted buildings shall have a continually illuminated sign. Refer to RVFD Standard #205 for details.
5. Applicant may propose alternate materials or method in accordance with Section 1 03.3. All approved alternates requests and supporting documentation shall be included in the plans set submitted for final approval.

If comments from other agencies are received prior to the Planning Commission meeting, they will be provided to the Commission and the public at the meeting.

### **Ministerial Actions**

Ministerial permits and approvals will need to be issued by the Town (or other appropriate agency) to allow site preparation, curb cuts, utility connections and other project features subject to ministerial permits.

### **FINDINGS**

The findings necessary to support each of the actions discussed above are included in the ordinances and resolutions attached to this staff report.

## **RECOMMENDATION**

1. Conduct Public Hearing.
2. Adopt Planning Commission Resolution No. 16-34 Recommending Adoption of Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
3. Adopt Planning Commission Resolution No. 16-35 Recommending Approval and Adoption of General Plan Amendment, Zoning Ordinance and Map Amendment, Planned Development District Ordinance, Parcel Map, Density Bonus, Design Review, Traffic Impact Permit, and Excavation Permit

## **ATTACHMENTS**

2 Resolutions

Initial study and Negative Declaration with Mitigation Monitoring Program

Attachment A – letters

Attachment B – Fairfax Open Space Committee letter dated 8/10/16



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF FAIRFAX RECOMMENDING THE TOWN COUNCIL APPROVE A GENERAL PLAN AMENDMENT, ZONING TEXT AMENDMENTS TO TOWN CODE CHAPTER 7.12 AND 7.112; PLANNED DEVELOPMENT DISTRICT ORDINANCE, 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**, the Planning Commission is an advisory body to the Town Council of the Town of Fairfax; and

**WHEREAS**, the Planning Commission has reviewed the draft “Resolution Of The Town Council Of The Town Of Fairfax Approving A General Plan Amendment For The Victory Village Senior Housing Project (2626 Sir Francis Drake Boulevard)” attached hereto as Exhibit ‘A’ and incorporated herein as if restated in full; and

**WHEREAS**, the Planning Commission has reviewed the draft “Ordinance Of The Town Council Of The Town Of Fairfax Amending Fairfax Town Code Chapters 17.12 And 17.112 And Amending The Town Zoning Map” attached hereto as Exhibit ‘B’ and incorporated herein as if restated in full; and

**WHEREAS**, the Planning Commission has reviewed the draft “An Uncodified Ordinance Of The Town Council Of The Town Of Fairfax Adopting A Planned Development District Ordinance For The Victory Village Housing Development (2626 Sir Francis Drake Boulevard)” attached hereto as Exhibit ‘C’ and incorporated herein as if restated in full; and

**WHEREAS**, the Planning Commission has reviewed the draft Resolution of the Town Council of the Town of Fairfax to Approve 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)” attached hereto as Exhibit ‘D’ and incorporated herein as if restated in full

**WHEREAS**, collectively, Exhibits A-D listed above constitute the project entitlements necessary for approval of the subdivision of 2626 Sir Francis Drake Boulevard (the “Site”) into three parcels, one of which shall be developed into an affordable Senior Housing Development and the remaining two of which shall be left undeveloped, as further set forth in Exhibits A-D (collectively, the “Project”); 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

**PL RESO 1**

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

**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 Planning Commission 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

**WHEREAS**, at its December 15, 2016 meeting, the Planning Commission discussed and considered the Project and the MND/Initial Study and adopted a Resolution recommending the Town Council adopt the MND/Initial Study and Mitigation Monitoring and Reporting Program; and

**WHEREAS**, on Planning Commission accepts the findings set forth in Exhibits A-D attached hereto, and on that basis recommends the Town Council approve each of said Exhibits and approves the Project contemplated therein.

**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 has found that the MND and Initial Study have been completed in compliance with CEQA and the State CEQA Guidelines and has recommended approval of the same to the Town Council.

**SECTION 3. Recommendation.** The Planning Commission of the Town of Fairfax, having reviewed and considered the following documents, adopts the findings set forth therein as if restated here in full and recommends that the Town Council adopt the:

A. Resolution Of The Town Council Of The Town Of Fairfax Approving A General Plan Amendment For The Victory Village Senior Housing Project (2626 Sir Francis Drake Boulevard);

B. Ordinance Of The Town Council Of The Town Of Fairfax Amending Fairfax Town Code Chapters 17.12 And 17.112 And Amending The Town Zoning Map;

C. Uncodified Ordinance Of The Town Council Of The Town Of Fairfax Adopting A Planned Development District Ordinance For The Victory Village Housing Development (2626 Sir Francis Drake Boulevard); and

D. Resolution of the Town Council of the Town of Fairfax to Approve 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)

**SECTION 4. 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:

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Laura Kehrein, Chair

ATTEST:

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Planning and Building Services Director

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**Exhibits:**

A - Resolution Of The Town Council Of The Town Of Fairfax Approving A General Plan Amendment For The Victory Village Senior Housing Project (2626 Sir Francis Drake Boulevard)

B - Ordinance Of The Town Council Of The Town Of Fairfax Amending Fairfax Town Code Chapters 17.12 And 17.112 And Amending The Town Zoning Map

C - Uncodified Ordinance Of The Town Council Of The Town Of Fairfax Adopting A Planned Development District Ordinance For The Victory Village Housing Development (2626 Sir Francis Drake Boulevard)

D - Resolution of the Town Council of the Town of Fairfax to Approve 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)

RESOLUTION NO. 17-\_\_\_\_\_

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX APPROVING A GENERAL PLAN AMENDMENT FOR THE VICTORY VILLAGE SENIOR HOUSING PROJECT (2626 SIR FRANCIS DRAKE BOULEVARD)**

**WHEREAS**, on April 25, 2016 Resources for Community Development (“Applicant”) submitted a planning application to the Town of Fairfax which proposed to subdivide a 20-acre site (the “Site,” APN 174-070-017) and develop an affordable senior housing project on one of the resulting parcels (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 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 39 parking spaces, and new bicycle parking, sidewalks, and associated site and frontage improvements; and

**WHEREAS**, the current general plan land use designation for the entire Site is Planned Development District (‘PDD’); and

**WHEREAS**, the current zoning designation for the entire Site is Upland Residential (‘UR’) 7 ; and

**WHEREAS**, the 2010-2030 Fairfax General Plan (the ‘General Plan’) contains figures depicting the Site, including Figure LU-1 (‘Fairfax General Plan Map’), Figure LU-2 (‘Fairfax Zoning’), and Figure LU-3 (‘Fairfax Sphere of Influence’); and

