

RESOLUTION 17-11

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
APPROVING 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)**

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”). A portion of 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 redevelop 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 (the “Senior Housing Development”); and

WHEREAS, the Project requires a General Plan amendment, zoning text and map amendments, a parcel map, a density bonus, design review, an excavation permit, and a traffic impact permit, as well as ministerial permits; 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, 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, density bonus, design review permit, traffic impact permit, and excavation permit set forth herein, and all persons wishing to testify were heard; and

WHEREAS, by adoption of Resolution No. 17-13, the Planning Commission recommended the Town Council approve the parcel map, density bonus, design review permit, traffic impact permit, and excavation permit set forth herein; and

WHEREAS, by adoption of Resolution 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 specifically contemplated the the parcel map, density bonus, design review permit, traffic impact permit, and excavation permit set forth herein), 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 this Resolution; and

WHEREAS, on _____, 2017, at a regularly-scheduled Town Council meeting, the public was afforded an opportunity to comment on the Project, including the contemplated

the parcel map, density bonus, design review permit, traffic impact permit, and excavation permit set out herein; 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. Parcel Map. The Town Council hereby approves Parcel Map No. _____ based on the following findings, each of which is based on evidence in the public record:

(A) Pursuant to Fairfax Town Code § 16.08.100(A) and Government Code § 66474(a), the proposed map is consistent with the general plan and any applicable specific plan or planned development plan or any other provision of the Fairfax Town Code. The entire 20-acre site is currently designated Planned Development District by the 2010-2030 Fairfax General Plan and the 2015 Housing Element update. By adoption of Resolution No. _____, the Town Council has approved a change in land use designation for the 2-acre portion of the site to RM-S, and a change in land use designation for the two 9-acre parcels to Upland Residential 7-10, which will conform to their zoning of Upland Residential 7. There is no specific plan or planned development plan applicable to the site at this time, and no provision of the Fairfax Town Code with which the map will not comply when all conditions are met. The map as proposed conforms to these criteria.

(B) Pursuant to Fairfax Town Code § 16.08.100(B) and Government Code § 66474(b), the design or improvement of the proposed subdivision is consistent with the general plan and any applicable planned development plan or specific plan or any other provision of the Fairfax Town Code. The design and improvement of the proposed subdivision is consistent with the 2010-2030 Fairfax General Plan and 2015 Housing Element update, as it proposes to subdivide the property into a 2-acre parcel to accommodate an affordable senior housing facility, thus implementing a portion of Land Use Program H-2.1.1.1 (as amended), which directs that two acres of the 20-acre site be rezoned to “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.” There is no specific plan or planned development plan applicable to the site at this time, and no provision of the Fairfax Town Code with which the proposed design and improvements will not comply when all conditions are met.

(C) Pursuant to Fairfax Town Code § 16.08.100(C) and Government Code § 66474(c), the site is physically suitable for the type of development proposed. The site is physically suitable for the development of an affordable senior housing project as it has previously been developed with a church and school and will replace structures in the areas of existing disturbance, which will limit the need for substantial amounts of additional grading or excavation. The slope of the site does not preclude its development for this purpose.

(D) Pursuant to Fairfax Town Code § 16.08.100(D) and Government Code § 66474(d), the site is physically suitable for the proposed density of development. The Town has determined that the Site is physically suitable for the proposed density of development through its general plan planning process, during which it determined that the two-acre portion of the

Site should bear a density of 20 dwelling units per acre, which base density may be increased pursuant to a state density bonus (see Housing Element Program 2.1.1.1, as amended), and the remaining acreage should continue to be zoned UR-7, which permits development at a rate of one residential unit per every seven acres. The proposed map conforms to these requirements.

(E) Pursuant to Fairfax Town Code § 16.08.100(E) and Government Code § 66474(e), neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. As set forth in the Mitigated Negative Declaration adopted by Town Council Resolution No. _____, no substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat will occur as a result of the proposed subdivision. To the extent any impacts have been identified, they will be mitigated by the performance of the mitigation measures adopted in the Mitigation Monitoring Reporting Program, compliance with which is a condition of approval of the Project.

(F) Pursuant to Fairfax Town Code § 16.08.100(F) and Government Code § 66474(f), the design of the subdivision or type of improvements is not likely to cause either significant or serious public health problems. As set forth in the Mitigated Negative Declaration adopted by Town Council Resolution No. _____, no significant or serious public health problems will occur as a result of the proposed subdivision. To the extent any impacts have been identified, they will be mitigated by the performance of the mitigation measures adopted in the Mitigation Monitoring Reporting Program, compliance with which is a condition of approval of the Project.

(G) Pursuant to Fairfax Town Code § 16.08.100(G) and Government Code § 66474(g), the design of the subdivision or the type of improvements will not conflict with any easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The proposed design of the subdivision or the type of improvements will not conflict with any easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. Applicant proposes to dedicate some 0.32 acres of land to the Town for public parkland purposes.

(H) Pursuant to Fairfax Town Code § 16.08.100(H), any land or improvement to be dedicated to the Town is consistent with the General Plan, and any other provision of the Fairfax Town Code. Applicant proposes to dedicate some 0.32 acres of land to the Town for public parkland purposes, an amount the Town Council finds is consistent with the Town's Subdivision Ordinance (Town Code Chapter 16) and the Town's General Plan.

(I) Pursuant to Fairfax Town Code § 16.08.100(J) and Government Code § 66474.6, the subdivision will not violate existing waste discharge requirements prescribed by the Regional Water Quality Control Board ('RWQCB'). The proposed project has been reviewed by the Town Engineer and conditioned accordingly. Applicant will have to comply with all requirements necessary to avoid violating existing waste discharge requirements prescribed by the Regional Water Quality Control Board in order to secure a building permit. The Town Council thus finds the proposed project will not violate existing RWQCB waste discharge requirements.

(J) Pursuant to Fairfax Town Code § 16.08.100(K), the proposed subdivision is compatible with the housing needs of the region, the public service needs of residents and available fiscal and environmental resources. The proposed subdivision will offer 53 units of affordable housing to seniors, which is badly needed in Marin County; will meet the public service needs of residents through the availability of all necessary utilities and access to public

transit. It will be constructed and operated in compliance with the Mitigation Monitoring Program attached hereto and incorporated herein as Exhibit 'B,' thus protecting environmental resources. The proposed subdivision is compatible with available fiscal resources through Applicant's procurement of tax credit funding.

(K) The Town Council thus approves the proposed subdivision map attached hereto and incorporated herein as Exhibit 'C,' subject to all conditions included in the attached Conditions of Approval and on the subdivision map.

SECTION 3. Density Bonus. The Town Council hereby approves the density bonus requests made by the Applicant based on the following findings, each of which is based on evidence in the public record, as set forth in this Section 4.

(A) Applicant proposes and agrees to provide 100% of the resident units at rent-restricted housing rates affordable to very low and low income senior citizens for a period of at least 55 years, as such terms are defined in the state density bonus laws (Government Code § 65915). As such, the Senior Housing Project qualifies for a density bonus of 35% and associated concessions under the state density bonus law. Given the base density of 20 dwelling units per acre identified for this site in the Town's General Plan, this would yield a new permissible density of 27 dwelling units per acre.

(B) Given the 100% affordability of the Senior Housing Project, Applicant is also entitled to request three concessions or incentives, as said terms are defined in California Government Code § 65915. Accordingly, Applicant has requested the following concessions:

1. Covered parking. Applicant has requested a concession under the state density bonus law regarding parking. Whereas the Fairfax Town Code would generally require on-site parking to be covered, Applicant has requested that uncovered parking be permitted instead.
2. Height. Applicant has requested a concession under the state density bonus law as to maximum permissible height for the project. Whereas the Fairfax Town Code would generally require a maximum height of 28'6" at this site, Applicant has requested a maximum height of 38'7".
3. Utilities. Applicant has sought approval from the Town Council to leave existing overhead utility lines along the Project's Sir Francis Drake Boulevard frontage in place, rather than underground them, as could otherwise be required under the Town's Subdivision Ordinance (Town Code Title 16).

(C) The Applicant has represented that these requested concessions would result in identifiable and actual cost reductions to the development of the Project and in fact are necessary in order to allow the construction of the Project.

(D) The Town Council finds that the requested concessions will not result in any specific adverse impact, as said term is defined in Government Code § 65589.5(d)(2), given that the concessions will not yield significant, quantifiable, direct, or unavoidable impacts, based on any objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The Town Council notes that, per Government Code § 65589.5(d)(2), "inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or

safety.”

(E) The Town Council thus agrees to grant a 35% density bonus to the Senior Housing Project, and acknowledges an applicable density of 27 dwelling units per acre for the Senior Housing Project, as well as approves the concessions set forth above, subject to the execution and recordation of a density bonus agreement in such form as shall be approved by the Town Council and the Conditions of Approval attached hereto and incorporated herein.

(F) The state density bonus law likewise requires that, for developments constituting for-rent housing for individuals who are 62 years of age or older that comply with Civil Code Sections 51.2 and 51.3, the required parking ratio shall not exceed 0.5 spaces per unit, provided the development has either paratransit service or unobstructed access (within one-half mile) to fixed bus route service that operates at least eight times per day. The Town Council finds that the Project qualifies for use of this statutory parking ratio, local parking requirements notwithstanding, given that Applicant will provide housing to individuals 62 and older (in compliance with Civil Code Sections 51.2 and 51.3) and the Project has unobstructed access to fixed bus route service along Sir Francis Drake Boulevard that operates at least eight times per day.

