

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 existing church and school structures, 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 43 parking spaces, and new bicycle parking, sidewalks, and associated site and frontage improvements; and

WHEREAS, due to an inadvertent mapping error, the current general plan land use designation for the entire Site is currently Planned Development District (‘PDD’), though only a 2-acre portion of the Site was intended to be so designated; and

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

WHEREAS, the 2010-2030 Fairfax General Plan (the ‘General Plan’) contains figures depicting the Site, including but not limited to Figure LU-1 (‘Fairfax General Plan Map’), Figure LU-2 (‘Fairfax Zoning’), and Figure LU-3 (‘Fairfax Sphere of Influence’), each of which depict the Site; 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, as part of the Project, a new General Plan land use designation (Multiple-Family Residential – Senior) is requested to be included in the General Plan, and the 2-acre portion of the Site shall be redesignated as this new designation;

WHEREAS, as part of the Project, a new zoning district (Multiple-Family Residential – Senior) is requested to be included in the Town zoning ordinance, and the 2-acre portion of the Site shall be rezoned to this new zoning district; 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 Exhibits A and B hereto, which are incorporated herein, which will harmonize the General Plan land use and zoning designations such that the 2-acre parcel will be designated and zoned

Multiple-Family Residential - Senior, 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 _____, 2017, and ending on _____, 2017, 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 _____, 2017, 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 as set forth in Exhibits A and B attached hereto and incorporated herein in order to:

- A. adopt a new General Plan land use designation (Multiple-Family Residential – Senior);
- B. change the general plan land use designation for the 2-acre portion of the Site to Multiple-Family Residential – Senior;
- C. reflect the zoning that shall be applicable to the 2-acre portion of the Site (Multiple-Family Residential – Senior), as shown in revised General Plan Land Use Figure LU-2;
- D. 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, as well as all other figures used in the General Plan;
- E. update all references to the 2-acre portion of the Site being designated or zoned Planned Development District shall now be designated or zoned Multiple-Family Residential – Senior; and
- F. make any and all necessary text amendments to reflect these changes.

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/zoning into conformance with the dictates of Housing Element Policy H-2.1.1.1 as revised and will facilitate the production of affordable senior housing on the 2-acre portion of the Site.

SECTION 4. Effective Date. This Resolution shall be effective thirty (30) days after its passage.

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
- B – Revised General Plan text

EXHIBIT 'A'

GENERAL PLAN LAND USE FIGURES

TOWN OF FAIRFAX General Plan Map



TOWN OF FAIRFAX
142 HOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
(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
- RM-S Mixed Fam Res Senior

