

FAIRFAX PLANNING COMMISSION MEETING MINUTES  
FAIRFAX WOMENS CLUB  
THURSDAY, APRIL 20, 2017

Call to Order/Roll Call:

Chair Fragoso called the meeting to order at 7:00 p.m.

Commissioners Present: Bruce Ackerman  
Norma Fragoso (Chair)  
Laura Kehrlein  
Mimi Newton  
Cindy Swift

Commissioners Absent: Philip Green  
Esther Gonzalez-Parber

Staff Present: Linda Neal, Principal Planner  
Garrett Toy, Town Manager  
Katie Wisinski, Assistant Town Attorney  
Sean Kennings, Contract Planner

### **APPROVAL OF AGENDA**

M/s, Newton/Swift, motion to approve the agenda.

AYES: Ackerman, Kehrlein, Newton, Swift, Chair Fragoso

ABSENT: Green, Gonzalez-Parber

### **PUBLIC COMMENTS ON NON-AGENDA ITEM**

There were no comments.

### **CONSENT CALENDAR ITEM**

#### **1. Minutes from the March 16, 2017 Planning Commission workshop meeting**

M/s, Ackerman/Kehrlein, motion to approve the minutes from the March 16, 2017 meeting as corrected.

AYES: Ackerman, Kehrlein, Newton, Swift, Chair Fragoso

ABSENT: Green, Gonzalez-Parber

### **PUBLIC HEARING ITEMS**

#### **2. 2626 Sir Francis Drake Boulevard Assessor's Parcel No. 174-070-17**

The Planning Commission will meet to consider the approval of resolutions regarding the proposed Victory Village senior housing project ("the Project"). The Project will require the subdivision of the existing 20-acre site into three parcels, one 2-acres in size and two others that will each be 9-acres. A General Plan amendment is sought to change the land use designation of the two 9-acre parcels from PDD to UR-7-10, as well as to establish a new General Plan land use designation (Multiple-Family Residential- Senior) and re-designate the 2-acre Project site to that new land use designation. Zoning ordinance text and map amendments are necessary to add a new Multiple-Family Residential-

**Senior (RM-S) Zone District to the Town Code (Town Code Chapter 17.090), as well as to rezone the 2-acre parcel from UR-7 to RM-S. The 2-acre parcel is proposed to be developed as a senior housing project affordable to extremely low and very low income households. Given these affordability parameters, the project applicant, Resources for Community Development, seeks a density bonus in order to construct 54 units at a density of 27 dwelling units per acre, where 20 dwelling units per acre would otherwise be permitted, and has requested density bonus waivers and/or concessions with respect to the project's proposed height (38'7"), uncovered parking, and undergrounding of the existing above ground utility lines on Sir Francis Drake Boulevard. Finally, the applicant is seeking approval of a Traffic Impact Permit, Excavation Permit, and Design Review for the Project. Review of the Project under the California Environmental Quality Act ('CEQA') has been conducted via the preparation and circulation of an Initial Study/ Mitigated Negative Declaration.**

Town Manager Toy presented a report on the background and history of the project via a PowerPoint presentation.

Mr. Sean Kennings, contract planner with LAK Associates, briefly discussed the changes to the project and the Initial Study via a PowerPoint presentation. The majority of the project has not changed. One of the main changes to the project and the Initial Study is the creation of the Multiple Family Senior RM-S Zone District. The project is still a 53-unit development with one manager's unit. There are now 43 parking spaces provided, instead of the 39 spaces previously proposed. The project still includes the density bonus request and the applicant has asked for three concessions- for height, uncovered parking, and for underground utilities. They are no longer seeking a concession for parkland dedication now providing the dedicated parkland as a ten-foot wide strip of land at the back of lots #2 and #3. The area would be deeded to the Town. The building size is generally the same. The 40'10" high shed-type roof entrance has been removed. It is now a lower sloped gable that is 38'6" in height. The access is off of Sir Francis Drake Boulevard and not Mitchell Drive as originally proposed. The landscaping plan is generally the same. He referred to the environmental documents and stated the majority of the changes were to the Project Description. The aesthetics of the project and Design Review are essentially the same. The majority of the mitigation measures were not changed. The re-circulated environmental document was published on March 29<sup>th</sup> for a 20-day circulation period. No public comments were received on the recirculated Mitigated Negative Declaration.