SECTION 4. Traffic Impact Permit. The Town Council hereby approves Traffic Impact Permit No. ____ based on the following findings, each of which is based on evidence in the public record, including, but not limited to the General Plan Traffic Impact Analysis with Amended Land Uses within Site #1 “Peace Village”, Parisi Associates, June 2016; and Victory Village Senior Housing Development Traffic Study, October 2016 (included in the Recirculated MND as Appendix H):

(A) Pursuant to Fairfax Town Code § 17.056.110(A), the Project’s average daily traffic, when added to the existing daily traffic, plus projected traffic, will not cause the performance of intersection of roadway linkages to fall below the acceptable level of service or otherwise further reduce the system performance if it is already below the acceptable level of service; nor will it cause a significant degradation in service levels for impacted intersections at their peak traffic periods, given that it is estimated that the Project would generate 12 vehicle trips during the weekday a.m. peak hour and 14 vehicle trips during the weekday p.m. peak hour. These values are lower than those used in the “Traffic Impact Analysis for the 2010-2030 General Plan”, meaning no additional traffic impacts would result (i.e., traffic would be somewhat lower), thus the proposed use would still be within the framework of the evaluation previously performed for the Initial Study/Mitigated Negative Declaration.

(B) Pursuant to Fairfax Town Code § 17.056.110(B)(1), the traffic impact mitigation plan approved by the Planning Commission and Town Council will adequately mitigate any adverse traffic impacts caused by the Project, given that, among other things, the Project will make physical improvements in the form of a two-way left-turn pocket on Sir Francis Drake Boulevard, designed by a licensed professional civil engineer and approved by the Town. The turn lane design will incorporate high resolution lane striping and/or warning signs alerting drivers to the presence of opposite direction traffic turning conflicts.

(C) Pursuant to Fairfax Town Code § 17.056.110(B)(2), the traffic impact mitigation plan prepared for the Project is consistent with the goals and objectives of the Fairfax general plan and the intent of the zoning district in which the Project is situated, and of chapter 17.056 of the Fairfax Town Code (“Traffic Impact Permit”), given that (i) the inclusion of a new left-turn lane on Sir Francis Drake Boulevard will assist in maintaining that roadway as a functional regional

arterial (General Plan Goal C-1), (ii) one of the intentions of Town Code chapter 17.056 is to "permit development and land uses changes when appropriate traffic mitigation measures can be adopted," and measures here include the left-turn lane. In addition, the Project as proposed does not include the ongoing operation of the church and school that occupied the site, which had previously been anticipated by the Town in contemplation of development of this site for senior housing. As such, the traffic generated by the Project will be substantially less than had been anticipated in the General Plan's contemplated development of this site

(D) Pursuant to Fairfax Town Code § 17.056.110(C), 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, whichever is less, given that traffic studies for the Project (cited above) found that the Project as proposed is estimated to generate 12 vehicle trips during the weekday a.m. peak hour and 14 vehicle trips during the weekday p.m. peak hour.

(E) Pursuant to Fairfax Town Code § 17.056.110(D), the Project will provide an overriding public benefit that will sufficiently offset any adverse traffic impacts. The Project is a Senior Housing Development which will provide rent-restricted affordable housing to seniors, which is a substantial public benefit to the community, and is not anticipated to effect adverse traffic impacts, as demonstrated by the studies cited above, upon whose finding the Council relies.

(F) On the basis of the findings set forth herein, and subject to the conditions of approval attached hereto as Exhibit 'A', the Town Council hereby approves the traffic impact permit for the project.

SECTION 5. Excavation Permit. The Town Council hereby approves Excavation Permit No. ____ based on the following findings, each of which is based on evidence in the public record:

(A) Pursuant to Fairfax Town Code Section 12.20.080(B)(1), the health, welfare and safety of the public will not be adversely affected by issuance of this Excavation Permit because the proposed excavation is not of a quantity that would pose such a hazard and will be carried out on a site that has been previously developed, thereby limiting the necessary excavating. The Project will include approximately 2,110 cubic yards of material and 440 cubic yards of fill, as well as any necessary over-excavation and compaction. Such quantities do not pose a hazard and will be undertaken on a site that was previously developed by the former church and school uses.

(B) Pursuant to Fairfax Town Code Section 12.20.080(B)(2), adjacent properties are adequately protected by project investigation and design from geologic hazards as a result of the work given the project location and as further required by the Geologic Mitigation Measures included in Mitigated Negative Declaration prepared for the project.

(C) Pursuant to Fairfax Town Code Section 12.20.080(B)(3), adjacent properties are adequately protected by project design from drainage and erosion problems as a result of the work given the Project design, which includes improvements to the site's drainage, as well as the Geologic Mitigation Measures included in Mitigated Negative Declaration prepared for the project.

(D) Pursuant to Fairfax Town Code Section 12.20.080(B)(4), the amount of excavation

or fill proposed is not more than is required to allow the property owner substantial use of his or her property, as the site has previously been developed and the excavation needs (as set forth in finding A above) are thus minimized.

(E) Pursuant to Fairfax Town Code Section 12.20.080(B)(5), the visual and scenic enjoyment of the area by others will not be adversely affected by the project more than is necessary, given that the project design respects its visual context, stepping up the site as it recedes from Sir Francis Drake Boulevard, and seeks to minimize interruption of the view of the neighboring ridgelines through thoughtful site planning and building design.

(F) Pursuant to Fairfax Town Code Section 12.20.080(B)(6), natural landscaping will not be removed by the project more than is necessary and, as set forth in the Mitigated Negative Declaration, will include the removal of dangerous trees whose conditions pose a hazard in their current condition. Applicant will improve the site with extensive landscaping that compliments the natural conditions and respects the native plant palette.

(G) Pursuant to Fairfax Town Code Section 12.20.080(B)(7), the time of year during which construction will take place is such that work will not result in excessive siltation from storm runoff nor prolonged exposure of unstable excavated slopes. Applicant's work shall be conditioned to conduct work to avoid such as to avoid any such siltation or prolonged exposure.

(H) On the basis of the findings set forth herein, and subject to the conditions of approval attached hereto as Exhibit 'A', the Town Council hereby approves the excavation permit for the project.

SECTION 6. Design Review. The Town Council hereby approves the Design Review for the Project based on the following findings, each of which is based on evidence in the public record:

(A) Pursuant to Fairfax Town Code Section 17.020.040(A), the proposed development 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. As evidenced in the Project elevations and plans presented at the Town Council meeting held _____, 2017, the proposed Senior Housing Development offers 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 in that it respects the topography of the site by stepping the Project up with the grade to avoid unduly interrupting views of the ridgeline, and fits within the context of other facilities in the immediate area by employing an architectural style in keeping with the variety of styles that comprise the Fairfax vernacular.

(B) Pursuant to Fairfax Town Code Section 17.020.040(B), only elements of design which have significant relationship to exterior appearance of structures and facilities shall be considered for design review purposes; these elements may include height, arrangement on the site, texture, material, color, signs, landscaping and appurtenances. The Town Council has considered the height, arrangement of buildings and accessory structures on the site, texture, material, color, signs, landscaping and appurtenances proposed by Applicant and finds them to be appropriate to the Site and the greater Fairfax community, given the use of a color palette that compliments the surrounding natural environment, design of buildings whose height respects the nearby ridgelines, building layout that allows for the creation of communal spaces for project residents, and landscaping that will substantially improve the current character of the site.

(C) Pursuant to Fairfax Town Code Section 17.020.040(C), the proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area. The proposed project is of a quality and character appropriate to, and serves to protect the value of, private and public investments in close proximity, as it offers attractive construction of a new facility that will replace vacant school buildings and surface parking lots, as well as for the former Lutheran Church. Landscaping around the perimeter of the site and the building layout will aid in protecting the privacy of residents and neighbors alike.

(D) Pursuant to Fairfax Town Code Section 17.020.040(D), the proposed development shall conform with all requirements for landscaping, screening, usable open space and the design of parking and off-street loading areas set forth in this title. The Project complies with this finding in that the Senior Housing Development, as proposed, provides landscaping and useable open space in conformance with the Town's requirements. In addition, Project's parking (the majority of which is located behind the building) and loading areas, meets the design standards of the Town Code, through adherence to dimensional and design requirements.

(E) Pursuant to Fairfax Town Code Section 17.020.040(E), where the proposed development is located in an area where a neighborhood plan or precise plan has been adopted by the town, the design of the development shall conform in all significant respects with the plans. This requirement does not apply to this project, as no applicable neighborhood plan or precise plan has been adopted.

(F) Pursuant to Fairfax Town Code Section 17.020.040(F), there shall exist sufficient variety in the design of the structures and grounds to avoid monotony in external appearance. The design of the structures and grounds, as proposed, avoid monotony in external appearance by virtue of the employment of varying roof lines, thoughtful building articulation, quality landscaping, and useful placement of recreational areas, including courtyards and walking paths.

(G) Pursuant to Fairfax Town Code Section 17.020.040(G), the size and design of the structure shall be considered for the purpose of determining that the structure is in proportion to its building site and that it has a balance and unity among its external features so as to present a harmonious appearance. The Town finds that the size and design of the structure is in proportion to the building site and demonstrates a balance and unity amongst its external features so as to present a harmonious appearance, given the mass and placement of the buildings on the site, the varying rooflines of the Senior Housing Development and the placement of parking on the Site, the overall effect of which is a balanced and aesthetically pleasing project.

