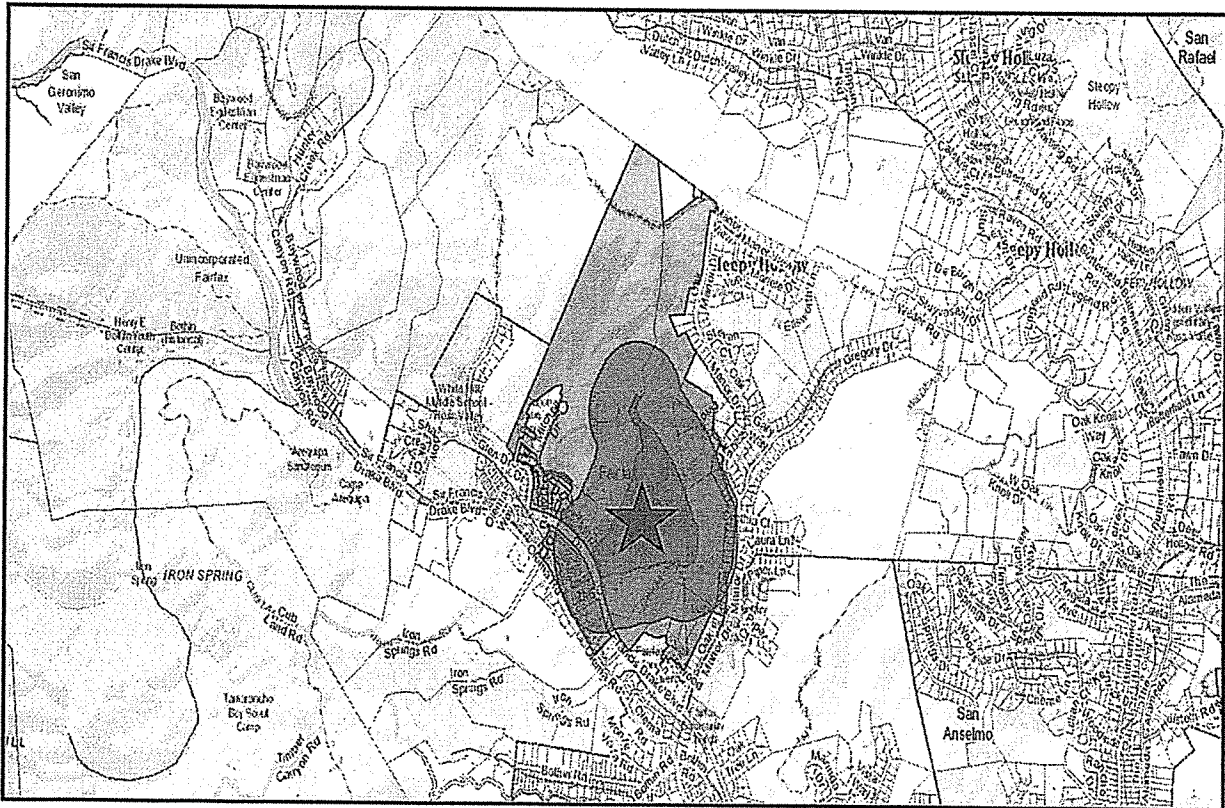


**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: April 20, 2017
FROM: Garrett Toy, Town Manager
Sean Kennings, Contract Planner
Katy Wisinski, Deputy Town Attorney
LOCATION: 2626 Sir Francis Drake Boulevard, Fairfax, CA 94930
ZONING: UR-7
PROJECT: Victory Village Senior Housing project
ACTION: Recommend for Town Council Approval
APPLICANT: Resources for Community Development (RCD)
OWNER: Christ the Victor Lutheran Church
CEQA STATUS: Mitigated Negative Declaration



2626 SIR FRANCIS DRAKE BOULEVARD
Victory Village Senior Housing Project

PURPOSE OF TONIGHT'S MEETING

The purpose of tonight's meeting is for the Planning Commission to consider two resolutions (see Attachments A, Resolution No. 17.-12 and B, Resolution No. 17.-13) and act on all elements of the Victory Village project within the Commission's purview. This meeting is a follow up to the Planning Commission meetings on December 15, 2016, January 19, 2017 and March 16, 2017 regarding the project. After the Planning Commission takes action, staff will present the Commission's recommendation to the Town Council. Staff is tentatively scheduled to present the project to the Town Council at its regular meeting on May 3, 2017.

