

TOWN OF FAIRFAX STAFF REPORT October 10, 2018

TO: Mayor and Town Council

FROM: Ben Berto, Director, Planning and Building Services

SUBJECT: Adopt a Resolution approving final Parcel Map, subject to conditions, for Victory

Village, 2626 Sir Francis Drake Boulevard

RECOMMENDATION

 Adopt a resolution approving the final Parcel Map, subject to conditions, for Victory Village.

2) Authorize the Town Manager to approve the Covenants, Conditions, and Restrictions (CC&R's) for the project per the conditions of approval.

BACKGROUND

The Town Council approved the General Plan Amendment, Tentative Map, Density Bonus, Design Review Permit, Traffic Impact Permit, Excavation Permit, and Mitigated Negative Declaration and Mitigation Monitoring Program for the Victory Village 54-unit affordable senior housing development on May 3, 2017. Resources for Community Development (RCD), the non-profit developer, recently secured its tax credit financing from the state. The tax credit financing requires RCD to begin construction in December 2018. RCD and Town staff have been working intensively since that time to complete the necessary work to enable RCD to pull building permits in December 2018.

DISCUSSION

The Victory Village project team has been working collaboratively with Town Staff, various other public agencies (including Ross Valley Fire Department, Ross Valley Sanitary District, Marin Municipal Water District, and others) to address all of the requirements set forth in the project's Conditions of Approval and the mitigations set forth in the Mitigation Monitoring Program pursuant to the California Environmental Quality Act.

While the Council approved the tentative parcel map for the project, Town code requires the Council to approve the final Parcel Map for the project. As reported in May 2017, a parcel map was necessary to subdivide the existing 20-acre site into three parcels, one consisting of 2 acres and two parcels of 9 acres each.

At that time, RCD was hopeful it would be able to secure additional grant funding to allow RCD to donate the two 9-acre parcels to the Town. However, due to significant increases in construction costs and less than anticipated award of state and federal tax credits, RCD

SPECIAL MEETING AGENDA ITEM # |

needs to sell the two parcels to fund the project. In-lieu of a donation, staff worked with RCD to secure a 20-foot wide public access easement which leads to a 150-foot wide public access easement along the northern ridgeline of the property. The total acreage for the public access easement area, extending over the 3 parcels, is approximately 4.8 acres. The final Parcel Map substantially conforms to the tentative map. The primary difference between the tentative map and final Parcel Map is the final map's addition of detailed language reflecting the various public easements, including the new public access easement.

In the resolution, the Town accepts the offer of dedication for the Emergency Vehicle Access Easement, the Open Space Easement, the Public Access Easement, the Pedestrian Access Easement and the Public Utility Easements, subject to improvements. However, the Town will not be accepting the irrevocable offer of dedication for the Right-of-Way Easement for the onsite road at this time. In the event the newly created, adjacent two parcels are donated to the Town, the Town could consider accepting the easement to allow the public to access the two parcels using the onsite the road at that time.

The Town Engineer has reviewed the final Parcel Map and, as noted above, has determined the map is in substantial conformance with the Town Subdivision Ordinance, State Subdivision Map Act, and project conditions of approval. The final Parcel Map is subject to the execution of a Subdivision Improvement Agreement (SIA), including the provision of bonds to secure completion of the public improvements required under the parcel map. The applicant is in the process of securing the bonding for the SIA. The Council granted the Town Manager authority to sign the SIA with the project approvals in May 2017.

The Conditions, Covenants, and Restrictions (CC&R's) govern the on-going maintenance of the public improvements and the debris walls located on the hillside. The CC&R's will be recorded against the properties.

Staff would like to thank all of the many people who have lent their support, creativity, and consensus-building talents towards making this important project for Fairfax and the County of Marin a soon-to-be reality.

ATTACHMENT

Resolution with Parcel Map attached

RESOLUTION 18-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX APPROVING THE FINAL PARCEL MAP, SUBJECT TO CONDITIONS, FOR THE VICTORY VILLAGE SENIOR HOUSING PROJECT (2626 SIR FRANCIS DRAKE BOULEVARD)

WHEREAS, on April 25, 2016, Resources for Community Development ("Applicant") submitted an application to the Town seeking approval to subdivide a 20-acre site at 2626 Sir Francis Drake Boulevard (the "Site") and develop an affordable senior housing project on two of those acres (collectively, the "Project"); 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 redevelop the 2-acre site with a 54-unit affordable senior housing project (53 resident units plus one manager's unit); and