(H) Pursuant to Fairfax Town Code Section 17.020.040(H), the extent to which the structure conforms to the general character of other structures in the vicinity insofar as the character can be ascertained and is found to be architecturally desirable shall be considered. Given the wide variety of architectural styles in the Senior Housing Development's immediate environs, there is not a single 'general character' of other such structures to which the project must conform. Rather, the immediate environs evidence a variety of architectural styles and forms, amongst which the Senior Housing Development would not be out of place and would in fact compliment nearby development, given the attractive architectural design of the project.

(I) Pursuant to Fairfax Town Code Section 17.020.040(I), the extent to which

ornamentation is to be used and the extent to which temporary and second-hand materials, or materials which are imitative of other materials, are to be used, shall be considered. As evidenced in the project elevations, renderings, and materials boards, the project proposes a design that uses the building articulation, design, and color palette as its ornamentation and does not rely on temporary or second-hand materials to achieve its desired effect.

(J) Pursuant to Fairfax Town Code Section 17.020.040(J), the extent to which natural features, including trees, shrubs, creeks and rocks and the natural grade of the site are to be retained shall be retained. Applicant's landscape plan has taken into account the health of the existing vegetation and tree coverage in determining how many trees to remove and has likewise studied the grade to determine how much of it shall be retained. The Town finds the resulting project design respects those elements of the site that may be safely retained and proposes to include elements that will complement and enhance these existing features.

(K) Pursuant to Fairfax Town Code Section 17.020.040(K), the accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets shall be considered. The Project is located along Sir Francis Drake Boulevard, and is thus easily accessed. Its off-street parking areas proposed are easily accessible from Sir Francis Drake, particularly given the requirement to include a left-turn lane along that arterial to serve the Project.

(L) Pursuant to Fairfax Town Code Section 17.020.040(L), the reservation of landscaping areas for the purpose of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, separating or screening parking lots from the street and adjoining building sites and separating building areas from paved areas to provide access from buildings to open space areas shall be considered. As set forth above, the Project includes landscaping (including numerous trees) along its Sir Francis Drake frontage, and service and storage areas are located at the back of the Project site, as are most of the Project's parking spaces. Landscaping and deep setbacks likewise separate the Project from nearby sites. In this instance, separating buildings from certain open spaces serving the Project is not considered desirable, as these open spaces include courtyards to be used by seniors for recreation and should be easily accessible from the buildings.

(M) Pursuant to Fairfax Town Code Section 17.020.040(M), in the case of any commercial or industrial structure, the Planning Commission shall consider its proximity to any residential district and shall consider the effect of the proposed structure upon the character and value of the adjacent residential district area. As the proposed Project is solely residential in nature, this finding does not apply.

(N) On the basis of the findings set forth herein, and subject to the conditions of approval attached hereto as Exhibit 'A', the Town Council hereby approves the design review for the project.

SECTION 7. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at the Town's offices, located at 142 Bolinas Road, Fairfax, California 94930. The Town Clerk is the custodian of the record of proceedings.

SECTION 8. Compliance with the California Environmental Quality Act. By adoption of Resolution 17-09 on May 3, 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 specifically contemplated the approval of a parcel map, design review, density bonus, traffic impact permit, and excavation permit), 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 this Resolution.

SECTION 9. Effective Date. This Resolution shall be effective concurrently with the effective date of Ordinance No. 808, which, among other actions, adopts a new RM-S zoning district and rezones two acres of the Project Site to RM-S.

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 3rd day of May, 2017, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

John Reed, Mayor

Attest:

Michele Gardner, Town Clerk

Exhibits:

A – Conditions of Approval
B – Mitigation Monitoring and Reporting Program
C – Parcel Map

EXHIBIT "A"

CONDITIONS OF APPROVAL

General Conditions

1. General Compliance. The applicant and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. Tentative Parcel Map No. _____, Excavation Permit No. _____, Design Review Permit No. _____, and Traffic Impact Permit No. _____ (collectively "Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Marin County's Recorder Office.
2. Modifications to project. Any deviation from the approved site plan, floor plans, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the Town for review and obtain the approval of the Town Manager or (if so authorized by the Town Manager) the Director of Planning and Building Services ("Director"). If it is determined that the deviation is significant, the Permittee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance.
3. Mitigation Monitoring. The project shall comply with all applicable mitigation measures from the Mitigation Monitoring and Reporting Program adopted by the Town Council in and attached as Exhibit 'B' to Resolution No. _____, which Exhibit is incorporated herein. At the time of building permit submittal, Permittee shall submit a written report demonstrating how the Project complies with these mitigation measures to the satisfaction of the Director.
4. Effective Date. Unless there is a timely appeal filed in accordance with the Fairfax Town Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit.
5. Acceptance of Permit. Should Permittee fail to file a timely appeal within ten (10) days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
 - a. Acceptance of this Permit by Permittee; and
 - b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.
6. Permit Expiration. This Permit shall become null and void if the activity permitted by this Permit is not commenced within the time limits of the approved tentative map or any approved extension thereof. An activity permitted by this Permit shall be deemed to have commenced when the project:
 - a. Completes a foundation associated with the project; or
 - b. Dedicates any land or easement as required from the zoning action; or
 - c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
7. Time Extension. Pursuant to Section 16.08.110 of the Fairfax Town Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval.

8. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the Town of Fairfax to the Permittee that the ninety (90) day period in which the Permittee may file a protest has begun under California Government Code Section 66020(d)(1).
9. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the project to the sole satisfaction of the Town. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. Permittee shall pay all required fees and charges to Town at the rate in effect at time of building permit issuance, or, the rate in effect when the fees and charges are due and paid in full to Town. There is no vesting of any fees or charges with the adoption of this Resolution.
10. Conditions. Each and every condition set forth in this Exhibit shall apply to the project and continue to apply to the project so long as the Permittee is operating the project under the permits and approvals in this Resolution.
11. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies of all agencies having jurisdiction over the project, including, but not limited to, Marin Municipal Water District, the Ross Valley Fire Department, and the Ross Valley Sanitary District.

With respect to sanitary sewer service to the project, Permittee shall comply with all current planning, design, and construction requirements of the Ross Valley Sanitary District ("District"), including the requirements of the District's Sanitary Code, Ordinances, Resolutions, Standard Specifications and Drawings, as well as other applicable agency policies. Applicable District requirements for this project include, but are not limited to, ensuring that all of the on-site private sewer infrastructure is tested and inspected to meet all current District requirements, that the existing public sewer mains and infrastructure are in adequate condition and have sufficient capacity to accommodate the project as proposed, and that Permittee pays all District connection fees and other costs per the District's duly-adopted fee schedules and Ordinances.

12. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the Town's choosing, and hold harmless Town, its Town Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) Town's approval of the project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the Town's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the Town, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, Town, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the Town for all of Town's costs, attorneys' fees, and damages which Town incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the

Town upon demand or, as applicable, to counsel of Town's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition.

13. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with the Fairfax Town Code.
14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable.
15. Permittee shall develop the approved project in conformance with the approved plans approved by the Town Council on _____, in accordance with these Conditions of Approval. Any solar panels included on the project shall not result in dangerous glare or reflection.

Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the Town for review and obtain the approval of the Town Manager or the Director (if so authorized by the Town Manager) Director, if so designated by the Town Manager. If it is determined that the deviation is significant, Permittee shall be required to apply for review and obtain approval of the Planning Commission or Town Council, as applicable, in accordance with the Fairfax Town Code.

16. Response to Conditions of Approval. Permittee shall provide a written response to all conditions of approval upon submittal for building permit application. The responses should clearly indicate how each condition of approval has been addressed in the plans and shall note the appropriate plan sheet.
17. Fire. The project/development shall comply with the requirements of the Ross Valley Fire Department and the California Fire Code, as may be amended by the Town of Fairfax. Changes to the site plan and/or internal circulation shall be reviewed and approved by the Ross Valley Fire Department.
18. Easements. Permittee shall dedicate on the final map necessary public service utility easements, street easements, public access easement (over private streets and walkways) and easements for water and sanitary sewer purposes.

Prior to recordation of the parcel map, Permittee shall provide all necessary easements for construction, access, and maintenance of the debris barriers called for in the Geotechnical Site Investigations prepared by Herzog Geotechnical (December 2012, May 2016 and August 12, 2016, as attached to and incorporated into the MND) and the tentative map.
19. Geotechnical Report. Prior to issuance of a building permit, Permittee shall provide a final summary report by the project geotechnical engineer providing that all necessary inspections were completed and that the project work was found to satisfy the requirements of the geotechnical reports identified above, as well as the requirements of the project's licensed geotechnical engineer.
20. Utilities Undergrounded. With the exception of any transformers and any existing above-ground wire utilities, television boxes, and cable boxes, Permittee shall underground all new wire utilities on the property.