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

0 280 560 1,120 1,680 2,240
Feet

N

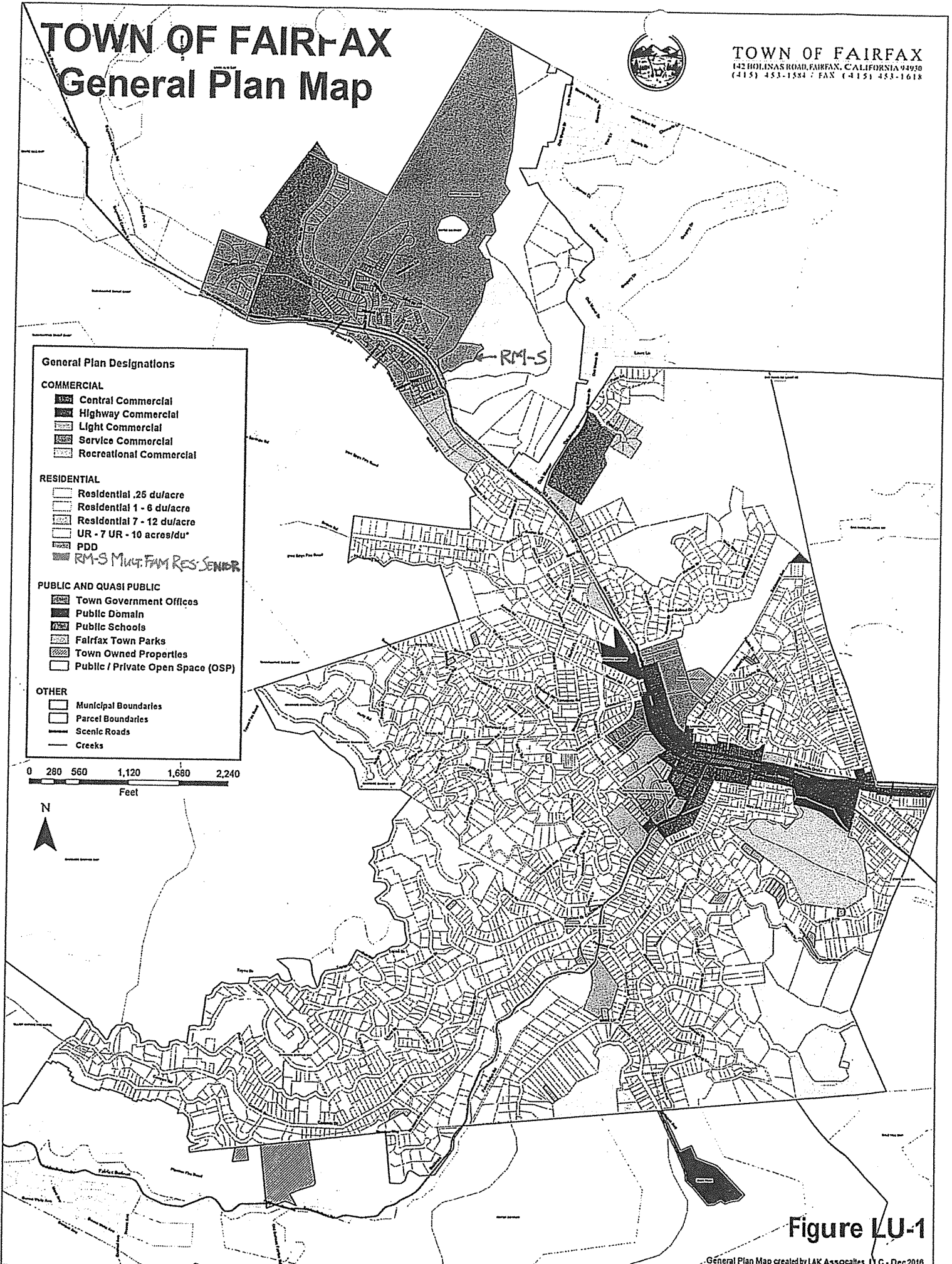


Figure LU-1

TOWN OF FAIRFAX Zoning Map



TOWN OF FAIRFAX
142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
(415) 453-1554 / 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 -
 RM-S - MULT-FAM RES- SENIOR

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

Roll	Ordinance Number	Description/Action
2014/15	223	Established land use zones, official zoning ordinance
2015/16	450	Amended zoning to add zones for RD 5.5, UR 7, UR 10
2015/16	263	PDD zone for Sunset Terrace (PDD) 1.5, 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, 9.0, 10.0
2016/17	54	Remove portion of Sunset Terrace RD 5.5 to 10.0
2016/17	241	Established Open Space - Open Park (OAS)
2016/17	247	Established Upland Residential Zones, UR 7 & UR 10
2017/18	225	PDD general Standard Code Substitution