UPDATES SINCE PLANNING COMMISSION REVIEW ON MARCH 16, 2017

In response to the March 16, 2017 Planning Commission discussion, the Applicant (Resources for Community Development, a non-profit housing developer) has redesigned certain elements of the project to, among other things, slightly lower the height of a portion of the project by approximately two feet. The Applicant has submitted a letter describing changes to the project (see Attachment C). Elevations of the new design can be found on page A-3.4 of attachment D to this report, the project plans.

The Applicant has submitted a grant application to the Marin County Foundation to support the project. If this grant application is successful, the applicant has indicated that the donation of Parcels 2 and 3 to the Town for open space could be feasible.

OVERVIEW

The Applicant is requesting the Town approve a rent-restricted senior housing community at the former Christ Lutheran Church site located at 2626 Sir Francis Drake Boulevard (the "Site"). The project, which would fulfill substantial general plan policies, proposes 53 units of affordable rental housing and a single manager's unit on a 2-acre portion of the Site. If approved and constructed, it would be the first affordable senior housing to be built in Fairfax in over 30 years.

As discussed in greater detail below, the Applicant proposes to subdivide the 20-acre Site into three parcels: one 2-acre parcel and two 9-acre parcels. Only the 2-acre parcel is being proposed for development at this time, with the 9-acre parcels remaining unimproved. In order to approve the application, the Town would need to grant the following discretionary approvals:

- **General Plan Amendment.** A new General Plan land use designation, Multiple-Family Residential – Senior (RM-S), would be adopted. The General Plan land use designation for the 2-acre parcel would then be changed to Multiple-Family Residential – Senior (also RM-S), while the two 9-acre parcels will require a General Plan amendment in order to re-designate those parcels Upland Residential UR-7-10 which allows one dwelling unit per 7 to 10 acre parcel. References to the site being rezoned to 'Planned Development District' would be updated to reflect the new zoning, which would likewise be called Multiple-Family Residential – Senior. The General Plan definition for seniors will be updated, and the zoning text amendments will clarify that senior housing must comply with the requirements of applicable state and federal housing laws.

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- **Zone Change and Text Amendment.** In response to community concerns regarding the zoning approach discussed at the December 15, 2016, and January 19, 2017, Planning Commission meetings and the Town Council meetings on February 1, 2017, and March 1, 2017, an alternate zoning approach to zoning the 2-acre site PDD discussed at the previous meetings is being proposed.

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

During the February meeting, the Town Council discussed their interest in following the lead of Orange County that led to a favorable court decision in *Foothill Communities Coalition v. County of Orange* ("*Foothill*"). In *Foothill*, Orange County created a special zoning district allowing senior housing within a Specific Plan district. The Town Attorney discussed the *Foothill* case and how the facts were slightly different from the situation in Fairfax, making this case less useful to the Town.

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

As a result, at the March 1, 2017, Town Council meeting, staff presented an alternate zoning approach in which the PDD ordinance would not need to be amended at this time. In lieu of streamlining the PDD process, a zoning district would be created for senior housing, which could apply to projects such as the proposed Victory Village affordable, senior housing project. This zone would have development standards similar to the Town's existing Multiple Family RM zone, such as height limitations, setbacks, and a maximum density, but would be limited to parcels of 2 to 3 acres in size and only allow multi-family senior housing. The density applicable to parcels in the zone will either be 10 dwelling units per acre, or as established by the Town Council at the time of project approval. Only projects meeting these requirements would be able to apply for such a zoning designation, and any decision to rezone any other parcel to this district would be at the Council's discretion. Any future sites hoping to rezone to this new zoning district would need both a General Plan amendment (to change their

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existing land use designation) and a rezone. The public would still have the opportunity to weigh in on such requests through the public hearings that would be required for the requested General Plan amendment and rezoning.

At the March 1, 2017, meeting the Town Council directed staff to develop the ordinance for Planning Commission consideration.

In terms of process, the senior housing zoning district adoption and rezoning are being processed along with the application for the Victory Village project. The new Multiple-Family Residential – Senior Zoning text is included as an exhibit to Attachment 2. The zoning text will reference that senior housing projects must comply with applicable state and federal fair housing laws.

The 9-acre parcels will remain zoned UR-7, while the 2-acre parcel is proposed to be rezoned Multiple-Family Residential – Senior.