21. Parkland Dedication. Prior to recordation of the final map, Permittee shall dedicate no less than 0.32 acres to the Town in satisfaction of the project's parkland dedication requirements set forth in the Fairfax Town Code § 16.24.100.
22. Construction Storm Water Quality. Permittee shall comply with the requirements of the National Pollution Elimination Discharge System (NPDES) permit as administered by the California State Water Resources Control Board (State Board) and the San Francisco Bay Regional Water Quality Control Board (Regional Board). Prior to the issuance of any building, demolition, or grading permit, Permittee shall submit an Erosion and Sediment Control Plan (Erosion Control Plan) as a part of the improvement plan submittal. The erosion control plan shall show all construction best management practices (BMPs) and shall comply with the requirements of the NPDES, the guidance provided by the Marin County Stormwater Pollution Prevention Program (MCSTOPPP), and the Town's storm water and urban runoff pollution control standards and guidelines (Town's Clean Water Program). Permittee shall ensure that all contractors and subcontractors install and regularly maintain all construction BMPs as required by the approved erosion control plan, the Fairfax Town Code, and the Town's Clean Water Program.
23. Construction General Permit Compliance. Permittee shall comply with the requirements of the Construction General Permit as administered by the State and Regional Boards. Permittee shall obtain a Construction Activities Storm Water General Permit (State Permit) from the State Board. Prior to any construction activities and prior to the issuance of any building, demolition, or grading permit, Permittee shall submit:
 - A. a complete Storm Water Pollution Prevention Plan (SWPPP) with the project Waste Discharge Identification Number (WDID) displayed on the cover,
 - B. a copy of the approved Notice of Intent (NOI) from the State Board, and
 - C. an erosion control plan and a site monitoring plan meeting the satisfaction of the Town Engineer.

Permittee shall ensure that all contractors and sub-contractors install and regularly maintain all storm water quality control measures as required by the approved SWPPP, the approved erosion control plan, the MMC, and the Town's Clean Water Program. Permittee shall provide a copy of the SWPPP to the Town (directed to the attention of the Director) upon issuance.

Prior to final occupancy, Permittee shall submit an approved Notice of Termination (NOT). For phased occupancy, Permittee shall submit a Change of Information (COI) or an NOT approved by the State Board that removes each phase of occupancy from the boundaries of the State Permit prior to the issuance of Certificate of Occupancy for that phase. Contact the State and Regional Boards for questions regarding your specific project.

24. The Permittee shall comply with the Construction General Permit and any successor permits or orders for post-construction .C3 provisions for new development and redevelopment regulated projects storm water treatment requirements, and National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009—0009 NPDES No. CAS000002 or as required by the Regional Board at the time Permittee submits the NOI for the project for pre-construction storm water treatment requirements.

25. The tentative map shall be prepared in accordance with state and local laws, as set forth in Fairfax Town Code Chapter 16 ('Subdivisions').
26. Tree Removals. Any tree removal for which permission of the Town is required shall be reviewed and subject to approval by the Fairfax Tree Committee, per Fairfax Town Code Chapter 8.36 ('Trees').
27. Prior to recordation of the parcel map, the final storm drain improvements needed for the site 100 year storm drain storm flow capacity shall be certified in a form acceptable to the Town Engineer.
28. Density Bonus. Approval of the project is issued in compliance with the state density bonus law (California Government Code § 65915). The project qualifies for said density bonus based on its provision of 53 dwelling units affordable to households of certain income levels. Permittee shall enter into and cause to be recorded in the official records of Marin County a density bonus agreement with the Town to document the provision of dwelling units that are rent-restricted as to qualifying candidates under California Government Code § 65915. Said agreement shall guarantee the affordability of 53 of the project dwelling units as required by California Government Code § 65915 and shall likewise set forth the concessions and/or waivers granted to the project.

Prior to Construction Plan Submittals

The following conditions shall be met **prior to** any detailed construction plan check submittals (Building or Engineering, except demolition and rough grade plans), unless otherwise approved by the Director. Town reserves the right to reject any plan check submittal if any of the following conditions are not met.

29. Modifications: The Site Plan dated _____ is subject to change during the plan check stage based upon Town's previous comments and conditions stated herein.
30. Solid Waste and Recycling Handling Plan: Permittee shall submit a final solid waste and recycling handling plan for Town's review and approval. The plan shall show calculations of waste generation volumes and how materials will be transferred from the waste generation areas to the trash enclosure/external collection point; demonstrate how recycling shall have a separately maintained process from garbage handling; address other requirements such as waste generation and compactor sizing, chute shut-off and property management responsibility for bin management and litter control; and procure sufficient service frequency.
31. Stormwater Control Plan: Permittee shall submit a Storm Water Control Plan that incorporates best management practices (BMPs) for treatments of storm water run-off from all parcels. The Storm Water Control plan shall incorporate source control, site design and storm water treatment requirements consistent with Marin County requirements with BMPs such as the use of bio-treatment areas into the landscape design elements and the use of permeable pavement BMPs compliant with the current Bay Area Stormwater Management Agencies Association (BASMAA) handbooks. The site plan shall be consistent with the final Storm Water Control plan to the satisfaction of the Town Engineer.
 - a. Permittee shall submit a final Storm Water Control Plan package for review and approval with the building permit submittal.

- b. The Plan shall be prepared by a licensed Civil Engineer who is a qualified and trained professional regarding storm water treatment processing and who certifies that measures specified in the report meet the MRP requirements.
 - c. Prior to final occupancy, Permittee shall submit an approved Notice of Termination (NOT) to the Town.
 - d. Prior to issuance of Certificate of Occupancy, the Permittee shall submit a Storm Water Control Operation and Maintenance (O&M) Plan, acceptable to the Town, describing operation and maintenance procedures needed to insure that treatment Best Management Practices (BMPs) and other storm water control measures continue to work as intended and do not create a nuisance (including vector control). The treatment BMPs shall be maintained for the life of the project. The storm water control operation and maintenance plan shall include the Permittee's signed statement accepting responsibility for maintenance until the responsibility is legally transferred.
 - e. Permittee shall provide the Town with an annual inspection report of the Storm Water Control Plan post-construction compliance with the National Pollutant Discharge Elimination System (NPDES) requirements.
 - f. Prior to final occupancy, the Permittee shall execute and record an Operations and Maintenance Agreement with the Town for the operation, maintenance and annual inspection of the C.3 treatment facilities.
32. Submittal Requirements: Permittee shall ensure that all plan check submittals are in accordance with Town's submittal check list for each permit type.

PRIOR TO FINAL MAP APPROVAL/RECORDATION

The following conditions shall be addressed during the final map plan check process and shall be met **prior to** any final approval/recordation (except demolition permit and rough grade permit), unless otherwise approved by the Town Engineer.

- 33. Dedication on the Final Map: Permittee shall dedicate necessary emergency vehicle access easements, public service utility easements, and other public easements deemed necessary for the project.
- 34. Abandonment/Quitclaim Easements: Permittee shall abandon/quit claim existing easements that are in conflict with or unnecessary for the project.
- 35. Easements on the Final Map: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on the final map.
- 36. Concurrent Off-site Plan Reviews: Permittee shall submit separate off-site improvement plans for review and approval by the Town Engineer.
- 37. Utility Company Approval: Permittee shall obtain approval letters from utility companies (PG&E, AT&T, AT&T Broadband, et cetera, as may be the case) for abandonment of existing and dedication of new public service utilities easements, if needed.

38. Demolition of Existing Buildings/Facilities: Permittee shall demolish any existing buildings/facilities that are in conflict with the new property lines.
39. Subdivision Improvement Agreement and Securities: Permittee shall execute a Subdivision Improvement Agreement and provide public improvement securities in accordance with the Fairfax Town Code, and submit all other supplemental documents as stipulated in the Improvement Agreement (such as certificate of insurance). The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor and materials.
40. Grading: Site grading work shall comply with Fairfax Town Code requirements, including those set forth in Chapter 12.20 ('Excavations Generally'), and shall be certified in a form acceptable to the Town Engineer prior to recordation of the map.

PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE

The following conditions shall be addressed as part of the off-site improvement plan review and shall be met **prior to** encroachment permit issuance, unless otherwise approved by the Town Engineer.

41. Public Improvement Design Standards: All public improvements shall be designed and constructed in accordance with current Marin County design guidelines, drawings and specifications, as well as with Americans with Disabilities Act (ADA) requirements, where applicable.
42. Domestic Water and Fire Service Calculations: Permittee shall submit potable water and fire service calculations to confirm adequacy of lateral size, pressure and flow, to be reviewed and approved by the Town Engineer and the Ross Valley Fire Department.
43. Curb Drain Maintenance Agreement: Permittee shall record a Maintenance Agreement for perpetual maintenance of any new curb drains as approved by the Town.
44. Water Service Agreement: Permittee shall complete a water service agreement to obtain water service from the Marin Municipal Water District and to provide fire hydrants per the requirements of the Ross Valley Fire Department. Permittee shall provide a letter from the Ross Valley Sanitary District demonstrating that arrangements have been made with the Ross Valley Sanitary District to provide sewer mains and individual sewer connections.
45. Encroachment Permit: Prior to any work in the public right-of-way and/or public easement, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Town.

PRIOR TO BUILDING PERMIT ISSUANCE

The following conditions shall be addressed during the building plan check process and shall be met **prior to** any building permit issuance (except demolition permit and rough grade permit), unless otherwise approved by the Director of Engineering/City Engineer. (E)

46. Final Map Recordation: Permittee shall submit all documents, in forms acceptable to the Town Engineer, necessary for the Town to record the final map.
47. Water Efficient Landscapes: Permittee shall comply with Fairfax Town Code Chapter 17.132 ('Water Conservation') for landscape design.
48. Dewatering. If dewatering is needed during construction, Permittee shall obtain any permits required by law for discharging groundwater to a sanitary sewer system.
49. Solid Waste and Recycling Facility Design: Permittee shall comply with all applicable Town design guidelines/details associated with haul route, turning radius, vertical and horizontal clearance, trash enclosure, staging area, and storage areas.
50. Construction Demolition and Debris. Permittee shall comply with the provisions of Fairfax Town Code Chapter 8.14 ('Collection, Recycling, and Disposal of Waste Generated From Construction, Demolition, and Renovation Projects').
51. Development Fees. Prior to issuance of any building permit, Permittee must pay all applicable Town of Fairfax development fees, including but not limited to building permit fees, at the rates in effect at the time of building permit application. These fees are collected at the timing of submission of an application for a building permit.