Commissioner Swift asked if the environmental documents should be updated to clarify the change to the undergrounding concession. Mr. Kennings stated there are no new impacts from leaving the PG & E lines above ground because the poles and lines are already in existence to serve the church building. He will add a sentence to the project description to clarify that.

Commissioner Swift asked if the Federated Indians of the Graton Rancheria Tribe Indian Tribe expressed any concerns. Mr. Kennings stated "no".

Commissioner Swift asked if the mitigations require more surveys with respect to plants, birds, etc. prior to construction. Mr. Kennings stated "yes"- he referred the Commission to Mitigation Measure 1, Bio 1(a) and 1(b).

Commissioner Swift asked about the parkland dedication and stated she did not see it on the Zoning Map. Assistant Town Attorney Wisinski stated that is not something that would be depicted on the Zoning Map. It would be shown on the Final Subdivision Map.

Commissioner Newton referred to lots #2 and #3 and noted they were not included in Figure LU2. Mr. Kennings stated they would make that change.

Assistant Town Attorney Wisinski briefly discussed the documents that the Commission will be taking action on tonight. Resolution #17-12 contains the Commission recommendation on the Mitigated Negative Declaration and the Mitigation Monitoring Program. The CEQA determination has to be the first thing that is addressed. Resolution #17-13 contains the Commission recommendations for all other aspects of the project including the adoption of a new General Plan Land Use designation, changing the General Plan Land Use designation for the two-acre site and for the remaining 9-acre parcels so their Zoning and General Plan designations match up, and a number of changes to the existing General Plan language with respect to implementing senior housing. Amendments to the Zoning Ordinance and Zoning Map are included in Resolution #17-13. In addition, the Commission would be making recommendations on the Parcel Map, the Density Bonus, Design Review, the Traffic Impact Permit, and the Excavation Permit.

Chair Fragoso opened the Public Hearing.

Ms. Alicia Cline, Senior Project Manager with Resources for Community Development (RCD), made the following comments:

- She focused on the updates.
- She described the project, income limits, and projected rents.
- RCD has applied to Marin Housing Authority for rental assistance vouchers on all the apartments.
- Access from Sir Francis Drake Boulevard allows for larger detention ponds.
- They brought the roofline down but are still requesting a concession on the height.
- They relocated the parkland dedication area- it now runs parallel to the back two lots.
- They are pursuing grant funding in order to donate lots #2 and #3 for open space.
- The development time line is as follows- they would like to be under construction this time next year and with rentals becoming available a year later.
- She asked the Commission to approve the new zoning and environmental analysis.

Mr. Rick Williams, architect, made the following comments:

- He gave a PowerPoint presentation.
- They have tried to address the community concerns.
- He described the site.
- He described how the project design focuses on supporting the Town's Housing Element and General Plan.
- Not having covered carports would minimize the visual impacts.
- The project attempts to fit in with the area that is already developed with condominiums and other multiple unit apartment complexes.
- There will be new landscaping along the frontage that would minimize the visual impact of the project.
- Most of the parking is in the back.
- He pointed to the primary entry for the building.
- There are two courtyards, two community gardens, and a community room.
- He pointed to an area in front of the building that will serve as storm water management/detention area.
- They are removing trees with a replacement ratio of 1:1.
- There are 10' floor heights on the ground level with a 9' floor height on the top floor. Mechanical equipment and piping would be located within the roof rafters.
- The shed roof was eliminated (41'10") and the roofline is now at 38'7". They also eliminated the gable to reduce the visual impacts.