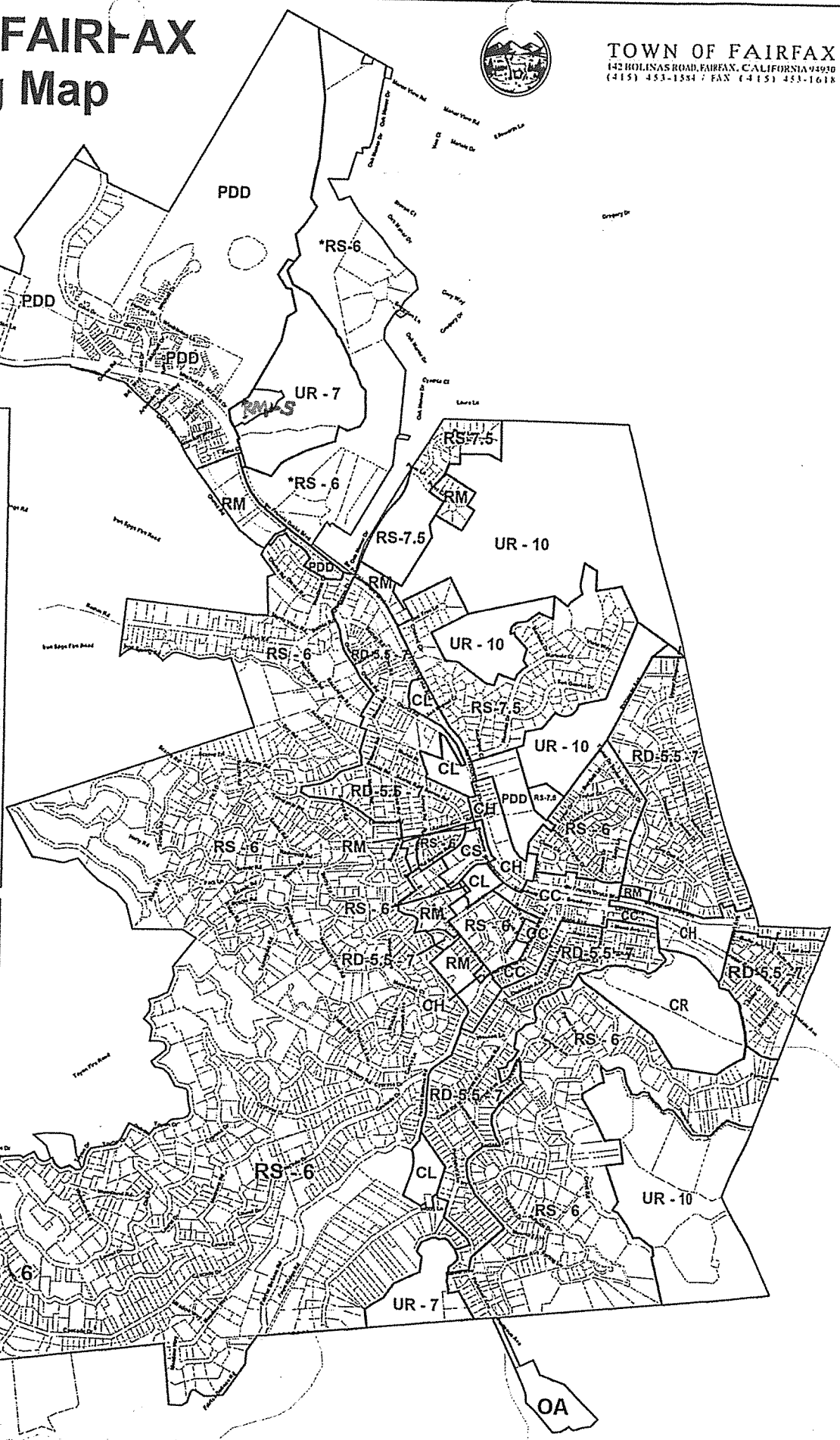
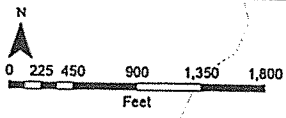


Figure LU-2

TOWN OF FAIRFAX Sphere of Influence



TOWN OF FAIRFAX
142 DUBLIN ROAD, FAIRFAX, CALIFORNIA 94530
(415) 453-1244 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
- RM-S Multi-Fam Res-Senior