Permittee shall pay the following development fees. The information listed in items "a" through "d" are based upon current fee rates; however, those fee rates are subject to change. The exact fee amount shall be determined at the time of building permit fee payment.

- a) General Plan Maintenance fee at 5% of building permit over \$10,000
- b) Technology Improvement fee at 5% of building permit fee
- c) Infrastructure fee at 5% of building permit fee
- d) Road impact fee at 1% of building valuation over \$5,000

Permittee shall be solely responsible for the payment of any fees assessed by any other agencies, districts, or governmental bodies with regulatory authority over the project.

DURING CONSTRUCTION

The following conditions shall be complied with at all times **during** the construction phase of the project, unless otherwise approved by the Town Engineer.

52. Construction Staging and Employee Parking: Permittee shall place all construction related materials, equipment, and arrange construction workers parking on-site and not located in the public right-of-ways or public easements.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

The following conditions shall be met prior to first building occupancy on either lot, unless otherwise approved the Town Engineer.

- 53. Completion of Public Improvements: Permittee shall complete all public improvements, including but not limited to all Sir Francis Drake and Mitchell Drive frontage improvements, as shown on Town-approved plans, as well as all improvements for soil hazard protection.
- 54. Left Turn Lane: In order to avoid traffic congestion on Sir Francis Drake Boulevard, Permittee shall install a dedicated left turn lane on the Eastbound approach to the project along Sir Francis Drake Boulevard in accordance with the requirements of the Parisi Transportation Consultants study dated _____. Said left turn lane shall meet the requirements of the Town Engineer.
- 55. Record Drawings: Permittee shall submit record drawings, including site plans and all building improvement plans, in pdf format for Town records.

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

AGREEMENT

Permittee/Property Owner

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the project property on the terms and conditions set forth in this resolution.

Dated: _____

Signature of Permittee

EXHIBIT 'B'
MITIGATION MONITORING PROGRAM

Victory Village Senior Housing Project, 2626 Sir Francis Drake Boulevard, Fairfax, CA 94930
 Mitigation Monitoring and Reporting Program

| Mitigation Measure | Implementation Procedure | Monitoring Responsibility | Monitoring / Reporting Action & Schedule | Non-Compliance Sanction/Activity | Signatures /Notes |
|--|--|--|---|---|-------------------|
| III. AIR QUALITY | | | | | |
| <p>MM AIR-1: Include basic measures to control dust and exhaust during construction.</p> <p>During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:</p> | <p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p> | <p>Department of Public Works</p> <p>Building Division</p> | <p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p> | <p>Deny issuance of building permit</p> | |
| <ol style="list-style-type: none"> All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. | | | | | |

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| <p>Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</p> <p>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</p> <p>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>8. A publicly visible sign shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p> | | | | | |
| <p>MM AIR-2: Selection of equipment during construction to minimize emissions. Such equipment selection would include the following:</p> <ul style="list-style-type: none"> All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent and | <p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate</p> | <p>Department of Public Works</p> <p>Building Division</p> | <p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained</p> | <p>Deny issuance of building permit</p> | |

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| <ul style="list-style-type: none"> All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously shall be equipped with CARB-certified Level 3 Diesel Particulate Filters or filters that are considered to be more effective. | <p>agencies prior to issuance of building permits</p> | | <p>prior to issuance of building permit</p> | | |
| <p>IV. BIOLOGICAL RESOURCES</p> <p>MM BIO-1a: Prior to submittal for demolition, grading, or building permit, the project sponsor shall hire a qualified botanist to conduct a late-season (mid-summer) survey during the applicable blooming period to confirm presence or absence of streamside daisy and pale-yellow hayfield tarplant, and California bottle-brush grass in accordance with standard protocol. Should streamside daisy and pale-yellow, hayfield tarplant, or California bottle-brush grass species be present on the subject property, the following measures shall be implemented:</p> <ol style="list-style-type: none"> Avoidance: If streamside daisy and pale-yellow, hayfield tarplant, or California bottle-brush grass are found to be present on the Property and within the development envelope, the project sponsor shall redesign or modify the buildings or site improvements, as may be appropriate to avoid direct and indirect impacts to the plants, if feasible. Further, any special status plant species occurrences present near the proposed project grading and development envelope shall be protected by environmentally sensitive area fencing (orange construction barrier fencing) installed around the special status species populations. The environmentally sensitive area fencing (orange construction barrier fencing) shall be installed at least 50 feet from the edge of the population where feasible. If that is infeasible, then the buffer shall be established in consultation with a | <p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p> | <p>Planning Division</p> | <p>Incorporate as condition of project approval</p> <p>Planning Division verifies appropriate surveys conducted obtained prior to demolition, grading, or building permit.</p> | <p>Deny issuance of demolition, grading, or building permit</p> | |

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| <p>botanist to confirm that the buffer is wide enough to protect the plants from project grading activities.</p> <p>2. Transplantation and Relocation. If the species are identified on the subject property and avoidance of one or all species is infeasible, the project sponsor and botanist shall consult with CDFW to determine if transplantation of the particular species is feasible. If CDFW concurs that transplantation and relocation is a feasible mitigation measure, the botanist shall develop and implement a Rare Plant Relocation, Management, and Protection Plan (Rare Plant Plan) in coordination with CDFW. The Rare Plant Plan shall include:</p> <ul style="list-style-type: none"> • Identification of the proposed relocation methods to minimize the potential loss of plants from relocation, • A management plan identifying the applicable success criteria by which the transplanted plant populations can be measured for success, and regular monitoring to ensure that the plants are successfully transplanted. Success criteria shall require that at least 75% of the plants survive. • Specific, measurable triggers for adaptive management actions that are necessary to ensure survival. <p>The Rare Plant Plan shall specify annual monitoring of the site to which the plant populations are transplanted for at least five years after planting, and shall assess factors such as population size and density, recruitment, and individual plant health and vigor. Monitoring shall also assess whether the mitigation requires adaptive management actions, such as collection and sowing of additional seed, tillage/disturbance within existing populations to induce establishment, installation of container plants,</p> | | | | | |

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| <p>and control of exotic invasive vegetation (such as yellow star thistle) to ensure successful plant establishment and survival. The site at which the plants are transplanted shall be evaluated at the end of the 5-year monitoring period to determine whether the mitigation has met the success criteria identified in the Rare Plant Plan. If success criteria are not met at that time, then mitigation activities and monitoring shall continue until success criteria are met.</p> <p>As part of the Rare Plant Plan, the project sponsor, in conjunction with a qualified restoration ecologist and/or botanist shall identify a suitable on- or off-site location for mitigation, and appropriate methods for seed collection, propagation, relocation, maintenance, and monitoring. The site shall be located within the range of the affected plant and contain suitable habitat sites, and the process for collecting seed crop and salvage shall be verified based on the particular species necessitating transplantation. The individuals shall not be removed until seeds have been collected.</p> <p>3. Acquisition of Mitigation Credits. If transplantation and salvage of individual plant populations is not considered feasible, then the project sponsor shall purchase rare plant mitigations credits from a mitigation bank in the service territory at 1:1 ratio to compensate for the impacted population.</p> <p>4. If no plants are found, no further actions are required.</p> <p>MM BIO-1b: Prior to approval of a demolition, grading, or building permit, the project sponsor shall conduct hire a qualified biologist to conduct Pre-Construction Nesting Bird Surveys and submitted to the Planning Director.</p> | <p>Require as a condition of approval</p> | <p>Planning Division</p> | <p>Incorporate as condition of project approval</p> | <p>Deny issuance of demolition, grading, or building permit</p> | |

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| <p>1. Protocol Northern Spotted Owl surveys and pallid bat surveys shall be conducted to determine if the species is present within the California bay forest surrounding the subject property.</p> <p>2. If construction is planned during the nesting season, a nesting bird survey shall be conducted a maximum of three days prior to the removal of vegetation and/or initiation of construction to determine absence or presence of nesting bird species. If active nests are present, then an approved biological monitor shall remain on site to ensure that nesting birds are not impacted by construction. Seasonal restrictions limiting construction to occur outside the avian nesting season which typically extends from March through July.</p> <p>3. A no-disturbance buffer zone shall be established around any active nests. The biological monitor would consult with CDFW to determine the extent of the no-disturbance buffer. If construction is planned during the raptor nesting season — March through July — a nesting raptor survey shall be conducted a maximum of three days prior to the removal of vegetation and/or initiation of construction to determine absence or presence of nesting raptors. All trees surrounding the subject property will be surveyed.</p> <p>4. If active raptor nests are present within trees bordering the subject property, then an approved biological monitor will remain on site to ensure that nesting birds are not impacted by construction. A no-disturbance buffer zone of 250 feet will be established around any active raptor nests and the site protected</p> | <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p> | | <p>Planning Division verifies appropriate surveys conducted obtained prior to demolition, grading, or building permit.</p> | | |