- **Density Bonus.** The Applicant proposes to include 100% affordable housing units and thus qualifies for a density bonus of 35%, as well as three concessions, under the state Density Bonus Law (Government Code § 65915). This density bonus would allow the project to develop at a density of 27 dwelling units per acre, or 7 units per acre in excess of what is permitted by the General Plan. It also allows the Applicant to request three concessions from the Town's otherwise applicable zoning provisions. The Applicant has selected covered parking, height and preserving the current overhead utility wires on Sir Francis Drake Boulevard for its three concessions. In order to document the terms of the density bonus and secure the affordability of the units for the next 55 years, the Applicant will be required to enter into a Density Bonus Agreement with the Town, which is recorded against the property. As clarification, the Planning Commission recommends the approval of the Density Bonus to the Town Council, but not the Density Bonus Agreement itself, which only requires the Council's approval.
- **Parcel Map.** A parcel map will be necessary to subdivide the existing 20-acre site into three parcels.
- **Design Review.** The project will require design review
- **Traffic Impact Permit.** The project will require a traffic impact permit.
- **Excavation Permit.** The project will require an excavation permit.

BACKGROUND

In 2008, the Fairfax Town Council established the Affordable Housing Committee to advise the Town Council on matters relating to affordable housing in Fairfax. The committee, made up of four community members and two members of the Town Council, was tasked with identifying suitable sites in Town for development. In 2010, the draft General Plan and Housing Element identified the location for the senior housing project as an opportunity site. The Opportunity Sites outlined in the "Housing Opportunities" section of the 2015 Housing Element are the areas the

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Town designated as capable of accommodating affordable housing.

The Site is identified as Opportunity Site #1 in the Housing Element and is thus identified as one with development potential for affordable housing. It is approximately 20 acres in size, of which roughly two acres comprise a private church facility and (previously) a private elementary school. Several General Plan Land Use Element and Housing Element policies and programs address the development of the opportunity sites, and this one in particular, including:

- *Policy LU-8.1.1: The Town of Fairfax shall facilitate the development of key housing opportunity sites to provide for the development of affordable housing as identified in the Housing Element.*
- *Program LU-8.1.1.4: Change the zoning designation for 2626 Sir Francis Drake (Christ Lutheran Church) from Residential UR-7 to Planned Development District [to facilitate its redevelopment as multi-family affordable housing].*

The Applicant submitted an application to the Town on June 16, 2016. Staff has worked with the Applicant to assemble a planning application suitable for the opportunities and constraints of the Site.

PROJECT DESCRIPTION

Applicant proposes to first subdivide the existing 20-acre site into three parcels: one 2-acre parcel (Lot 1) and two remaining 9-acre parcels (Lot 2 & 3). Lot 1 will require a change to its General Plan designation (Multiple-Family Residential – Senior) and will likewise be rezoned to Multiple-Family Residential - Senior. Lots 2 and 3 will require General Plan land use designation amendments (to UR-7-10) and will retain their existing zoning (UR-7). No development is proposed on lots 2 or 3 at this time, and any future development proposal for those parcels would require an application to the Town.

The entire Site is currently zoned UR-7, and thus the subdivision to allow two parcels of 9-acres each does not create a new intensity of development or create a change in land use for those portions of the Site.

On the 2-acre parcel (the “Senior Housing Site”), the Applicant proposes to demolish the existing primary school and church structures, an A-frame building, and parking area and replace them with 54 residential units. Of these, 53 will be rent-restricted affordable apartments for low-income and very low income seniors and one will serve as a manager’s apartment (the “Senior Housing Community”). Applicant also proposes to provide 43 uncovered parking spaces to serve the Senior Housing Site.

Because the Senior Housing Community will provide 100% affordable units, it qualifies for a density bonus of 35% under the state Density Bonus Law. The base density of 20 dwelling units per acre applicable to the Senior Housing Site under Housing Element Policy HE-2.1.1.1 is thus increased to 27 dwelling units per acre. Qualifying for a density bonus at this level also makes the project eligible for three concessions under the same law. Applicant has requested concessions for height, covered parking, and undergrounding of existing overhead utilities. A prior request by the Applicant for a concession regarding the project’s parkland dedication

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requirement has been withdrawn by the Applicant. The three concessions are addressed below under Density Bonus section of this report.

The Senior Housing Community is proposed to be approximately 50,755 square feet configured in an “E” shaped building with two- and three-story wings that wrap around two courtyards that terrace as the grade changes. As discussed above, the Applicant is requesting a concession as to the maximum height, which would otherwise be limited to 28’-6”. The proposed heights of the structure vary as the building moves uphill away from Sir Francis Drake Boulevard. The two-story front façade has a roofline of 26’ above existing grade, becoming a three-story structure 33’-6” above grade at the ridgeline of the first wing of the building. Moving uphill, the building initially reached a maximum height of 40’-10” at the ridgeline of the middle wing and then dropped down to 32’-10” at the ridgeline of third wing. However, the applicant has since revised the roof lines in response to residents’ concerns regarding building height. RCD indicates it will be revising the building design to “lower the tallest point of the building to 38-feet and 7-inches.” (See the attached letter from RCD and the revised plan page A-3.4). Moreover, its appearance will be softened by landscaping between Sir Francis Drake Boulevard and the Senior Housing Community buildings.