- They roofs will be structured for solar panels which would be incorporated into the project if they get the funding.
- They are thinking about what sustainable features can be incorporated throughout the project from the roof down to the grade.
- The storm water management features are about flood control and clean water.
- They will evaluate the building for both Green Points and LEED.
- There is special bike parking on the lower part of the site
- The June deadline for funding is coming up. He asked the Commission to approve the project tonight.

Commissioner Swift had a question about the letter from RCD to the Town about coordinating maintenance responsibilities for the shared driveway to the rear lots. Town Manager Toy stated the Town would need to have access to that back part of the property. They have not gotten into that level of discussion.

Commissioner Swift had questions about the three concepts previously presented and how the current proposal relates to Concept Number One. Mr. Arnold stated that concept, the spread-out scheme (two and three stories), is very similar to what is being presented tonight. The other concepts presented a smaller footprint with three to four stories.

Commissioner Ackerman had questions about the income levels and monthly rents for the two different types of units. Ms. Cline stated the project includes studios and one-bedroom units which assumes a slightly higher income level.

Ms. Patti Breitman, representing the Marin Organizing Committee, made the following comments:

- She lives next door to the site in Canon Village.
- The committee supports going forward with Victory Village.
- Low-income seniors have too few housing options in the community.
- Changes have been made to the project in response to concerns.
- The community has been heard.

Ms. Rebecca Collins, Monte Vista Road, made the following comments:

- The project is a gift to the community.
- RCD has done an amazing job to make this work for the community.

Mr. Bob Pendoley, representing the Marin Environmental Housing Collaborative, made the following comments:

- The group works collaboratively to build public support for projects that advance affordable housing, environmental integrity, and social equity.
- They strongly support Victory Village.
- There is a desperate need for affordable housing for seniors.
- The project will generate much less traffic than the previous use.

Ms. Terry Dowling, Chair of the Marin Commission on Aging, made the following comments:

- The commission fully endorses Victory Village.
- Low-income affordable housing is critically needed.
- Fairfax has an opportunity to play a strong leadership role in providing housing for some of the most vulnerable people in the county, the elderly.
- They have made thoughtful accommodations to address community concerns.
- She urged the Commission to approve the project.

Ms. Spirit Wiseman, Herrera Drive, made the following comments:

- As a realtor she is often faced with the difficult situation regarding housing in Marin County of trying to find seniors on fixed incomes placed to live.
- RCD has created a partial solution.

Ms. Jody Timms, Fairfax representative to the Commission on Aging, made the following comments:

- The Grand Jury recently released a report titled "Overcoming Barriers to Affordability".
- Barriers include the myth and/or perception about the lifestyles of people that inhabit affordable housing.
- People in general are misinformed about affordable housing.
- Much of the opposition is based on unfounded assumptions.
- She supports the Victory Village project.

Chair Fragoso closed the Public Hearing.

Commissioner Swift referred to the parkland dedication and noted Ms. Cline had discussed it being deed restricted vs. dedicated land. Assistant Town Attorney Wisinski stated this is a final detail that can be worked out by the Council. The difference between the two options is that a deed restriction would show up on the title and state that this area is for the sole use of parkland, etc. while a dedication would transfer fee title to the Town.

Assistant Town Attorney Wisinski gave a PowerPoint presentation regarding the documents that the Commission will be reviewing tonight that included: 1) LU 1, LU 2 figures; 2) Descriptions to parking regulations; 3) Zoning Ordinance; 4) Zoning Map. She answered questions about Table H-4; Table H-21; updates to the General Plan; consistency in the reference to the Density Bonus Law; Section H2.1.1.1 and Design Review; costs of rezoning; Section 17.090.050 (B)(1); Section 17.090.020 ("Discussion of Age"); Section 17.090.120(F) ("Additional Regulations"); age eligibility requirements; Design Review requirements; Section 17.092.60 and height limits relative to uphill vs. downhill slopes; Section 17.090.120(G).