**WHEREAS**, Program H-2.1.1.1 of the 2015-2023 Housing Element Update to the General Plan calls for the 2-acre portion of the Site to be rezoned to Planned Development District, thus leaving the two remaining 9-acre portions of the Site zoned Upland Residential 7; and

**WHEREAS**, in order to achieve conformance between the general plan land use designation and zoning designation of all parcels on the Site, in accordance with state law, the Project requires a General Plan amendment, and zoning text and map amendments, as shown in Exhibit A hereto, which is incorporated herein, which will harmonize the General Plan land use and zoning designations such that the 2-acre parcel will be designated and zoned PDD, and the two 9-acre parcels will be designated UR 7-10 and zoned UR-7; 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; and

**WHEREAS**, as set forth herein, 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**, on December 15, 2016, the Fairfax Planning Commission held a duly-noticed public hearing to receive public input on and consider the Project, including the General Plan Amendment set forth herein, and all persons wishing to testify were heard; and

**WHEREAS**, by adoption of Resolution No. \_\_\_\_, the Planning Commission recommended the Town Council approve the General Plan Amendment set forth herein; 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, including the proposed General Plan Amendment, and the Town Council discussed and considered the Project and the proposed General Plan Amendment, as well as written and oral reports from staff, and a presentation from the Applicant; 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 decision making 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. The Final MND and Initial Study and Mitigation and Monitoring Program for the Project fully analyzed any environmental impacts of the General Plan Amendment contemplated herein.

**SECTION 3. General Plan.** Based on the entire record before the Town Council, all written and oral evidence presented to the Town Council, and the findings made in this Resolution, and pursuant to Government Code § 65356, the Town Council hereby amends the 2010-2030 Fairfax General Plan to change the general plan land use designation of both of the two 9-acre parcels on the Property from Planned Development District to Upland Residential 7-10, as shown in revised General Plan Land Use Figures LU-1 and LU-3, and to reflect the zoning that shall be applicable to the Site, as shown in revised General Plan Land Use Figure LU-2, all of which Figures are attached hereto and incorporated herein as Exhibit A. The Town Council finds that this General Plan Amendment is consistent with those portions of the General Plan not being amended inasmuch as it brings said Figures and designations into conformance with the dictates of Housing Element Policy H-2.1.1.1 set forth above.

**SECTION 4. Effective Date.** This Resolution shall be effective immediately.

**SECTION 5. Severability.** If any section, subsection, sentence, clause, phrase or portion of this resolution is for any reason held incorrect, invalid, illegal or unenforceable, such decision shall not affect the validity of the remaining portions of this resolution. The Town Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared incorrect, invalid, illegal or unenforceable.

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 – Revised General Plan Land Use Figures LU-1, LU-2, and LU-3

**EXHIBIT "A"**

**GENERAL PLAN LAND USE FIGURES LU-1, LU-2, AND LU-3**

# TOWN OF FAIRFAX General Plan Map



TOWN OF FAIRFAX  
142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94936  
(415) 453-1584 / FAX (415) 453-1618

## General Plan Designations

### COMMERCIAL

- Central Commercial
- Highway Commercial
- Light Commercial
- Service Commercial
- Recreational Commercial

### RESIDENTIAL

- Residential .25 du/acre
- Residential 1 - 6 du/acre
- Residential 7 - 12 du/acre
- UR - 7 UR - 10 acres/du\*
- PDD

\*Building site area as per Residential .25 du/acre

### PUBLIC AND QUASI PUBLIC

- Town Government Offices
- Public Domain
- Public Schools
- Fairfax Town Parks
- Town Owned Properties
- Public / Private Open Space (OSP)

### OTHER

- Municipal Boundaries
- Parcel Boundaries
- Scenic Roads
- Creeks

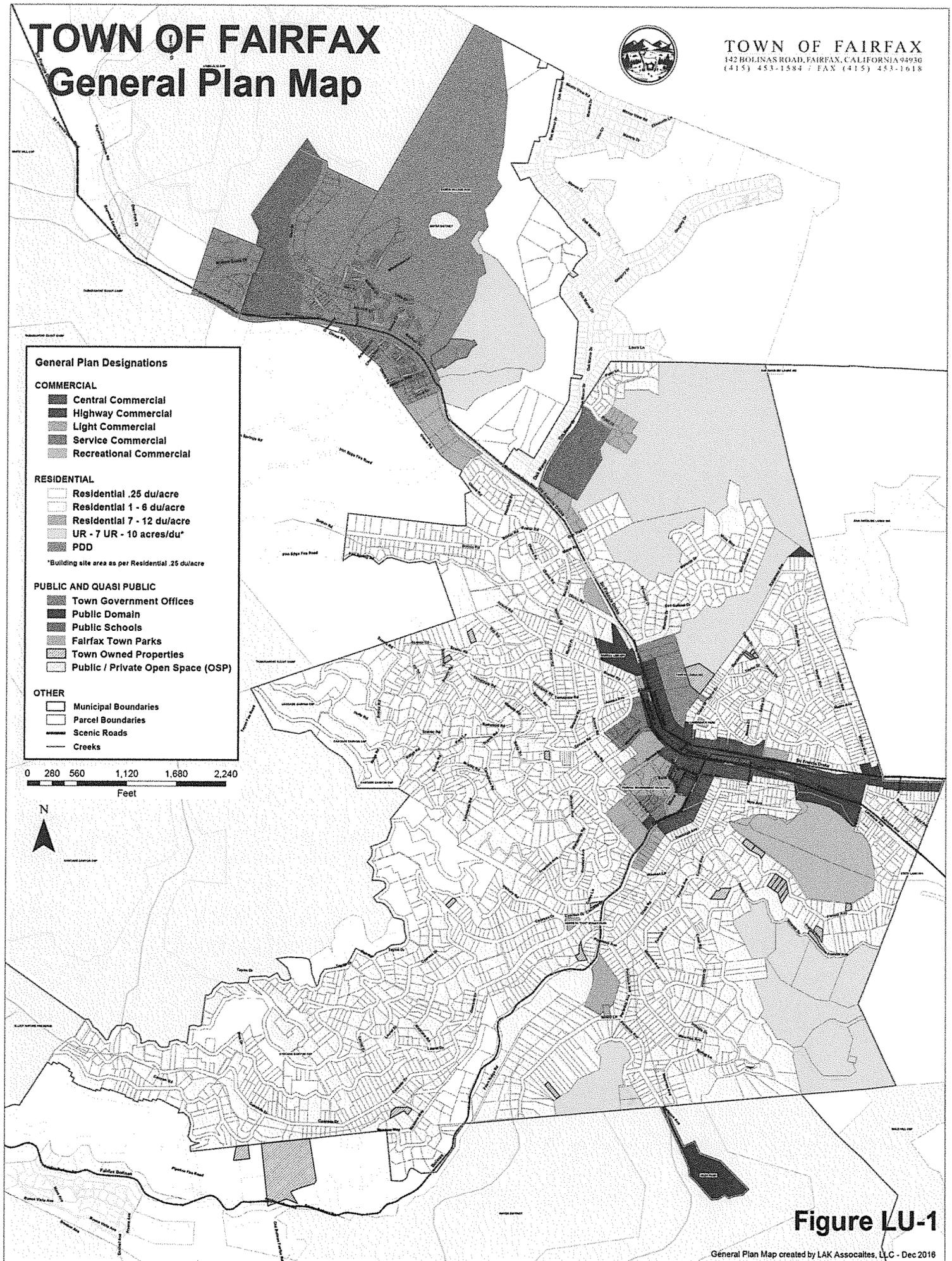
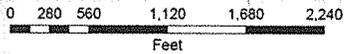