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

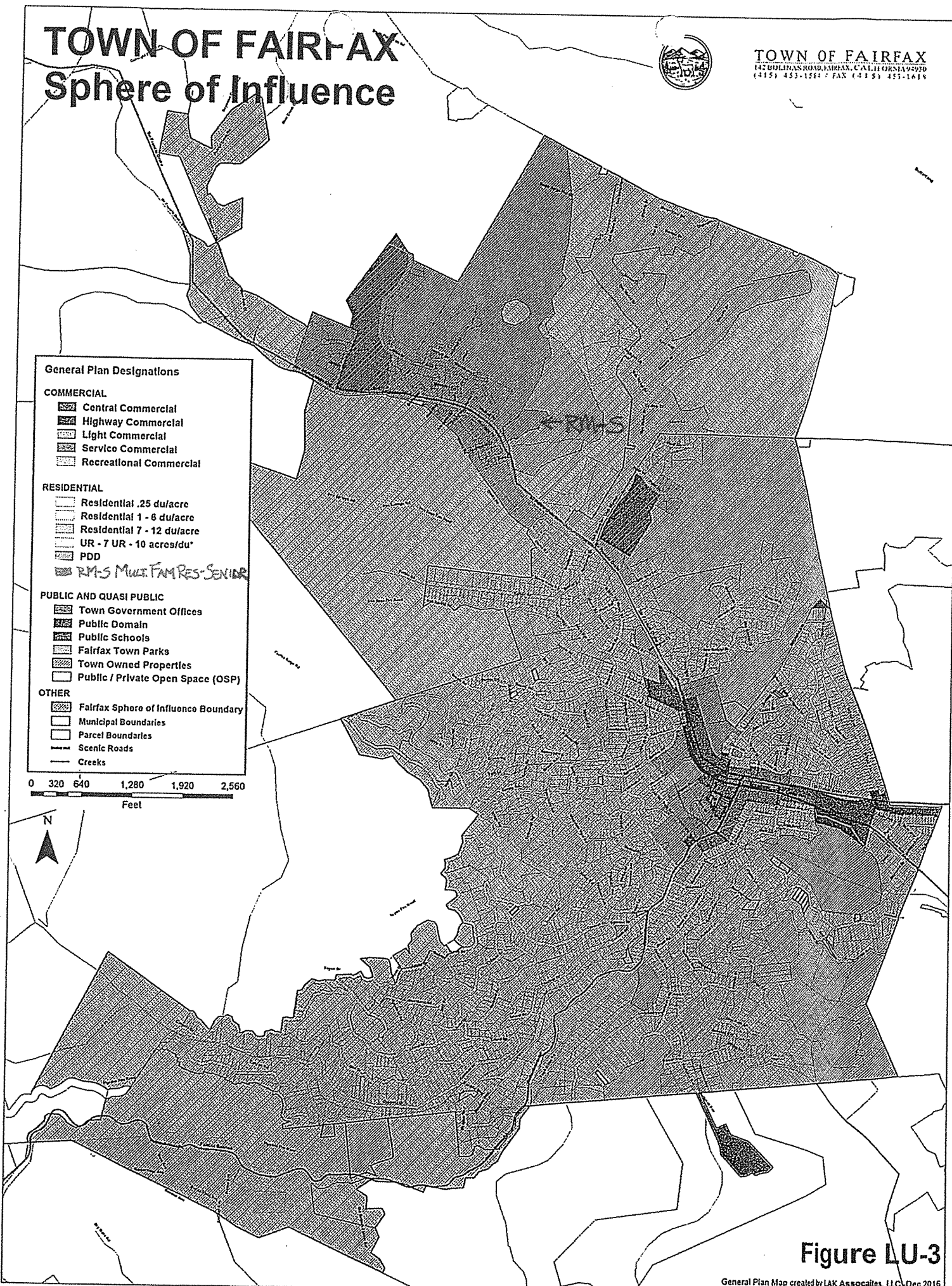
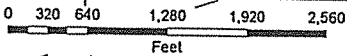


Figure LU-3

EXHIBIT 'B'

GENERAL PLAN TEXT AMENDMENTS

Language location	Current language	Revised language
Program LU-8.1.1.4 (Page LU-20)	“Change the zoning designation for 2626 Sir Francis Drake (Christ Lutheran Church) from Residential UR-7 to Planned Development District.”	“Change the zoning designation for 2626 Sir Francis Drake (Christ Lutheran Church) from Residential UR-7 to Multiple-Family Residential – Senior (RM-S).”
TABLE H-4 (‘INVENTORY OF SITES WITH POTENTIAL FOR RESIDENTIAL DEVELOPMENT’) (Page H-16)	Entry for APN 174-070-017: <ul style="list-style-type: none"> • General plan land use designation: “PDD” • Proposed zoning: “PDD” 	Entry for APN 174-070-017: <ul style="list-style-type: none"> • General plan land use designation: “RM-S” • Proposed zoning: “RM-S”
(Page H-20-21)	“Three of the sites would be rezoned to PDD: with only two of those having the minimum density of 20 units per acre applied (one being two acres near the lower entry/parking area of the Christ Lutheran Church site located at 2626 Sir Francis Drake Boulevard, and the second one being at the 10 Olema site).”	“Two of the sites would be rezoned to PDD: with only one of those having the minimum density of 20 units per acre applied (the 10 Olema site). A third site (two acres near the lower entry/parking area of the Christ Lutheran Church site located at 2626 Sir Francis Drake Boulevard) will likewise have a minimum density of 20 units per acre.”
(Page H-21)	“Site #1 – Christ Lutheran Church Site. A portion of the parcel housing Christ Lutheran Church site is proposed to be rezoned from UR-7 to PDD. A development concept has been prepared for this site and an architect selected. The architect, working in conjunction with the school tenant and Church landlord is working towards preparing an application. Certain environmental studies including geological and biological studies have been completed for 40	“Site #1 – Christ Lutheran Church Site. A portion of the parcel housing Christ Lutheran Church site is proposed to be rezoned from UR-7 to RM-S. A development concept has been prepared for this site and an architect selected. The architect, working in conjunction with the school tenant and Church landlord is working towards preparing an application. Certain environmental studies including geological and biological studies have been completed for 40