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|--|---|---------------------------|--|---|-------------------|
| <p>until fledging of the young is verified by the approved biological monitor.</p> <p>5. No action is necessary if active nests are not found or if construction will occur during the non-breeding season (generally September 1st through February 28th).</p> | | | | | |
| <p>MM BIO-2: Pursuant to the Arborist's Checklist in the October 2016 UFA Tree Protection Report, and prior to submittal of a demolition, grading or general building permit, the project sponsor shall submit a tree protection plan prepared by a licensed qualified arborist, including the following:</p> <ul style="list-style-type: none"> Tree Protection: The project sponsor shall establish a Tree Protection Zone (TPZ) prior to starting the demolition work. Four-foot high wire deer fencing will be erected by the contractor to limit access to the TPZ. Prior to the beginning of demolition, the project arborist shall meet with the contractor on site to direct installation of tree protection measures. Tree protection will consist of non-intrusion zone fencing to limit disturbance from construction activities. Debris barriers: There are four proposed debris barriers per Geotechnical recommendations (C-1.0 Tentative Map). Arborist oversight will be required during placement and installation of these barriers to ensure excavation (if required) will not impact trees to be protected during construction. Sudden oak death: Existing bay trees display foliar symptoms of sudden oak death (Phytophthora ramorum). Heavy mortality of coast live oak trees was observed and is further evidence supporting the conclusion that the pathogen is present on site. Any coast live oak trees with targets of value or of | <p>Require as a condition of approval</p> <p>Project Sponsor submits tree protection plan</p> | <p>Planning Division</p> | <p>Incorporate as condition of project approval</p> <p>Planning Division verifies appropriate surveys conducted obtained prior to demolition, grading, or building permit.</p> | <p>Deny issuance of demolition, grading, or building permit</p> | |

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| <p>particular importance shall be prophylactically sprayed at least once yearly in November with Agrifos or Reliant fungicide and Pentabark surfactant. This work shall be performed by a licensed pesticide company and shall comply with the Town pesticide ordinance, Town Code Chapter 8.52.</p> <p>The presence of the pathogen has implications for the landscaping plan as it is not advisable to plant susceptible species. Interior live oak (Quercus wislizeni) is a good alternative to coast live oak as it possesses virtually the same aesthetic attributes and has shown resistance to the pathogen.</p> <ul style="list-style-type: none"> Trimming leaf trees: Trees around the perimeter of the property will require pruning for risk mitigation to comply with Ross Valley Fire Department and Fairfax fire code. Trimming will be required of remaining bay trees lining the proposed main access road. | | | | | |
| <ul style="list-style-type: none"> Removals: Due to the lack of surveyed tree locations, the project arborist shall mark all trees to be removed prior to commencement of tree work. <p>MM BIO-3: As required by Chapter 8.36.040 and 8.36.050 of the Town's Municipal Code, and prior to submittal of a demolition, grading or general building permit, the project sponsor shall comply with the Town of Fairfax Heritage Tree Ordinances, including submittal for a tree removal permit obtained from the Fairfax Tree Advisory Committee. The application shall include a description of the tree replacement program and identification of any conditions imposed by the Town. The tree replanting plan shall include primarily native trees to offset the loss of trees removed due to construction as determined by the</p> | <p>Require as a condition of approval.</p> <p>Project Sponsor submits tree removal permit to the Fairfax Tree Advisory Committee</p> | <p>Planning Division</p> | <p>Incorporate as condition of project approval</p> <p>Planning Division verifies appropriate surveys conducted obtained prior to demolition, or building permit.</p> | <p>Deny issuance of demolition, grading, or building permit</p> | |

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| Tree Advisory Committee and the Director of Planning and Building Services. | | | | | |
| V. CULTURAL RESOURCES | | | | | |
| MM CULT-1a: There is a moderate potential of identifying Native American archaeological resources in the project area. Prior to submittal of a demolition, grading or construction permit, the project sponsor shall have a qualified archaeologist conduct further archival and field studies to identify potential cultural resources within the proposed footprint of disturbance. The field study may include, but is not limited to, pedestrian survey, hand auger sampling, shovel test units, or geo-archaeological analyses as well as other common methods used to identify the presence of archaeological resources. The qualified archaeologist shall be selected from the list of consultants who meet the Secretary of Interior's Standards at http://www.chrisinfo.org . | Require as a condition of approval Project sponsor obtains approvals from appropriate agencies prior to issuance of demolition, grading, or building permits | Planning Division | Incorporate as condition of project approval Planning and Building Division requires proper contact and project coordinator protocols to issuance of demolition, grading, or building permits | Stop Project/ alert proper agency contact | |
| MM CULT-1b: Prior to scheduling the on-site filed survey, the project sponsor shall contact the local Native American tribe representative to coordinate a Tribe member's presence during the field survey. | Require as a condition of approval Project sponsor coordinates with appropriate local Native American Tribe representative | Planning Division | Incorporate as condition of project approval Planning Division requires proper contact and project coordinator protocols prior to issuance of demolition, grading, or building permits | Stop Project/ alert proper agency contact | |

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| <p>MM CULT-2: Prior to initiating ground disturbing activities within the Project area, construction personnel should be alerted to the possibility of encountering buried prehistoric or historic period cultural materials. If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and tribally-preferred archaeologist (qualified per the standards of the Secretary of the Interior), as well as a representative of the Federated Indians of Graton Rancheria, shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. Personnel should be advised that, upon discovery of buried archaeological deposits, work in the immediate vicinity of the find should cease and a qualified archaeologist should be contacted immediately. Once the find has been identified, plans for the treatment, evaluation, and mitigation of impacts to the find will need to be developed if it is found to be NRHP and/or CRHR eligible. Potential cultural materials include prehistoric and historic period artifacts that may consist of, but are not limited to:</p> <ul style="list-style-type: none"> • historic period artifacts, such as glass bottles and fragments, tin cans, nails, ceramic and pottery shards, and other metal objects; • historic period features such as privies, wells, cellars, foundations or other structural remains (bricks, concrete, or other building materials); • flaked-stone artifacts and debitage, consisting of obsidian, basalt, and/or chert; | <p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of demolition, grading, or building permits</p> | <p>Planning Division</p> <p>Building Division</p> | <p>Incorporate as condition of project approval</p> <p>Planning and Building Division requires proper contact and project coordinator protocols prior to issuance of demolition, grading, or building permits</p> | <p>Stop Project/ alert proper agency contact</p> | |

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| <ul style="list-style-type: none"> • groundstone artifacts, such as mortars, pestles, and grinding slabs; • dark, almost black, soil with a "greasy" texture that may be associated with charcoal, • ash, bone, shell, flaked stone, groundstone, and fire-affected rock; or, • human remains. <p>If any find is determined to be significant, representatives from the Town and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the Town shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations.</p> <p>If avoidance is infeasible, other appropriate measures (e.g. data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.</p> | | | | | |

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| <p>MM CULT-3: Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be halted immediately within 50 feet of the discovery. The Town of Corte Madera Planning Department shall be notified immediately, and a qualified paleontologist shall be retained to determine the significance of the discovery. Based on the significance of the discovery, the qualified paleontologist shall present options to the Town for protecting the resources. Appropriate action may include avoidance, preservation in place, excavation, documentation, and/or data recovery, and shall always include preparation of a written report documenting the find and describing steps taken to evaluate and protect significant resources. The Town will implement feasible and appropriate recommendations and mitigation measures of the qualified paleontologist for any unanticipated discoveries. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery or other appropriate measures.</p> | <p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of demolition, grading, or building permits</p> | <p>Planning Division</p> <p>Building Division</p> | <p>Incorporate as condition of project approval</p> <p>Planning and Building Division requires proper contact and project coordinator protocols prior to issuance of demolition, grading, or building permits</p> | <p>Stop Project/ alert proper agency contact</p> | |
| <p>MM CULT-4: If human remains are encountered during construction, work in that area must cease and the Marin County Coroner must be notified immediately. If the remains are determined to be Native American, the NAHC must be notified within 48 hours as required by Public Resources Code 5097. The NAHC will notify the designated Most Likely Descendant, who will in turn provide recommendations for the treatment of the remains within 24 hours.</p> | <p>Require as a condition of approval</p> <p>Project sponsor notifies Marin County Coroner or NAHC.</p> | <p>Planning Division</p> <p>Building Division</p> | <p>Incorporate as condition of project approval</p> <p>Planning and Building Division requires proper contact and project coordinator protocols prior to demolition,</p> | <p>Stop Project/ alert proper agency contact</p> | |

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| VI. GEOLOGY AND SOILS | | | | | |
| MM GEO -1: Prior to grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer. Design criteria of new structures and foundations shall be in accordance with the provisions of the 2013 California Building Code or subsequent codes in effect when final design occurs. Recommended seismic design coefficients and spectral accelerations shall be consistent with the findings presented in the Conclusions of the May 25, 2016 Herzog report. | Require as a condition of approval Project sponsor obtains approvals from appropriate agencies prior to issuance of grading or building permits | Building Division | Incorporate as condition of project approval Building Division verifies appropriate approvals obtained prior to issuance of grading or building permit | Deny issuance of building permit | |
| MM GEO-2: Prior to grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer. Foundation design shall account for settlements due to possible liquefaction within the fill and colluvial/alluvial soils. Foundation support designs shall extend into competent materials below the liquefiable zone as recommended in the May 25, 2016 Herzog report. Foundation supports for sloping areas shall be designed to resist forces imposed by lateral spreading. | Require as a condition of approval Project sponsor obtains approvals from appropriate agencies prior to issuance of grading or building permits | Building Division | Incorporate as condition of project approval Building Division verifies appropriate approvals obtained prior to issuance of grading or building permit | Deny issuance of building permit | |
| MM GEO-3: Prior to grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation including criteria for high-energy ring net barriers or buttress, catchment and/or diversion facilities based on recommendations included in the Herzog Preliminary Geotechnical Recommendations reports submitted with the project | Require as a condition of approval Project sponsor obtains | Department of Public Works Building Division | Incorporate as condition of project approval DPW and Building Division verifies | Deny issuance of building permit | |