Figure LU-1

# TOWN OF FAIRFAX Zoning Map



TOWN OF FAIRFAX  
142 HOLINAS ROAD, FAIRFAX, CALIFORNIA 94950  
(415) 453-1584 / FAX (415) 453-1618

### ZONING DISTRICTS

#### COMMERCIAL ZONES

- CC - Central Commercial
- CH - Highway Commercial
- CL - Light Commercial
- CS - Service Commercial
- CR - Recreational Commercial

#### RESIDENTIAL ZONES

- RD - 5.5 - 7 - Residential
- RS - 6 - Single Family Residential
- RS - 7.5 - Single Family Residential
- RM - Multi-Family Residential
- PDD - Planned Development District
- UR - 7 - Upland Residential (7ac/du)
- UR - 10 - Upland Residential (10ac/du)

\*RS - 6 - zoning determined by arrowwood settlement agreement recorded 8/28/91

#### OPEN AREA ZONE

- O-A - Open Space

(Consult Fairfax Zoning Ordinance for detailed Zone descriptions)

#### OTHER

- Municipal Boundaries
- Fairfax Parcels Boundaries
- Creeks

#### Summary of Amendments

Date	Ordinance Number	Description/Amendment
01/21/87	310	Established land use zones, official zoning ordinance
09/19/91	403	Amended zoning to RM district from RD 5.5-7 along 672B
03/10/93	333	PCD zone for Bennett Manor (APNs 913106, 1100-01, RL 02, 1-211-04)
01/08/97	536	Revised portion of Access Rd from RD 5.5-7 to RS-6
01/01/99	584	Established Open Space - Open Park Subzone
12/01/99	602	Established Upland Residential Zones, UR-7 & UR-10
01/21/04	620	PDD prozone Shadow Creek Subdivision

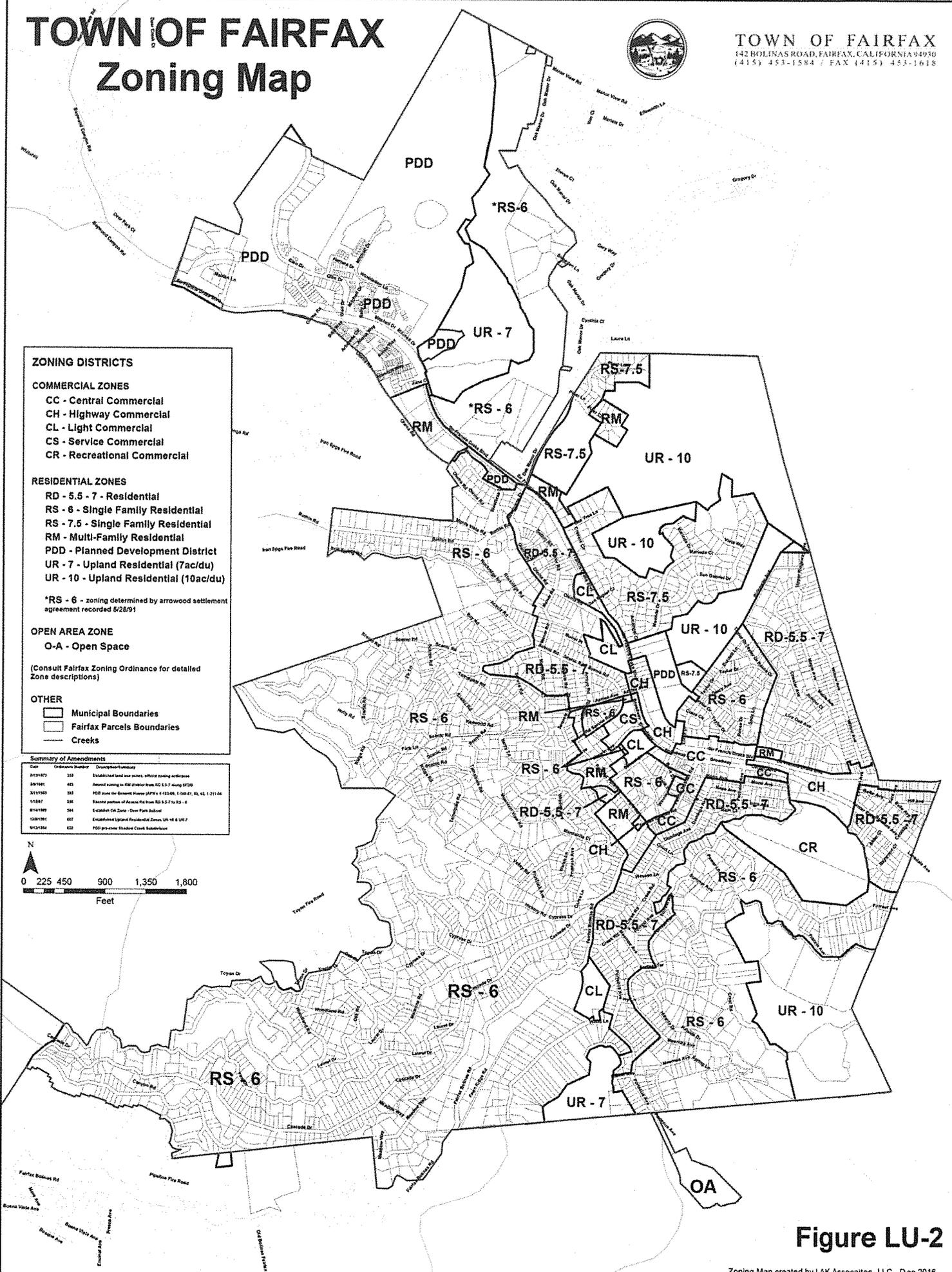
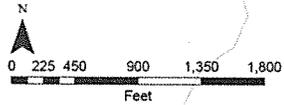