	<p>units of lower-income senior housing and an expansion of the school from 47 to 150 students. If approved, the existing 20-acre parcel would be subdivided into two parcels of approximately two acres where the PDD zoning with a base density of 20 units per acre would apply and the residual 18 acres which would remain zoned UR-7. Forty units of lower-income senior housing are proposed for the two acre parcel adjacent to Sir Francis Drake Boulevard on the western part of the existing site. Unit capacity was calculated based on the proposed site capacity study for the site. The proposed redevelopment of the 18-acre site would include retaining the existing church and expansion of the existing school from 47 to 150 students. The 18-acre parcel is heavily wooded and most of it would be left undeveloped. Program H-4.1.1.5 is proposed to amend the PDD zone requirements for this Opportunity Site (and 10 Olema below) to allow residential development only on the two acre portion of this parcel, if a subdivision is approved, within the PDD zone at a minimum of 20 units per acre.”</p>	<p>units of lower-income senior housing. If approved, the existing 20-acre parcel would be subdivided into two parcels of approximately two acres where the RM-S zoning with a base density of 20 units per acre would apply and the residual 18 acres which would remain zoned UR-7. Forty units of lower-income senior housing are proposed for the two acre parcel adjacent to Sir Francis Drake Boulevard on the western part of the existing site. Unit capacity was calculated based on the proposed site capacity study for the site. The 18-acre parcel is heavily wooded and most of it would be left undeveloped. This Opportunity Site shall allow residential development only on the two acre portion of this parcel, if a subdivision is approved, within the RM-S zone at a minimum of 20 units per acre.”</p>
<p>Page H-22</p>	<p>“Program H-4.1.1.5 is proposed to amend the PDD zone requirements to allow residential development only in the PDD zone at a minimum of 20 units per acre on this specific Opportunity Site along with the Christ Lutheran Church Opportunity site only.”</p>	<p>“Program H-4.1.1.5 is proposed to amend the PDD zone requirements to allow residential development only in the PDD zone at a minimum of 20 units per acre on this specific Opportunity Site.”</p>
<p>Program H-2.1.1.1 (Page H-70)</p>	<p>“Rezone two acres of the Christ Lutheran Church property (upon approval of subdivision of the site) at 2626 Sir Francis Drake</p>	<p>“Rezone two acres of the Christ Lutheran Church property (upon approval of subdivision of the site) at 2626 Sir Francis Drake</p>

	<p>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 1 acre. If the rezoning and General Plan Amendment happens as a result of a submittal of a development application for the Christ Lutheran Church site the Town will cover the costs of the rezone and General Plan Amendment.”</p>	<p>Boulevard from UR 7 du/acre (UR-7) to RM-S, with a density of 20 units per acre, 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. No discretionary review besides confirming compliance with objective design standards will be allowed on the site following rezoning. If the rezoning and General Plan Amendment happens as a result of a submittal of a development application for the Christ Lutheran Church site the Town will cover the costs of the rezone and General Plan Amendment.”</p>
<p>Program H-2.1.1.2 (Page H-71)</p>	<p>“Rezone 10 Olema Road, the old “Mandarin Garden” restaurant site, from CL to PDD and thereby make it possible to accommodate a minimum of 22 units and a maximum of 23 units of workforce 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 in the PDD zone on two specific Opportunity Sites (e.g., this Site and two acres of the Christ Lutheran Church Site at 2626 Sir Francis Drake Boulevard only) at</p>	<p>“Rezone 10 Olema Road, the old “Mandarin Garden” restaurant site, from CL to PDD and thereby make it possible to accommodate a minimum of 22 units and a maximum of 23 units of workforce 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 in the PDD zone on this Opportunity Site at a minimum of 20 units per acre and to put specific development standards in place. No discretionary review</p>