Ms. Cline made the following comments:

- The key funding for the project would be the Low-Income Housing Tax Credit Program.
- They are applying under the senior housing category.
- Residents would need to be 62 years of age or older.
- The project would fit within the proposed zoning restriction for seniors as relating to state law.
- There will be annual leases.

The Commission took a 5-minute break at 9:55 p.m.

Assistant Town Attorney Wisinski continued the PowerPoint presentation and discussed: 1) Section 17.090.060(A) "Height"; 2) The Resolution that would implement all the Final Project Approvals- Parcel Map, Density Bonus, Design Review, Traffic Impact, Excavation Permit.; 3) List of the Findings that need to be made under the Town Code and the State Subdivision Map Act; 4) Conditions of Approval; 5) Mitigation Monitoring Program; 6) Parcel Map; 7) Added Conditions of Approval.

She answered questions about Section 2, Parcel Map (A); the agreements that would be approved by the Town Manager and Town Council; Section 3, paragraph A; the Density Bonus Law in terms of income levels; Section 3, Density Bonus concessions; the Conditions of Approval; solid waste and recycling handling plan and composting; undergrounding of utilities;

Ms. Cline made the following comment:

- 30% of Area Median Income (AMI) is considered extremely low; 50% of AMI is considered very low.

Commissioner Kehrlein provided the following comments:

- She suggested revised language to the resolution.

Commissioner Newton provided the following comments:

- She recommended revised language to Table H-21.
- She made some editing suggestions.

Chair Fragoso provided the following comments:

- She recommended revised language to the resolution.
- She appreciated the applicant's accommodations in terms of the height.
- She has an issue with the new, proposed height that changes the slated roof to a gabled roof- it loses something in the translation.

Commissioner Newton provided the following comments:

- The new design presents a more monolithic appearance as opposed to separately articulated angles.
- She is concerned about the height.
- She asked if the complex would do composting. Mr. Williams stated they would follow the waste company requirements.

Commissioner Kehrlein provided the following comment:

- She appreciated the roof design change- it is softer and she likes it.

Commissioner Swift provided the following comments:

- Members of the community were concerned about the height.
- She supported the change in the roof design.
- She asked if the applicant would be required to video the roadway. Town Manager Toy stated the project would pay a Roadway Impact Fee. Mr. Williams stated they would be a good neighbor- they would videotape the perimeter of the project, frontages, and adjacent roadways.

Commissioner Ackerman provided the following comments:

- He agreed with Commissioner Swift.
- He could approve either roof design.

Commissioner Swift provided the following comment:

- There should be consistency in the use of terms pertaining to income levels ("low", "very low").

Assistant Town Attorney Wisinski stated staff continues to consult with the Federated Tribes of Graton Rancheria regarding the mitigation measures related to cultural resources that may be found on the site. Mitigation measures could be tweaked in recognition of the Tribes involvement in the process.

M/s, Ackerman/Swift, motion to adopt Resolution No. #17-12, A Resolution of the Fairfax Planning Commission recommending the Council approve a Mitigated Declaration and Mitigation Monitoring Program for the Victory Village Senior Housing Project, as amended tonight.

AYES: Ackerman, Kehrlein, Newton, Swift, Chair Fragoso

ABSENT: Green, Gonzalez-Parber

M/s, Newton/Kehrlein, motion to adopt Resolution No. #17-13, A Resolution of the Fairfax Planning Commission recommending the Council approve a General Plan Amendment, Zoning Text and Map Amendments to Town Code Chapter 17.012 and 17.090 including adoption of a new Multi-Family Residential Senior Zoning District Ordinance, Parcel Map, Density Bonus, Design Review Permit, Traffic Impact Permit, and Excavation Permit for the Victory Village Senior Housing Project, as amended tonight.

AYES: Ackerman, Kehrlein, Newton, Swift, Chair Fragoso

ABSENT: Green, Gonzalez-Parber

## **ADJOURNMENT**

A motion was made, seconded and unanimously approved to adjourn the meeting at 11:17 p.m.

Respectfully submitted,

Toni DeFrancis,  
Recording Secretary