Figure LU-2

Zoning Map created by LAK Associates, LLC - Dec 2016

# TOWN OF FAIRFAX Sphere of Influence



TOWN OF FAIRFAX  
142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94950  
(415) 453-1584 / FAX (415) 453-1618

**General Plan Designations**

**COMMERCIAL**

- Central Commercial
- Highway Commercial
- Light Commercial
- Service Commercial
- Recreational Commercial

**RESIDENTIAL**

- Residential .25 du/acre
- Residential 1 - 6 du/acre
- Residential 7 - 12 du/acre
- UR - 7 UR - 10 acres/du\*
- PDD

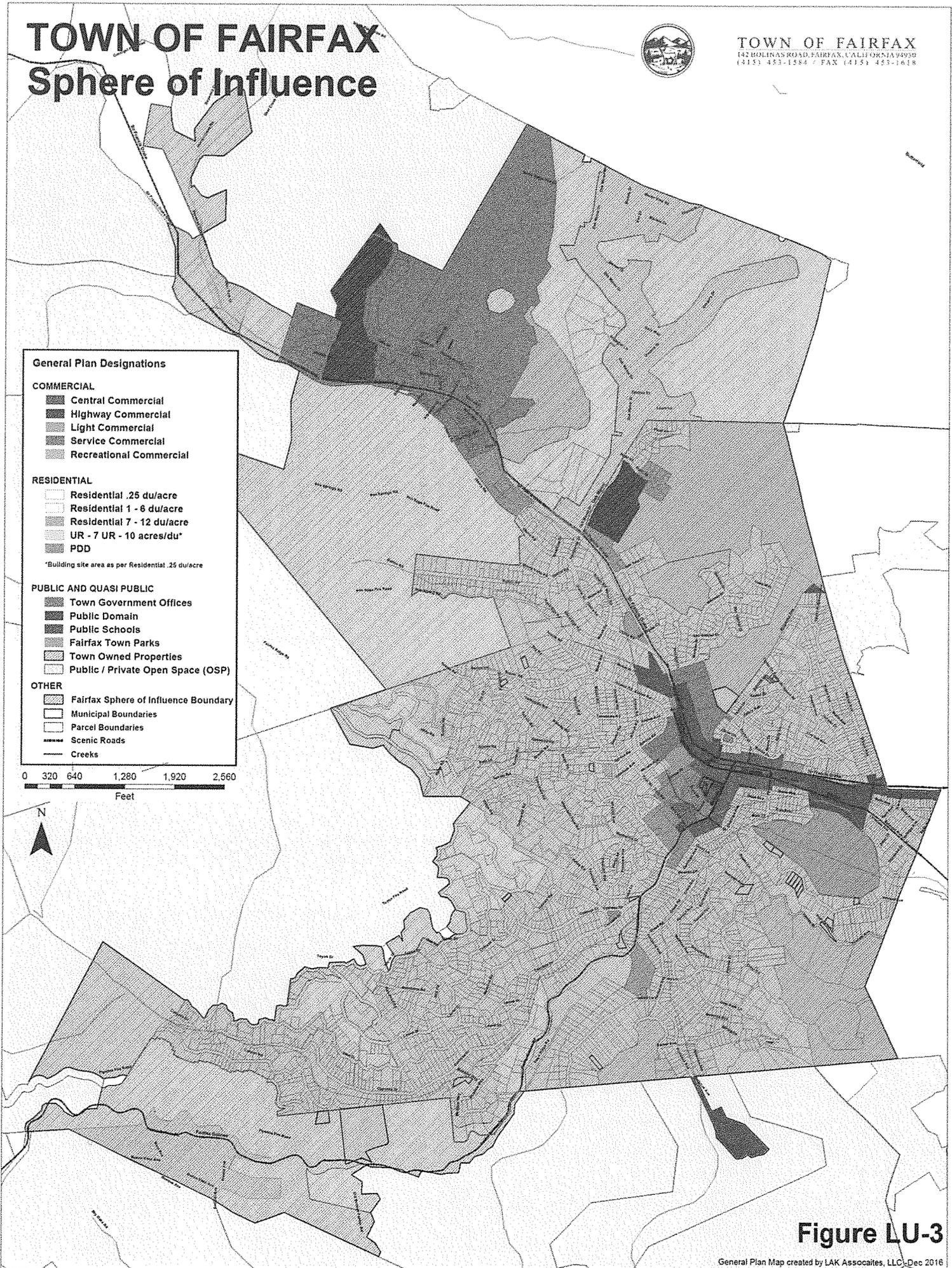
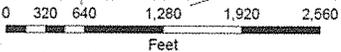
\*Building site area as per Residential .25 du/acre

**PUBLIC AND QUASI PUBLIC**

- Town Government Offices
- Public Domain
- Public Schools
- Fairfax Town Parks
- Town Owned Properties
- Public / Private Open Space (OSP)

**OTHER**

- Fairfax Sphere of Influence Boundary
- Municipal Boundaries
- Parcel Boundaries
- Scenic Roads
- Creeks



**Figure LU-3**

General Plan Map created by LAK Associates, LLC, Dec 2016

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX  
AMENDING FAIRFAX TOWN CODE CHAPTERS 17.12 AND 17.112 AND  
AMENDING THE TOWN ZONING MAP**

**WHEREAS**, the Town of Fairfax has duly adopted a town zoning ordinance, found at Title 17 of the Fairfax Town Code; and

**WHEREAS**, among other things, Title 17 of the Fairfax Town Code identifies the zoning designations applicable to parcels within the Town and sets forth the standards and processes applicable to the development of parcels within the Planned Development district; and

**WHEREAS**, all towns and cities within the State of California are required by law to adopt a general plan; and

**WHEREAS**, in 2012, the Town of Fairfax adopted the 2010-2030 Fairfax General Plan (the 'General Plan'), which has been updated through the adoption of the 2015-2023 Housing Element Update (the 'Housing Element'); and

**WHEREAS**, Program H-2.1.1.1 of the Housing Element provides that two acres of the 20-acre site located at 2626 Sir Francis Drake Boulevard (the "Site," APN 174-070-17) shall be rezoned from Upland Residential 7 to Planned Development District, as shown in Exhibit 'A' hereto, which is incorporated herein; and

**WHEREAS**, Program H-2.1.1.1 of the Housing Element likewise directs that certain zoning standards applicable to Planned Development Districts within the zoning ordinance be revised; and

**WHEREAS**, specifically, Program H-2.1.1.1 of the Housing Element provides that, with respect to the 2-acre Planned Development District site envisioned at the Site, the following zoning ordinance amendments shall be made:

- Only residential development shall be permitted at the Site;
- No discretionary review of an application for a Planned Development project at the Site shall be permitted, other than design review, which shall be limited to conformance with objective design standards;
- The minimum acreage required to develop a Planned Development project at the Site shall be one acre.