	<p>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 a PDD parcel from 5 acres to 1 acre.”</p>	<p>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 a PDD parcel from 5 acres to 1 acre.”</p>
<p>Program H-4.1.1.5 (Page H-81)</p>	<p>“Amend the PDD Zone Standards for Specified Opportunity Sites. Amend Chapter 17.112 of the Fairfax Town Code to:</p> <ul style="list-style-type: none"> • Reduce the minimum acreage for a PDD from 5 acres to 1 acre for the Lutheran Church and 10 Olema Road opportunity sites. • Specify that the 10 Olema Road opportunity site and a maximum of 2 acres on the Christ Lutheran Church opportunity site shall be reserved for residential development only at a minimum of 20 units and a maximum of 21 units per acre. The maximum does not apply to any units granted under the State Density Bonus Law. This change may also require revisions to other sections of Chapter 17.112 including the purpose and residential density policy sections.” 	<p>“Amend the PDD Zone Standards for Specified Opportunity Site. Amend Chapter 17.112 of the Fairfax Town Code to:</p> <ul style="list-style-type: none"> • Reduce the minimum acreage for a PDD from 5 acres to 1 acre for the 10 Olema Road opportunity site. • Specify that the 10 Olema Road opportunity site shall be reserved for residential development only at a minimum of 20 units and a maximum of 21 units per acre. The maximum does not apply to any units granted under the State Density Bonus Law. This change may also require revisions to other sections of Chapter 17.112 including the purpose and residential density policy sections.”
<p>Program H-4.1.1.6 (Page H-81-82)</p>	<p>“Land Monitoring Program to Meet the RHNA. The Town will implement a land monitoring program to ensure that the Town has enough land to meet its RHNA, throughout the planning period. The Town has identified</p>	<p>“Land Monitoring Program to Meet the RHNA. The Town will implement a land monitoring program to ensure that the Town has enough land to meet its RHNA, throughout the planning period. The Town has identified</p>

	<p>two sites (10 Olema Road and two acres of the Christ Lutheran Church) to meet its current and previous planning period lower-income RHNA numbers. The PDD zone district standards will be amended for two of these sites (10 Olema Road and a portion of the Christ Lutheran Church site) to require a minimum of 20 and a maximum of 21 dwelling units per acre.”</p> <p><i>The remainder of Program H-4.1.1.6 shall remain unaltered.</i></p>	<p>two sites (10 Olema Road and two acres of the Christ Lutheran Church) to meet its current and previous planning period lower-income RHNA numbers. The PDD zone district standards will be amended for one of these sites (10 Olema Road site) to require a minimum of 20 and a maximum of 21 dwelling units per acre. In addition, the Town will adopt a new RM-S zoning district, and two acres of the 2626 Sir Francis Drake Boulevard opportunity site shall be rezoned to this zoning district and allowed to develop at a maximum density of 20 units per acre, not including any additional units permitted through the density bonus law.”</p> <p><i>The remainder of Program H-4.1.1.6 shall remain unaltered.</i></p>
		<p><i>Insert the following summary immediately after ‘RM (Multiple-Family Residential)’ and immediately before ‘PDD (Planned Development District)’:</i></p> <p>‘RM-S (Multiple-Family Residential – Senior)</p> <p><i>Purpose:</i> The primary purpose of the zoning designation is to create use and development standards for senior residential housing in a way that preserves and enhances its surroundings.</p> <p><i>Minimum Lot Size:</i> Minimum area of 87,120 square feet, and a minimum width of 60 feet with a slope of 15 percent or less; site size requirement increases with slope. Site area is capped at 130,680 square feet.</p> <p><i>Height Regulations:</i> 28.5 feet and not more than two stories for lots less than 10 percent; 35 feet</p>

		<p>and not more than three stories for lots in excess of 10 percent.</p> <p>Parking Requirements: One space for studio units; two spaces for all others, regardless of number of bedrooms. Additional parking required for guests if not available along project frontage.</p>
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