



TOWN OF FAIRFAX

STAFF REPORT

March 1, 2017

TO: Honorable Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*
Janet Coleson, Town Attorney

SUBJECT: Discussion/consideration of a zoning district for senior housing which could apply to such projects as the proposed affordable senior housing project (Victory Village) as an alternative to amending the PDD zone code for streamlining

Note: No action taken by the Council tonight can or will result in the rezoning of any site in town nor will an ordinance be considered by the Council.

RECOMMENDATION

Discuss/consider a zoning district for senior housing which could apply to the proposed affordable senior housing project (Victory Village) and direct staff to proceed with the creation of a zoning district for Planning Commission (PC) consideration along with the Victory Village project.

BACKGROUND

Over the past several months, the PC has been discussing revisions to the PDD zoning code in an effort to streamline the process for identified opportunity sites as required by the Town's adopted General Plan and Housing Element.

At its February 2017 meeting, the Town Council considered the first reading of an ordinance recommended by the PC to modify the PDD zoning code to implement the General Plan streamlining mandates, as well as to address existing errors or outdated requirements in the ordinance generally. After considering public testimony and a lengthy discussion, the Council introduced an ordinance that limited the streamlining to qualified sites identified in the adopted 2015 Housing Element and the proposed projects that were 100% affordable housing. The Qualifying Sites are those Opportunity Sites in the Housing Element that are directed to be rezoned to PDD in the Housing Element. Specifically, the Qualifying Sites are: (1) 2626 Sir Francis Drake (Christ Lutheran Church site) - 2 acre site for a 100% affordable senior housing project; (2) 10 Olema Road- 1.24 acres, and (3) School Street Plaza- a 1-acre portion of the site.

DISCUSSION

During the February meeting, the Town Council discussed their interest in following the lead of Orange County that led to a favorable court decision in *Foothill Communities Coalition v. County of Orange* ("Foothill"). In *Foothill*, Orange County created a special zoning district for senior housing within a Specific Plan district. The Town Attorney discussed the *Foothill* case and how

the facts were slightly different from the situation in Fairfax, making this case less useful to the Town.

Due to the strong desire to use the protections afforded by this favorable court decision, the Town Attorney's office has researched whether the Town could use *Foothill* as a guide for zoning of the former Lutheran Church site. The Town Attorney believes that instead of creating a PDD streamlining process, it is advisable to allow the proposed affordable senior housing project to request a rezone to a single purpose zone more like the one created in *Foothill*. Allowing the applicant to request a rezone to such a single purpose district would better address the Council and community's concerns regarding streamlining the PDD process for Qualifying Sites, narrowly tailor the Council's approvals to just the former Lutheran Church site, and be in line with the facts of *Foothill*.

As a result, the PDD code would not need to be amended at this time. In lieu of streamlining the PDD process, a zoning district would be created for senior housing which could apply to projects such as the proposed Victory Village senior affordable housing project. This zone would have development standards similar to the existing RM zone such as height limitations, setbacks, and a maximum density, but would be limited to parcels of 2 to 3 acres in size. Only projects meeting these requirements would be able to apply for such a zoning designation, and any decision to rezone any other parcel to this district would be the Council's discretion. Staff will develop the ordinance for Planning Commission consideration.

In terms of process, the senior housing zoning district adoption and rezoning would be processed along with the application for a compatible project. PC would first hear the proposed project with accompanying rezone and General Plan amendment and provide a recommendation for review by the Town Council. Since an amendment to the zoning code would be included as part of the proposed project, there would need to be two readings of the ordinance before the Town Council.

Should the Council determine that the concept of a senior housing zoning district is not appropriate and instead Council would like to consider the adoption of the PDD streamlining ordinance, staff will schedule the second reading of the PDD streamlining ordinance at a future Council meeting.

FISCAL IMPACT

n/a