**WHEREAS**, the Housing Element was subject to review under 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.), through the preparation and adoption of an addendum to the Mitigated Negative Declaration that was adopted in

conjunction with the 2012 adoption of the General Plan (Town Council Resolution No. 15-13); and

**WHEREAS**, California Government Code Section 65860(c) requires towns and cities to amend their zoning ordinances to conform to their respective general plans; and

**WHEREAS**, on April 25, 2016, Resources for Community Development (“Applicant”) submitted a planning application to the Town of Fairfax which proposed to subdivide the Site, rezone the resulting 2-acre portion from UR-7 to PDD, and develop an affordable senior housing project on said 2-acre parcel subject to revised the PDD standards set forth above and a separate PDD ordinance (collectively, the “Project”); and

**WHEREAS**, the Planning Department has prepared this amendment to the Town’s zoning ordinance, found at Title 17 of the Fairfax Town Code, in order to implement the General Plan dictates set forth above and in consideration of the Project; and

**WHEREAS**, on December 15, 2016, the Planning Commission held a duly noticed public hearing to receive public input on and consider the Project, including the zoning ordinance amendments set forth herein, and all persons wishing to testify were heard; and

**WHEREAS**, by adoption of Resolution No. \_\_\_\_, the Planning Commission recommended the Town Council approve the zoning ordinance amendments set forth herein; and

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

**NOW THEREFORE**, the Town Council of the Town of Fairfax does ordain as follows:

**SECTION 1.** Fairfax Town Code Title 17 (‘Zoning’), Chapter 12 (‘Zone Districts Established’), Section 140 (‘Boundaries; PDD Zone), is hereby amended to delete the following entry:

174	07,0	17	UR7
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**SECTION 2.** Fairfax Town Code Title 17 (‘Zoning’), Chapter 12 (‘Zone Districts Established’), Section 140 (‘Boundaries; PDD Zone), is hereby amended to add the following provision:

“In addition to the real property identified by Assessor’s Parcel Number above, there is included within the PDD zone that real property identified as such by the Zoning Map.”

**SECTION 3.** Fairfax Town Code Title 17 ('Zoning'), Chapter 12 ('Zone Districts Established'), Section 160 ('Boundaries; UR Zone), is hereby amended to delete the following entry:

174	07,0	17	UR7
-----	------	----	-----

**SECTION 4.** Fairfax Town Code Title 17 ('Zoning'), Chapter 12 ('Zone Districts Established'), Section 160 ('Boundaries; UR Zone), is hereby amended to add the following provision:

"In addition to the real property identified by Assessor's Parcel Number above, there is included within the UR zone that real property identified as such by the Zoning Map."

**SECTION 5.** Fairfax Town Code Title 17 ('Zoning'), Chapter 112 ('PDD Planned Development District Zone'), Section 165 ('Planned Developments on Opportunity Sites'), is hereby added to provide as follows:

"§ 17.112.165 PLANNED DEVELOPMENTS ON OPPORTUNITY SITES.

(A) Notwithstanding Sections 17.112.020-17.112.160, any site identified as an Opportunity Site and directed to be zoned PDD by the Housing Element of the Town of Fairfax ("Qualifying Sites") shall be subject to the approval processes and substantive standards of this Section 17.112.165.

(B) General Requirements. Any Qualifying Site may be rezoned PDD, provided it is at least one acre in size, and developed as a Planned Development pursuant to this Section 17.112.165.

(C) General Standards. The following provisions shall apply in a planned development district on a Qualifying Site, together with all other applicable provisions of the town zoning and subdivision ordinances. Where conflict in regulation occurs, the regulations specified in this chapter or on a development plan approved pursuant to this chapter shall apply:

- (1) A planned development district shall be established by an ordinance adopted by the Town Council after a recommendation by the Planning Commission, as set forth herein. Whenever a planned development district has been established, its boundary shall be indicated on the Zoning Map of the town.
- (2) Standards for area, coverage, light and air orientation, site planning, density, yard requirements, open spaces, parking and screening shall be governed by the standards of the residential, commercial or industrial zoning district(s) most similar in nature and function to the proposed planned development district (PDD) use(s), with such deviations as may be approved by the Town Council. All standards adopted shall conform to the Fairfax General Plan.

- (3) All electrical and telephone facilities, fire alarm conduits, street light wiring and other wiring conduits or facilities shall be placed underground by the developer. Electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities.
  - (4) Principally permitted, conditionally permitted, and accessory uses allowed at Qualifying Sites subject to this Section 17.112.165 shall conform to any specific requirements set forth in the General Plan for the Opportunity Site and must be compatible with the site and surrounding uses.
    - (a) Within any planned development district, no proposed use or structure that constitutes a formula business or formula restaurant, as those terms are defined in § 17.040.210, shall be approved or allowed to operate without first obtaining a use permit in compliance with Article II of Chapter 17.040.
  - (5) Standards for public improvements shall be governed by applicable ordinances and laws of the town.
- (D) Density. Density shall be as established by the General Plan.
- (E) Application.
- (1) An applicant seeking approval of a planned development plan shall submit an application which shall be subject to review by the Planning Commission.
    - (a) Upon receipt of the planned development plan in proper form, the Planning Commission, after giving notice pursuant to the provisions of § 17.004.070 of this title, shall hold a public hearing thereon. After the hearing, and after examining the plan for conformity to all applicable criteria and standards, the Planning Commission may recommend approval subject to specified modifications and conditions.
    - (b) Before recommending approval, the Planning Commission shall make the findings set forth in § 17.112.090 of this chapter.
    - (c) If the Planning Commission finds the proposed plan of development does not meet all applicable criteria and standards, it shall recommend denial of the application, giving its reasons therefor. The Planning Commission may permit the applicant to revise and resubmit the plan within 60 days following its action recommending denial.
  - (2) The Town Council shall, after giving of public notice and the holding of a hearing as provided in § 17.112.080 of this chapter, approve or deny the planned development plan.

- (a) Approval of the planned development plan shall be by ordinance.
- (b) Before approving any proposed planned development plan, the Town Council shall make the findings set forth in § 17.112.090 of this chapter. If the Town Council finds the proposed plan of development does not meet all applicable criteria and standards, it shall deny the application, giving its reasons therefor.
- (c) Approval of the planned development plan shall include, but not be limited to the following stipulations.
  - (1) The development, maintenance and use of the property included in the planned development plan shall be carried on in conformance with the approved plan drawings and documents; the developer shall substantially adhere to the state of development schedule submitted as part of the planned development plan.
  - (2) Approval of the planned development plan shall not be interpreted as waiving compliance with other provisions of this code.
  - (3) The approved plan development plan drawings and documents shall be filed in the office of the Town Clerk after written authorization for the filing has been secured from the owner or owners of the lands in question and prior to the second reading of the ordinance establishing the planned development district. The authorization shall be construed to constitute the owner's acceptance of the provisions set forth in the planned development plan ordinance.
  - (4) No land shall be used or developed, and no building shall be constructed, maintained or used other than for the purpose specified on the approved master development plan drawings and documents, as filed.