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| <p>application. This report shall be prepared by a qualified and licensed geotechnical engineer. It will be necessary to provide debris catchment facilities upslope of improvements. The catchments may consist of earthen berms, structural walls, or high-energy ring net barriers (GeoBrugg®, or equivalent). The barriers should be supported on drilled, cast-in-place, reinforced concrete piers extending into approved competent soils or bedrock. Anchor cables for the barriers should be restrained with drilled tieback anchors extending into bedrock. The actual alignments and structural requirements for the barriers should be determined as part of design-level geotechnical investigation for the project, and the materials and installation for the fences should conform with project-specific shop drawings and specifications by the manufacturer which are prepared and submitted for review prior to commencing work. Runoff and debris from the swales may also be channeled to detention basins utilizing diversion walls or berms. It will be necessary to periodically remove accumulated material from behind the catchment facilities and detention basins to maintain adequate storage capacity. Alternatively, slide areas located on the subject property may be over-excavated and reconstructed as compacted and underdrained fill buttresses that are keyed into competent bedrock.</p> <p>MM GEO-5: Prior to grading or building permit submittal, the project sponsor shall prepare a design-level drainage plan including criteria for a site drainage system to collect surface water and discharging it into an established storm drainage system. New retaining walls should be properly back-drained to prevent the buildup of hydrostatic pressure behind the walls, and foundation drains should be installed around the perimeter of new structures to reduce seepage beneath the improvements. A qualified and licensed</p> | <p>approvals from appropriate agencies prior to issuance of grading or building permits</p> | | <p>appropriate approvals obtained prior to issuance of grading or building permit</p> | | |
| <p>MM GEO-5: Prior to grading or building permit submittal, the project sponsor shall prepare a design-level drainage plan including criteria for a site drainage system to collect surface water and discharging it into an established storm drainage system. New retaining walls should be properly back-drained to prevent the buildup of hydrostatic pressure behind the walls, and foundation drains should be installed around the perimeter of new structures to reduce seepage beneath the improvements. A qualified and licensed</p> | <p>Require as a condition of approval Project sponsor obtains approvals from appropriate agencies prior to</p> | <p>Department of Public Works Building Division</p> | <p>Incorporate as condition of project approval On site construction manager to provide construction</p> | <p>Stop project/ issue warning/fines</p> | |

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| civil engineer shall be responsible for designing the site drainage system and, an erosion control plan shall be developed prior to construction per the current guidelines of the California Stormwater Quality Association's Best Management Practice Handbook (2003). | issuance of grading or building permits | | updates during site grading | | |
| MM GEO-5: During site preparation and construction, the project sponsor shall ensure that soils should be moisture conditioned to above the optimum moisture content during site grading and maintained at this moisture content until imported aggregate base and/or surface flatwork is completed. Moisture conditioned soils shall be consistent with recommendations by a licensed geotechnical engineer | Require as a condition of approval Project sponsor obtains approvals from appropriate agencies prior to issuance of grading or building permits | Department of Public Works Building Division | Incorporate as condition of project approval On site construction manager to provide construction updates during site grading | Stop project/ issue warning/fines | |
| VIII. HAZARDOUS MATERIALS | | | | | |
| MM HAZ-1: Prior to submittal for a demolition permit, the project sponsor shall use a qualified and licensed professional to prepare a hazardous building materials survey for all structures proposed for demolition or renovation as part of the project. All lead-based paint and asbestos-containing materials (ACM) shall be abated by a certified contractor in accordance with local, state, and federal requirements. All hazardous materials shall be removed from buildings prior to demolition in accordance with California Division of Occupational Safety and Health (DOSH) and California Department of Toxic Substances Control (DTSC) regulations. A completion of abatement activities report shall be prepared by a qualified professional and submitted to the Town prior to permit approval. | Require as a condition of approval Project sponsor submits report requiring approvals from appropriate agencies prior to issuance of demolition permits | Planning Division Building Division | Incorporate as condition of project approval Planning/Building Division verifies appropriate approvals obtained prior to issuance of building permit | Deny issuance of demolition permit | |
| IX. HYDROLOGY AND WATER QUALITY | | | | | |

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| <p>MM HYDRO-1: Pursuant to Fairfax Code Section 16.24.160(c) and prior to submittal for demolition, construction and grading permits for the project, the project sponsor shall provide construction detail level drainage and stormwater plans including a storm water system designed for the 10 to 100-year storm event. The drainage plan shall require Fairfax Town Engineer review and approval.</p> <p>The project sponsor shall also demonstrate compliance with the Construction General Permit and Town requirements, including the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to address stormwater runoff during project construction. The project sponsor shall also comply with all Town stormwater requirements in accordance with guidance provided by the Marin County Stormwater Pollution Prevention Program (MCSTOPPP), including preparation and implementation of a Stormwater Control Plan (SCP) containing BMP's measures to address retention and treatment of stormwater runoff, operations and maintenance of all stormwater treatment facilities, and prevention of hydro-modification during project operations.</p> <p>The SCP shall address all buildings and impervious surfaces created by the project, including impervious surfaces related to temporary buildings and construction parking and staging areas.</p> | <p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of grading or building permits</p> | <p>Planning Division</p> <p>Building and Engineering Division</p> | <p>Incorporate as condition of project approval</p> <p>Building and Engineering Division verifies appropriate approvals obtained prior to issuance of grading or building permit</p> | <p>Deny issuance of building permit</p> | |
| XII. NOISE | | | | | |
| <p>MM NOI-1a: Mechanical equipment shall be selected to reduce impacts on surrounding uses to meet the Town's noise level requirements. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to</p> | <p>Require as a condition of approval</p> | <p>Building Division</p> | <p>Incorporate as condition of project approval</p> | <p>Deny issuance of building permit</p> | |

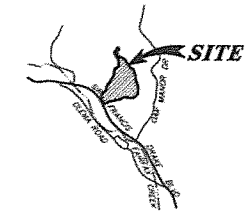
Victory Village Senior Housing Project, 2626 Sir Francis Drake Boulevard, Fairfax, CA 94930
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| <p>determine specific noise reduction measures necessary to reduce noise. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and/or installation of noise barriers such as enclosures and parapet walls to block the line-of-sight between the noise source and the nearest receptors. Design planning should take into account the noise criteria associated with such equipment and utilize site planning to locate equipment in less noise-sensitive areas. Other controls could include, but shall not be limited to, fan silencers, enclosures, and screen walls.</p> <p>The implementation of the reasonable and feasible controls outlined above would operational noise levels to 45 dBA L50 or less.</p> <p>MM NOISE-2: The project sponsor shall incorporate the following construction control measures:</p> <p>a) Limit construction to the hours of 8:00 a.m. to 5:00 p.m. on weekdays, and 9:00 a.m. to 4:00 p.m. on Saturdays, with no noise-generating construction on Sundays or holidays.</p> <p>b) Control noise from construction workers' radios to the point where they are not audible at existing residences that border the Project site.</p> <p>c) Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.</p> <p>d) Utilize quiet models of air compressors and other stationary noise sources where technology exists.</p> <p>e) Locate stationary noise-generating equipment as far as possible from sensitive receptors</p> | <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p> | | <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p> | | |
| <p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of demolition, grading, or building permits</p> | <p>Building Division</p> | <p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of demolition, grading, or building permit</p> <p>Provide neighbors with contact information</p> | <p>Stop Project/ alert proper contact</p> <p>issue warnings/fines</p> | | |

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| <p>when sensitive receptors adjoin or are near a construction project area.</p> <p>f) Prohibit unnecessary idling of internal combustion engines.</p> <p>g) Notify residents adjacent to the Project site of the construction schedule in writing.</p> <p>h) Designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., starting too early, bad muffler) and institute reasonable measures warranted to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site.</p> | | | | | |
| XVI. TRANSPORTATION/ TRAFFIC | | | | | |
| <p>MM TRAF-1: Prior to submittal of a demolition, grading, or building permit, the project sponsor shall design a two-way left-turn pocket on Sir Francis Drake Boulevard, prepared by a licensed professional civil engineer. The turn lane design shall also incorporate high resolution lane striping and/or warning signs alerting drivers to the presence of opposite direction traffic turning conflicts. The two-way left turn lane pocket shall be submitted to the Director of Public Works for review and approval.</p> | <p>Require as a condition of approval</p> <p>Project sponsor submits plan requiring approvals from appropriate HOA or agencies prior to issuance of demolition, or grading, or building permits</p> | <p>Department of Public Works</p> <p>Building Division</p> | <p>Incorporate as condition of project approval</p> <p>DPW/Building Division verifies appropriate approvals obtained prior to issuance of building permit</p> | <p>Deny issuance of demolition, grading, or building permit</p> | |