WHEREAS, the Project requires a parcel map; and

WHEREAS, on April 20, 2017, the Planning Commission held a duly noticed public hearing to receive public input on and consider the Project, including the parcel map; and

WHEREAS, by adoption of Resolution No. 17-13, the Planning Commission recommended the Town Council approve the parcel map; and

WHEREAS, by adoption of Resolution 17-09 on May 3, 2017, the Town Council, as the decision-making body for the Project, approved and adopted a Final MND and Initial Study and Mitigation Monitoring Program for the Project (which specifically contemplated the approval of a parcel map, design review, density bonus, traffic impact permit, and excavation permit) 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 Resolution 17-09; and

WHEREAS, on May 3, 2017, the Town Council adopted Resolution No. 17-11 approving Parcel Map No. 17-21 for the Project (Victory Village senior housing project); and

WHEREAS, the Town Council must approve the final Parcel Map; and

WHEREAS, the final Parcel Map for the project has been submitted for review to the Town and has been found to be in substantial conformance with the approved Tentative Map, the Town's Municipal Code, and the Subdivision Map Act;

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. <u>Dedication.</u> The Town Council accepts the offer of dedication for the Emergency Vehicle Access Easement, the Open Space Easement, the Public Access Easement, the Pedestrian Access Easement and the Public Utility Easements, subject to improvements, and hereby rejects the irrevocable offer of dedication for the Right-of-Way Easement for the onsite road at this time.

SECTION 3. Parcel Map. The Town Council hereby approves the Parcel Map attached hereto and incorporated herein as Exhibit A, subject to the Town Manager's acceptance and execution of a Subdivision Improvement Agreement and associated guarantees of performance in accordance with the Subdivision Map Act, including without limitation, Government Code section 66462 and is hereby made a condition precedent to the effectiveness and recordation of the Final Parcel Map in accordance with Government Code section 66462

SECTION 4. Authority. The Town Engineer is authorized to make minor edits or revisions as may be needed to the Parcel Map prior to signature, subject to review by the Town Manager.

The foregoing 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 10th day of October 2018, by the following vote, to wit:

AYES: NOES: ABSENT:	
Attest:	PETER LACQUES, Mayor
Michele Gardner, Town Clerk	

OWNER'S STATEMENT I HEREBY STATE THAT I AN THE SOLE OWNER OF AND HAVE THE RIGHT, TITLE, AND INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION BOUNDARY SHOWN UPON THIS MAP, AND AND THE PROPERTY WHOSE CONTRIBUTION FOR SOLE AND FASS COMMISSION FASS COMMISSION OF AND THE PROPERTY OF THE SUBDIVISION SHOWN WITHIN THE BORDER LINES, AND HEREBY IRREVOCABLY DEDICATE, TO THE TOWN OF FAIRFAX, FOR PUBLIC USE, THE ENERGENCY VEHICLE ACCESS EASEMENT (P. VE.), OPEN SPACE EASEMENT (O.S. E.), PUBLIC ACCESS EASEMENT (P. VE.), OPEN SPACE EASEMENT (O.S. E.), PUBLIC ACCESS EASEMENT (P. VE.), OPEN SPACE EASEMENT (O.S. E.), PUBLIC ACCESS EASEMENT (P. VE.), OPEN SPACE EASEMENT (O.S. E.), PUBLIC ACCESS EASEMENT (P. VE.), PUBLIC UTILITY EASEMENTS (P. VE.), AND RIGHT OF WAY EASEMENT (R. O. W.) AS SHOWN HEREON. OWNER: DATE: CHRIST LUTHERAN CHURCH OF FAIRFAX, CALIFORNIA, FORMERLY KNOWN AS CHRIST THE VICTOR LUTHERAN CHURCH, A CALIFORNIA NON PROPIT CORPORATION	SURVEYOR'S STATEMENT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBMISSION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF CHRIST LUTHERAN CHURCH OF FARRAX IN JULY OF 2018. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY, AND MONUMENTS SHOWN HERCON MILL BE SET WITHIN ONE YEAR FROM THE DATE OF THIS OF THIS APP AND THAT SAID MONUMENTS ARE OR MILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. DATE: SIGNED: JONATHAN R. OUN, P.L.S. 7590	COUNTY TAX COLLECTOR'S CERTIFICATE I, THE UNDERSIONED, ON BEHALF OF THE TAX COLLECTOR OF THE COUNTY OF MARIN AND THE CITIES THEREIN, STATE OF CALIFORNIA, HEREBY CERTIFY THAT THERE ARE NO LIENS FOR UNPAID TAXES, COUNTY OR CITY, OR SPECIAL ASSESSMENTS COLLECTED AS TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS NOT YET PAYABLE AGAINST THE TRACT OR SUBDIVISION OF LAND SHOWN HEREON OR ANY PART THEREOF. SIGNED THIS
A notary or other public officer completing this certificats werline only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, incuracy, or validity of that document. NOTARY PUBLIC CERTIFICATE STATE OF CAUFORNIA COUNTY OF SONOMA ON	TOWN ENGINEER'S STATEMENT I. TOWN ENGINEER, IN AND FOR THE TOWN OF FAIRFAX, STATE OF CALIFORNIA, HAVE EXAMINED THIS PARCEL MAP, THAT THE LAND DIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, AND THAT YALL PROVISIONS OF CHAPTER 2 OF THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLED WITH.	DEPUTY DATE COUNTY CLERK'S CERTIFICATE I, THE UNDERSIGNED, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN, STATE OF CALIFORNIA, DO HERBEY CERTIFY THAT A GOOD AND SUFFICIENT BOND APPROVED BY AND IN THE AMOUNT FIXED BY SAID BOARD OF SUPERVISORS HAS BEEN FILED WITH SAID BOARD AND THAT SAID BOND BY ITS TERMS IS MADE TO INSURE TO THE BENEFIT OF SAID COUNTY OF MARIN AND IS CONDITIONED FOR THE PAYMENT OF ALL TAXES, WHICH MAY BE AT THE TIME OF THE RECORDING OF THIS MAP A LIEM AGAINST THE TRACT OR SUBDIVISION OF LAND SHOWN HEREON OR ANY PART THEREOF, BUT NOT YET PAYABLE.
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S)SY ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT BY HE SHAPE THE SOAM BETTER SOAM BY THE STATE OF THE PERSON OF THE ENTITY OF MICH PERSON OF THE ENTITY OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT. I CERTIFY UNDER PENALTY OF PERSON(S) ACTED, EXECUTED THE INSTRUMENT. I CERTIFY UNDER PENALTY OF PERSON OF WHO STATE OF CALIFORNIA THAT THE FOREGOING PARKGRAPH IS TRUE AND CORRECT.	DATE:	WITNESS MY HAND AND SEAL THIS