**SECTION 6.** The Director of Planning and Building Services is hereby directed to make changes to the Zoning Map of the Town of Fairfax as amended by this ordinance and as demonstrated in Exhibit 'A' attached hereto and incorporated herein.

**SECTION 7. Compliance with the California Environmental Quality Act.** By adoption of Resolution No. 15-13 on May 27, 2015, the Town Council, as the decisionmaking body for the Project, has approved and adopted an addendum to the Mitigated Negative Declaration that was adopted in conjunction with the 2012 adoption of the General Plan, which was completed in compliance with CEQA and the State CEQA Guidelines. The addendum fully analyzed any environmental impacts of the zoning ordinance amendments contemplated herein.

**SECTION 8. Severability.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or place, is

for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The Town Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional, provided, however, that if any decision of a court of competent jurisdiction invalidates the increase of the water service charges set forth in this Ordinance, then the water service charges in effect on the date of adoption shall continue in existence.

**SECTION 9.** This Ordinance shall be effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; and 3. Bulletin Board, Fairfax Women’s Club Building, located at 46 Park.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the \_\_\_ day of \_\_\_\_\_, 2017, and duly adopted at the next regular meeting of the Town Council on the \_\_\_ day of \_\_\_\_\_, 2017, by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Michele Gardner, Town Clerk

\_\_\_\_\_  
Date

**Exhibits**  
A – Revised zoning map

# TOWN OF FAIRFAX Zoning Map



TOWN OF FAIRFAX  
142 BOLLINAS ROAD, FAIRFAX, CALIFORNIA 94930  
(415) 453-1584 / FAX (415) 453-3618

## ZONING DISTRICTS

### COMMERCIAL ZONES

- CC - Central Commercial
- CH - Highway Commercial
- CL - Light Commercial
- CS - Service Commercial
- CR - Recreational Commercial

### RESIDENTIAL ZONES

- RD - 5.5 - 7 - Residential
- RS - 6 - Single Family Residential
- RS - 7.5 - Single Family Residential
- RM - Multi-Family Residential
- PDD - Planned Development District
- UR - 7 - Upland Residential (7ac/du)
- UR - 10 - Upland Residential (10ac/du)

\*RS - 6 - zoning determined by arrowood settlement agreement recorded 5/28/91

### OPEN AREA ZONE

- O-A - Open Space

(Consult Fairfax Zoning Ordinance for detailed Zone descriptions)

### OTHER

- Municipal Boundaries
- Fairfax Parcels Boundaries
- Creeks

### Summary of Amendments

Date	Ordinance Number	Description/Summary
3/13/93	353	Established land use zones, official zoning ordinance
3/6/95	483	Amended zoning to RM district from RD 1.3.7 zoning 9/10/00
3/19/02	323	PDD laws for Bonaventura (APNs 4-021-09, 1-108-01, 8-1-02, 1-211-04)
1/16/07	516	Revised portions of Fairfax Zoning Ordinance from RD 5.5.7 to RS-6
8/14/08	344	Established Old Zone - Open Park Subdivision
12/9/09	407	Established Upland Residential Zones UR-7 & UR-10
6/13/09	422	PDD per Arrowood Shading Creek Subdivision

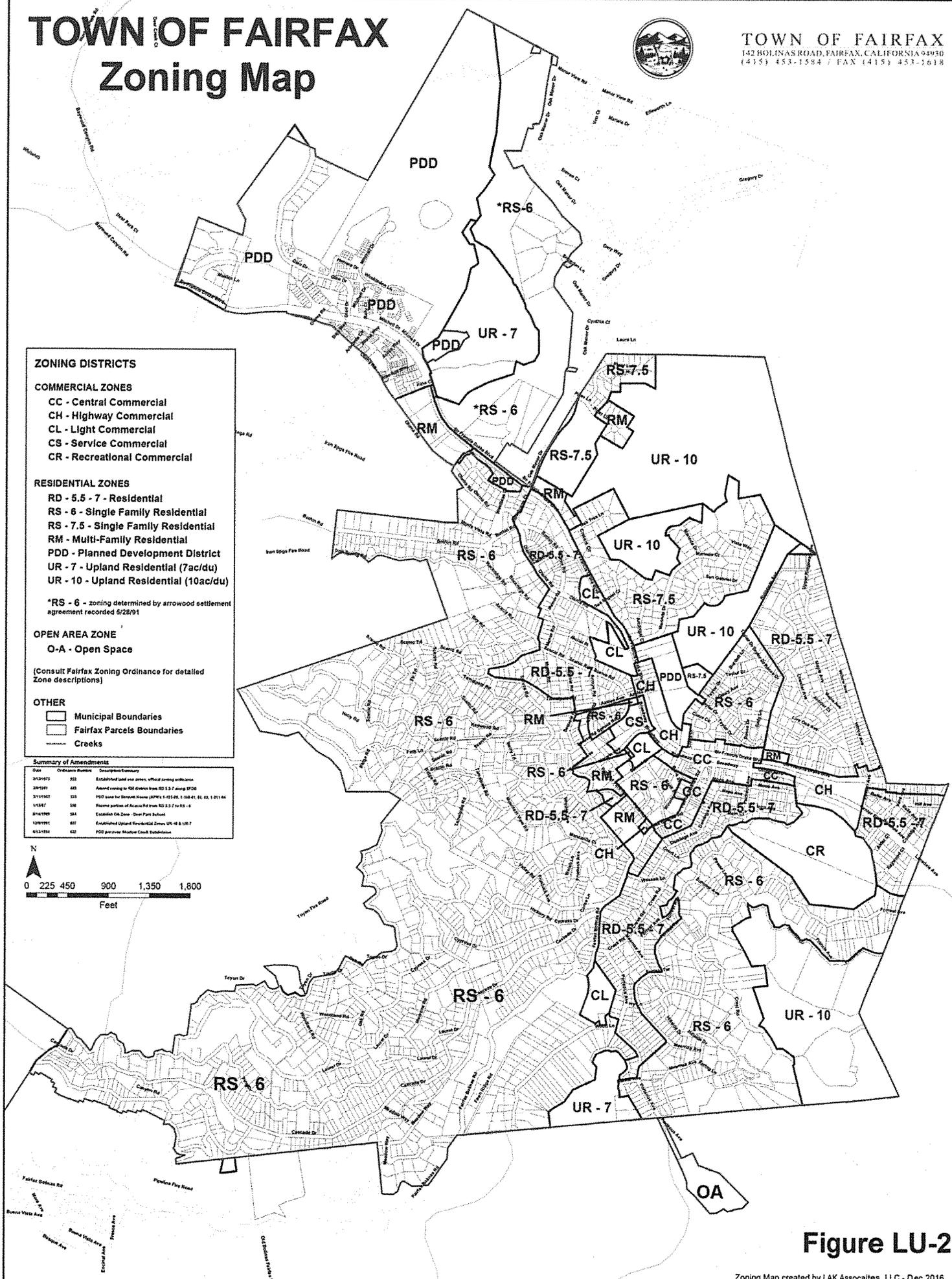
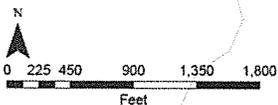