EXHIBIT 'C'
PARCEL MAP



VICINITY MAP

NTS

LEGEND

| | |
|--|-------------|
| SUBDIVISION BOUNDARY | |
| STREET GRADE | 0.50% |
| WATER (PVC), FIRE HYDRANT, BLOWOFF | |
| SEWER (PVC), MANHOLE, CLEAN OUT | |
| STORM DRAIN (RCP), CATCH BASIN, DROP INLET | |
| RETAINING WALL | |
| SLOPE | |
| EXISTING CONTOUR | 256 |
| PROPOSED CONTOUR | |
| VEGETATIVE SHALE | |
| PUBLIC STORM DRAIN EASEMENT | SOE |
| EXISTING TREES: SAVE | Δ |
| REMOVE | X |
| MAY REMOVE | □ |

NOTES

- ALL STREETS ARE PUBLIC UNLESS OTHERWISE SHOWN.
- ALL PAD ELEVATIONS ARE ABOVE 100-YEAR FLOOD ELEVATION.
- ALL SEPTIC SYSTEMS AND WELLS WILL BE REMOVED IN ACCORDANCE WITH MARIN COUNTY HEALTH DEPARTMENT REGULATIONS.
- ENGINEER IS NOT AWARE OF ANY ADVERSE SOIL CONDITIONS THAT WOULD PRECLUDE THIS TYPE OF DEVELOPMENT.
- ENGINEER IS NOT AWARE OF ANY HAZARDOUS MATERIALS ON SITE.
- ALL EXISTING STRUCTURES ARE TO BE REMOVED.
- STORM DRAIN SIZES SHOWN ARE APPROXIMATE ONLY. EXACT SIZE WILL BE DETERMINED WITH IMPROVEMENT PLANS AND CALCULATIONS.
- SEWER INVERT ELEVATIONS SHALL BE BASED UPON THE FINAL DESIGN OF INFRASTRUCTURE SEWER IMPROVEMENTS.
- SUBDIVIDER INTENDS TO RESERVE THE RIGHT TO FILE MULTIPLE FINAL MAPS FOR THIS PROJECT PURSUANT TO SECTION 66456.1 OF THE SUBDIVISION MAP ACT.
- ALL EASEMENTS ARE SHOWN PER THE TITLE REPORT AND TO THE KNOWLEDGE OF THE SURVEYOR.
- DEBRIS BARRIERS PER PRELIMINARY GEOTECHNICAL RECOMMENDATIONS REPORT BY HEIZOG GEOTECHNICAL DATED AUGUST 12, 2016.

PROJECT DATA

| | |
|-------------------------|---|
| ADDRESS | 2626 SIR FRANCIS DRAKE BOULEVARD |
| ASSESSORS PARCEL NUMBER | 174-070-17 |
| TOTAL GROSS ACREAGE | 20.0 ACRES |
| GENERAL PLAN LAND USE | PLANNED DEVELOPMENT DISTRICT |
| ZONING: EXISTING ZONING | UR-7 |
| PROPOSED ZONING | LOT 1: SENIOR HOUSING; LOTS 2&3: UR-7 |
| DENSITY | LOT 1: 21.25 DU/AC; LOTS 2&3: 1 UNIT/7 AC |
| LOT SIZES | LOT 1: 2.00 ACRES, LOT 2: 9.00 ACRES, LOT 3: 9.00 ACRES |
| AVERAGE LOT SLOPE | LOT 1: 12.6%, LOT 2: 61.2%, LOT 3: 56.6% |
| WATER SUPPLY | MARIN MUNICIPAL WATER DISTRICT |
| SEWAGE DISPOSAL | ROSS VALLEY SANITARY DISTRICT |

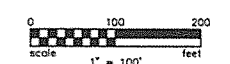
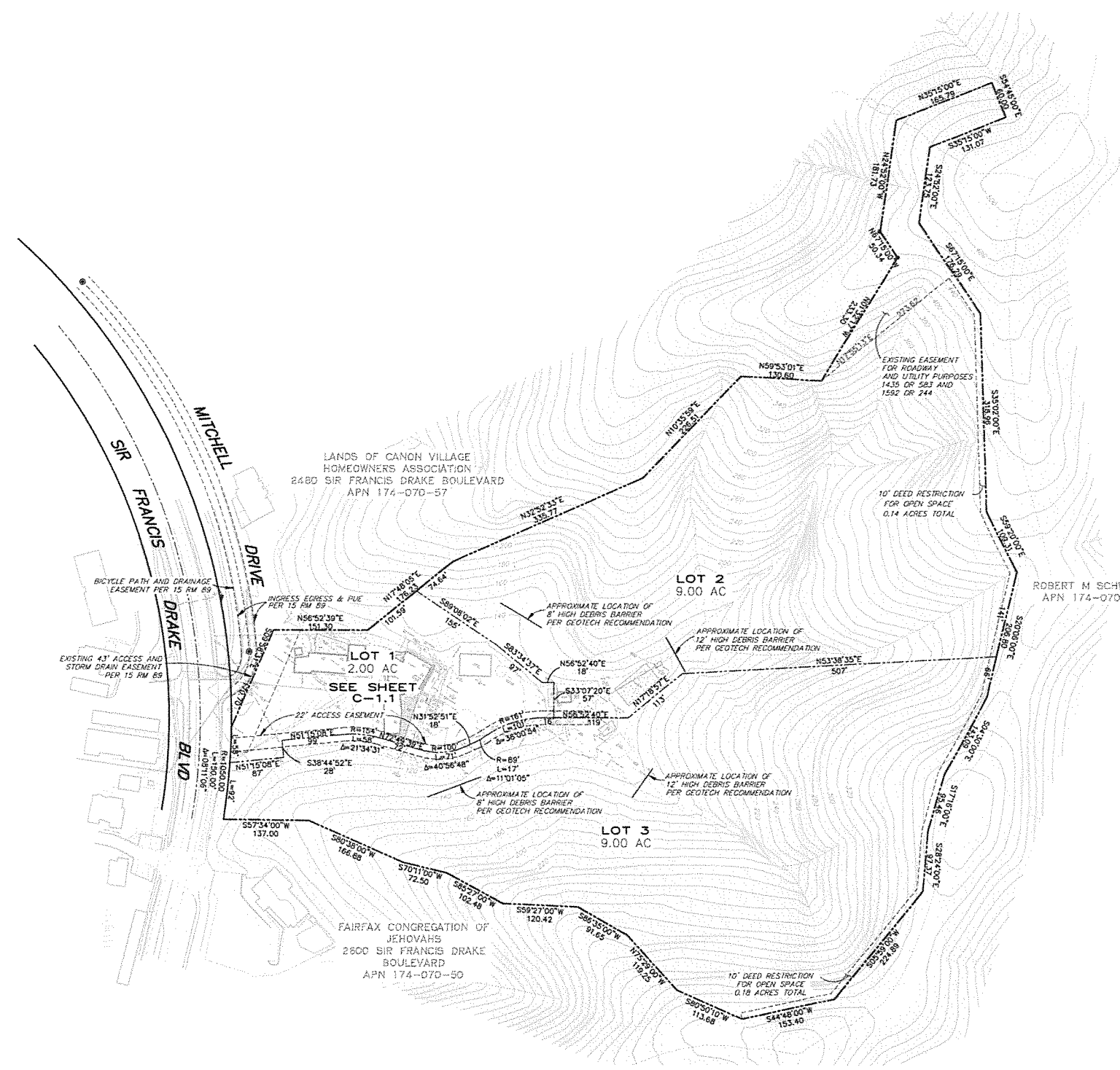
BENCH MARK

FOUND CENTERLINE MONUMENT ON EAST END OF MITCHELL DRIVE PER 84 RM SHEETS 84-91
ELEV. = 94.98 (ASSUMED)

3 LOTS 20.0 ACRES MARCH, 2017

BEING A SUBDIVISION OF THE LANDS OF CHRIST THE VICTOR LUTHERAN CHURCH AS RECORDED IN DOCUMENT NUMBER 1592 OR 241, OFFICIAL RECORDS OF MARIN COUNTY, CALIFORNIA.

| | | |
|--|--|--|
| OWNER CHRIST THE VICTOR LUTHERAN CHURCH 2626 SIR FRANCIS DRAKE BLVD FAIRFAX, CA. 94930 (415) 454-6365 | DEVELOPER RESOURCES FOR COMMUNITY DEVELOPMENT 2220 OXFORD ST BERKELEY, CA. 94704 (510) 841-4410 | ENGINEER & SURVEYOR CARLILE • MACY 15 Third Street Santa Rosa, CA. 95401 (707) 542-6451 |
|--|--|--|



MARK R. HALE, PE 43973 DATE



JAMES LEE SMITH, PLS 8185 DATE

Fairfax Senior Housing | C-1.0 TENTATIVE MAP

Fairfax, California | 3/17/2017 | Resources for Community Development | # 1429

CARLILE • MACY
CIVIL ENGINEERS • URBAN PLANNERS
LAND SURVEYORS • LANDSCAPE ARCHITECTS
15 THIRD STREET, SANTA ROSA, CA 95401
TEL (707) 542-6451 FAX (707) 542-5212
PROJECT No. 2016004

VAN METER WILLIAMS POLLACK LLP

4/29/2017 1:28:29 PM Resource_Volume 01_201612090004_C:\Users\jhalley\Documents\1429-Fairfax-Senior-Housing-C-1.0-Tentative-Map-1429.dwg
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