WITNESS MY HAND AND OFFICIAL SEAL SIGNATURE MY COMMISSION EXPIRES: NOTARY COMMISSION NO	I, RICHARD A. MOSHER, DO HEREBY STATE THAT I HAVE EXAMINED THIS PARCEL MAP OF THIS SUBDIMISION ON BEHALF OF THE TOWN OF FAIRFAX AND AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.	COUNTY RECORDER'S CERTIFICATE FILED THIS DAY OF 2018, AT M. IN BOOK OF MAPS, AT PAGES THE ROUGEST OF THE COUNTY OF MARIN, STATE OF CALIFORNIA, AT THE REQUEST OF THE TOWN OF FAIRFAX. FEE \$ SIGNED:
PUBLIC UTILITY EASEMENT STATEMENT PIRIIC UTILITY EASEMENT (P.U.E.) AS SHOWN ON THIS MAP, UNIFSS NOTED OTHERWISE, IS A	DATED 2018 RICHARD A. MOSHIER RCE 30696 COASTLAND CIVIL ENGINEERING STATE OF CALIFORNIA	DOCUMENT NO BY: GEOTECHNICAL REPORT STATEMENT A GEOTECHNICAL REPORT PERTAINING TO THIS SUBDIVISION IS ON FILE AT THE TOWN OF FAIRFAX
PUBLIC UTILITY EASEMENT (P.U.E.) AS SHOWN ON THIS MAP, UNLESS NOTEO OTHERWISE, IS A NON-EXCLUSIVE EASEMENT TO CONSTRUCT, INSTAIL INSPECT MAINTAIN, REPLACE, REMOVE AND USE FACILITIES OF THE TYPE HEREINAFTER SPECIFIED INCLUDING BUT NOT NECESSARILY LIMITED TO THE FOLLOWING: TRANSMISSION AND DISTRIBUTION FACILITIES SUCH AS ELECTRICAL, TELEPHONE AND OTHER COMMUNICATIONS, CABLE TELEMSION, GAS, WATER, SEWER, STORM DRAINAGE PIPES AND SURFACE FLOWS, RECYCLED WATER, AND FIRE ALARM SYSTEM.	TOWN CLERK'S STATEMENT THE TOWN COUNCIL OF THE TOWN OF FAIRFAX, STATE OF CALIFORNIA, AT A MEETING HELD ON THE DAY OF 2018, EXAMINED THE PARCEL MAP LANDS OF CHRIST	DEPARTMENT OF PLANNING AND BUILDING SERVICES. REPORT BY: HERZOG EGOTECHNICAL. CONSULTING ENGINEERS, PROJECT NO. 2909-01-12, DATED JUNE 5, 2017 AND ADDENDUM DATED APRIL 26, 2018 CERTIFICATE SHEET PARCEL MAP
PUBLIC PEDESTRIAN ACCESS EASEMENT STATEMENT PUBLIC PEDESTRIAN ACCESS EASEMENT (P.P.A.E.) AS SHOWN ON THIS MAP IS AN EASEMENT FOR PUBLIC ACCESS RESTRICTED TO PERSONS ON FOOT.	THE DAY OF COME OF FAIRFAX, CALIFORNIA, TOGETHER WITH THE ARCEL MAP LANDS OF CHRIST LUTHERAN CHURCH OF FAIRFAX, CALIFORNIA, TOGETHER WITH THE ACCOMPANYING REPORTS THEREON OF THE TOWN ENGINEER AND THE REDEMPTION OFFICER OF THE COUNTY OF MARIN AND THE TOWN COUNCIL BY WOTON PROPERLY MADE, SECONDED, AND DULY PASSED AT THE MEETING AFORESAID APPROVES THIS MAP, AND ON BEHALF OF THE PUBLIC, ACCEPTS SUBJECT TO IMPROVEMENTS, THE EMERGENCY VEHICLE ACCESS EASEMENT (EVA.E.), OPEN SPACE EASEMENT (O.S.E.), PUBLIC ACCESS EASEMENT (P.A.E.), PUBLIC PEDESTRIAN ACCESS EASEMENT (P.P.A.E.) AND PUBLIC UTILITY EASEMENTS (P.J.E.) AND REJECTS AT THIS TIME THE RIGHT OF WAY EASEMENT (R.O.W.) AS SHOWN HEREON.	LANDS OF CHRIST LUTHERAN CHURCH OF FAIRFAX, CALIFORNIA
RECORD TITLE INTEREST NOTE SIGNATURES OF OWNERS OF THE FOLLOWING INTERESTS HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 OF THE SUBDIVISION MAP ACT; THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SUCH SIGNATURES ARE NOT REQUIRED BY THE GOVERNING BODY:	MAYOR, TOWN OF FAIRFAX, CALIFORNIA ATTEST CLERK OF THE TOWN COUNCIL, FAIRFAX, CALIFORNIA	TOWN OF FAIRFAX COUNTY OF MARIN STATE OF CALIFORNIA 3 LOTS BEING A SUBDIVISION OF THE LANDS OF CHRIST LUTHERAN CHURCH OF FAIRFAX CALIFORNIA, FORMERLY KNOWN AS CHRIST THE VICTOR LUTHERAN CHURCH, A CALIFORNIA, NON PROFIT CORPORATION AS DESCRIBED BY DEED RECORDED IN BOOK 1592 OF OFFIGIAL RECORDS, PAGE 241, MARIN COUNTY, RECORDS, LINING, ENTIRELY WHITHIN THE TOWN OF FAIRFAX,
NAME RECORDED NATURE OF INTEREST FREIDA SMITH 1435 OR 583 ROADWAY, UTILITY AND INCIDENTAL PURPOSES AMERICAN LUTHERAN CHURCH 1592 OR 241 ROADWAY, UTILITY AND INCIDENTAL PURPOSES		CARLILE - MACY
E EVANGELICAL LUTHERAN CHURCH 1592 OR 244 ROADWAY, UTILITY AND INCIDENTAL PURPOSES		CIVIL ENGINEERS • URBAN PLANNERS • LAND SURVEYORS • LANDSCAFE ARCHITECT 15 THIRD STREET, SANTA ROSA, CA 95401 Tel. (707) 542-6451 FAX (707) 542-5212 OCTOBER 2018 APM, 174-070-17 JOB NO. 2018004.00

NORTH AMERICAN TITLE COMPANY, ORDER NO. 1402100