Figure LU-2



ORDINANCE NO. \_\_\_\_\_

**AN UNCODIFIED ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX  
ADOPTING A PLANNED DEVELOPMENT DISTRICT ORDINANCE FOR  
THE VICTORY VILLAGE HOUSING DEVELOPMENT  
(2626 SIR FRANCIS DRAKE BOULEVARD)**

**WHEREAS**, on April 25, 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 and develop an affordable senior housing project on a two acre portion of the site (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 two 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 39 parking spaces, and new bicycle parking, sidewalks, and associated site and frontage improvements (the “Housing Development Project”); and

**WHEREAS**, Applicant proposes to restrict the rental rate of 53 of the 54 dwelling units at the Housing Development Project to amounts affordable to low income senior households, per California Government Code 65915, and will execute and record an agreement with the Town of Fairfax setting forth the terms of these restrictions, which shall remain in place for not less than 55 years; and

**WHEREAS**, the residents of the Housing Development Project shall be limited to senior citizens aged 62 or greater; and

**WHEREAS**, the Fairfax General Plan directs, in relevant part:

Land Use Program LU-8.1.1.4: Change the zoning designation for 2626 Sir Francis Drake (Christ Lutheran Church) from Residential UR-7 to Planned Development District (PDD).

Housing Element Program HE-2.1.1.1: Rezone 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 and 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. Program H-4.1.1.5 proposes to revise the PDD district standards to require residential-only development at this Opportunity Site at a minimum of 20 units per acre and to put specific development standards in place. No discretionary review besides confirming compliance with objective design standards will be allowed on the site following rezoning. In addition, the standards will be revised to reduce the minimum acreage for this PDD parcel from 5 acres to 2 acres.

Housing Element Policy H-4.1.2: Density Bonuses and Other Incentives for Lower-income Housing Developments. Support and expand the use of density bonuses, and other

incentives, to help achieve housing goals while ensuring that potential impacts are considered and mitigated. Provide the following incentive options for developments containing a significant percentage of extremely low-, very low-, or low-income units on-site:

- State Bonus Law. Offer density bonuses consistent with the State Density Bonus Law (GC Section 65915 et seq.)
- Relationship of Density to Floor Area and Lot Coverage. Provide flexibility in applying development standards (e.g., parking, floor area, and setback), subject to the type of housing, size, and unit mix, location, and overall design. Additional density, beyond the maximum permitted, may be appropriate where units are significantly smaller and would have less impact than the market norm. For example, if the norm is 1,200 square feet of overall space for a two-bedroom unit, two units, 600 square feet each, may be permitted.

**WHEREAS**, the zoning code provisions set forth below implement and realize these general plan policies and programs, as set forth herein; and

**WHEREAS**, per Town Code § 17.112,090, the Town Council makes the following findings:

- The location and design of the proposed development is consistent with the goals and policies of the Fairfax General Plan and with any other applicable plans or policies adopted by the Town Council, in that this location is specifically directed to be rezoned to PDD, per General Plan Land Use Program LU-8.1.1.4, as set forth above. Moreover, the design of the development implements Housing Element Program HE-2.1.1.1, as set forth above, which envisions senior housing at this location.
- The proposed location allows the development to be well integrated with its surroundings, as it offers senior housing in the heart of the community, with direct access to both transit and major roadways. It is visually integrated with the surroundings by offering complimentary landscaping and architectural detail.
- As set forth in the Mitigated Negative Declaration and appendices prepared to study the proposed development, the vehicular traffic generated by the Housing Development Project will be accommodated safely and without causing undue congestion upon adjoining streets.
- The proposed location and design will allow residents to be adequately serviced by existing or proposed public facilities and services once all conditions of approval associated with the Housing Development Project have been met.
- The overall design of the proposed planned development shall produce an attractive healthful, efficient and stable environment for living, given the comfortable residential units proposed, communal spaces for enjoyment of larger numbers of residents, areas set aside for recreational use, pathways throughout the Housing Development Project, and the landscaping proposed; and

- The development is well integrated with its settings, does not require excessive earth-moving or grading, or destruction of desirable natural features, and is not visually obstructive or disharmonious with surrounding areas and facilities, and does not substantially harm major views from adjacent properties, insomuch as the project design is harmonious with architecture found in the Town and its natural surroundings, will repurpose a previously-developed site and thus does not require excessive earth-moving or grading, and will not substantially harm major views from adjacent properties, given its design, which steps up as the building recedes from Sir Francis Drake.
- The uses proposed will have a beneficial effect not obtainable under existing zoning regulations, as the Housing Development Project will offer rent-restricted housing affordable to low-income seniors. Departures from existing ordinance requirements are thus warranted by the design and the amenities incorporated in the development plan.
- The individual units, and the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability insomuch as the proposed Housing Development Project will function as a stand-alone affordable housing community.

**NOW THEREFORE**, the Town Council of the Town of Fairfax does ordain as follows:

**SECTION 1.** The recitals set forth above are hereby adopted in full.

**SECTION 2.** The following uncodified ordinance is hereby adopted:

Victory Village Planned Development Ordinance  
(2626 Sir Francis Drake Boulevard)

**§ 1 GENERALLY.**

No premises in the Victory Village Planned Development Zone may be used for any purpose or in any manner, except as set forth in this ordinance.

**§ 2 DENSITY.**

(A) General Plan Housing Element Program H-2.1.1.1 directs: "Rezone 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 and 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."

(B) The base density of the Victory Village Planned Development Zone shall therefore be 20 units per acre.

(C) Given the operation of Victory Village as a 100% affordable housing development, as per the deed restrictions recorded against the development with the County of Marin, a density bonus in the amount of 35% is permitted, in accordance with the terms of the Density Bonus Statute (Government Code § 65915). With the addition of this density bonus, the final density for the Victory Village Planned Development Zone shall be 40 units per acre, for so long as the deed restrictions referenced herein remain in effect.

**§ 3 PRINCIPAL PERMITTED USES AND STRUCTURES.**

(A) General Plan Housing Element Program H-2.1.1.1 prohibits use of the Victory Village Planned Development Zone for any purpose other than residential.

(B) Principal permitted uses in the Victory Village Planned Development Zone are multiple family dwellings and apartments.

#### § 4 CONDITIONAL USES AND STRUCTURES.

No conditional uses or structures are allowed in the Victory Village Planned Development Zone.

#### § 5 ACCESSORY USES AND STRUCTURES.

Accessory uses and structures in the Victory Village Planned Development Zone are as follows:

(A) Greenhouses, patios, tool sheds, barbecue pits, fences, walkways, hedges and similar improvements and appurtenances; and

(B) Private garages and parking spaces for the exclusive use of the residents and employees of the premises and their guests.

#### § 6 BUILDING SITE REQUIREMENTS.

Building site requirements in the Victory Village Planned Development Zone are as follows.

(A) The Victory Village Planned Development Zone shall have a minimum lot area of 87,120 square feet (2 acres)[1] and a minimum width of 185 [2]feet.

(B) Within the Victory Village Planned Development Zone, the building site shall provide not less than 300 square feet of open space for each dwelling unit. The open space shall conform to the following standards:

(1) None of the following shall be counted as a part of the open space required by this section: required yards or setbacks from a property line; separations required between buildings containing dwelling units; an open area, access area or other space required by any other ordinance of the town, such as a building code or safety code (parking areas and driveways); any area less than ten feet in width; or any area having a finished grade of more than ten percent;

(2) The following shall be counted as a part of the open space required by this section: patios and balconies with a minimum dimension of ten feet which serve individual dwelling units; uncovered swimming pools, tennis courts and similar recreation areas;

(3) Any area or space which qualifies as a part of the open space required by this section shall continue to be counted as such if it is landscaped;

(4) The total amount of open space required on any building site may be consolidated into a single open area or divided into multiple open areas; and

(5) The amount of open space required for a building site by this section is established on the basis of the Victory Village Planned Development Zone's provision of senior housing.

#### § 7 HEIGHT REGULATIONS.

Height regulations in the Victory Village Planned Development Zone are as follows:

(A) Principal uses

(1) Given the average 12.6% slope of the site, no building or structure occupied by a principal use shall exceed 28.5 feet in height, nor contain more than three stories, except as provided in Section (A)(2) below;

(2) Notwithstanding the requirements of Section 7(A)(1) above, given the operation of Victory Village as a 100% affordable housing development, as evidenced in the deed restrictions recorded against the development with the County of Marin, a concession as to the height limit set forth in Section 7(A)(1) above is permitted, per Government Code § 65915. This concession is necessary to develop the Victory Village Planned Development Zone as an

affordable housing development. Accordingly, for the duration of the deed restrictions referenced herein, no building or structure occupied by a principal use shall exceed 40 feet 10-inches in height, nor contain more than three stories.

(B) Accessory buildings and structures. Except as otherwise permitted by variance or by the provisions of § 17.052.020 of this title, no accessory building or structure on any lot shall exceed 15-feet in height nor contain more than one story; provided that handrails required by the Uniform Building Code shall not be included in measuring height.

#### § 8 YARDS.

Except as otherwise permitted by variance, each building site in the Victory Village Planned Development Zone having a slope of not more than ten percent [3] shall have yards as follows:

(A) A front and rear yard having a combined depth of not less than 40 feet, but neither yard having a depth of less than ten feet;

(B) Two side yards having a combined width of not less than 25 feet, but neither yard having a width of less than ten feet; and

(C) On all corner lots, all street frontage of any corner lot shall have a yard setback of ten feet.

#### § 9 SIGNS.

No signs shall be established or maintained in the Victory Village Planned Development Zone, except as authorized or allowed under the provisions of Chapter 17.064 of this title.

#### § 10 OFF-STREET PARKING.

(A) Off-street parking spaces and facilities in the Victory Village Planned Development shall be provided as required or allowed by the provisions of Chapter 17.052 of this title, except as provided in Subsections (B) and (C) below.

(B) Notwithstanding the requirements of Subsection (A) above, given that Victory Village is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, the off-street parking ratio shall be 0.5 spaces per unit, per California Government Code § 65915(p)(3)(B). Victory Village shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day. The parking ratio set forth in this Section 10(B) shall continue to apply so long as the Victory Village PDD meets the requirements of California Government Code § 65915(p)(3)(B).

(C) Notwithstanding the requirements of Subsection (A) above, given the operation of Victory Village as a 100% affordable housing development, as evidenced in the deed restrictions recorded against the development with the County of Marin, a concession as to the requirement to provide covered off-street parking set forth in Chapter 17.052 is hereby granted, per Government Code § 65915. This concession is necessary to develop the Victory Village Planned Development Zone as an affordable housing development. Accordingly, for the duration of the deed restrictions referenced herein, any off-street parking provided in the Victory Village Planned Development Zone shall may be uncovered.

#### § 11 TRAFFIC IMPACT PERMIT.

The provisions of the traffic impact permit, Chapter 17.056, are applicable to properties in the Victory Village Planned Development Zone.

#### § 12 VARIANCES.

The Planning Commission may require, as a condition of a variance approved and issued under the provisions of this section, a reduction of density, building height, lot coverage, floor area ratio or buildable area, or any combination thereof, when the reduction is found necessary

to protect adjoining property from adverse or detrimental effect, or to prevent the variance from constituting a grant of special privilege.

**SECTION 3.** CEQA. In accordance with the California Environmental Quality Act (Public Resources Code § 21000, et seq., as further governed by the CEQA Guidelines, found at 14 CCR § 15000, et seq.), in order to study any potential environmental impacts associated with this proposed Ordinance, as well as the Project generally, the Town has caused to be prepared a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, which were reviewed and adopted by the Fairfax Town Council, in its capacity as lead agency, through adoption of Resolution \_\_\_\_ on \_\_\_\_\_, 2017.

**SECTION 4.** Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The Town Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 5.** This Ordinance shall be effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; and 3. Bulletin Board, Fairfax Women’s Club Building, located at 46 Park.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the \_\_\_\_ day of \_\_\_\_\_, 2017, and duly adopted at the next regular meeting of the Town Council on the \_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mayor, Town of Fairfax

Attest:

\_\_\_\_\_  
Michele Gardner, Town Clerk

\_\_\_\_\_  
Date