The Senior Housing Community will be served by a new driveway that will be located 74-feet southeast of the existing drive and will run along the southeast edge of the property to the rear and northeast corner of the new building. There are perpendicular parking spaces along the drive for the convenience of residents and guests, with accessible parking along the drive and at the rear parking area. The rear parking area extends behind the upper building where trash collection, recycling, and servicing of the building will take place outside of the public view. There is also over 800-square-feet of secured interior bicycle storage space. Sidewalks are included to connect the internal pedestrian circulation system of the Senior Housing Site to pedestrian access along Sir Francis Drake.

An on-site drainage system, including two detention basins, and an upgraded drainage ditch and drainage swales have been designed to capture storm-water flows from the Senior Housing Community consistent with Town standards for 10 to 100-year storm events and prevent additional water from the project area from flowing over Sir Francis Drake Boulevard to developments on the south side of Sir Francis Drake Boulevard.

The proposed project will include vehicular and utility access off Sir Francis Drake Boulevard that aligns with the drive along the southeast edge of the site. (Site Plan Page A-1.0). Currently, the Senior Housing Site is accessed via a driveway off Mitchell Drive, which is also one access point for the Canon Village residential development. Mitchell Drive is a private street controlled by the Canon Village Homeowners Association. Currently, the Christ Lutheran church on the subject property has an informal easement to access the project site via Mitchell Drive. Stormwater drainage is routed through this driveway access.

The proposed project includes this alternative drainage and driveway access off of Sir Francis Drake Boulevard due to the fact the road and infrastructure connections at Mitchell Drive are located on property belonging to the Canon Village Homeowners Association (CVHOA). The CVHOA must vote to continue to allow formal access easement for the Senior Housing Site. This vote is not subject to the local application review and permitting process and therefore cannot be guaranteed to occur prior to project approval from the Town of Fairfax. Therefore, the drainage

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and access off Sir Francis Drake Boulevard is included as part of the project and the Mitchell Drive access is no longer being considered. The environmental review document for the project has been amended and recirculated for a new 20-day public comment period to reflect this access location.

DISCUSSION

Development of the proposed project would require the Town to approve the following:

Parcel Map. A parcel map will be necessary to subdivide the existing 20-acre site into three parcels, one consisting of 2-acres and two parcels of 9-acres each. Division of the property into 3 parcels constitutes a minor subdivision per the Town's definition of a minor subdivision which is a subdivision of a piece of property into 4 or fewer parcels [Town Code §§ 16.04.030, Definition of a Minor Subdivision, and 16.08.060(A), Planning Commission Action]. Prior to taking action on a tentative parcel map, the Town Engineer must review and provide a report including recommendations in relation to the requirements of the Tentative Parcel Map Chapter, the Subdivision Map Act and applicable ordinances and regulations and changes that are necessary for property consideration of the Map [Town Code § 16.08.040(D)].

The Town Engineer has reviewed the proposed tentative parcel map and has indicated the map complies with the Town Subdivision Ordinance and the State Subdivision Map Act and recommends that the Commission approve the tentative map subject to the conditions included in the resolution approving the map.

The Planning Commission should note that, as a condition of issuing a map, the Town is authorized to require the dedication of parkland in an amount of 5 acres for every 1,000 persons residing in the proposed subdivision. (Town Code 16.24.100.) Alternatively, the subdivision Applicant may pay a fee in lieu of dedicating such land. Applicant proposes to meet this requirement by dedicating at least 0.32 acres to the Town for parkland purposes.

General Plan Amendment. The property is currently designated PDD in the General Plan (see Land Use Figure LU-1). Staff proposes that a new general plan land use designation be adopted (Multiple-Family Residential – Senior) and that the site's general plan land use designation for the 2-acre parcel be changed to this new land use designation. In addition, the two 9-acre parcels will need to be re-designated to UR-7-10 in order to conform to their current zoning. This General Plan Amendment ensures consistency with the Town of Fairfax Zoning Ordinance and Map, as required by state law. Pursuant to the GP Policy LU-8.1.1, the amendment designation would be consistent with the General Plan and promotes the reuse of the property for affordable housing.

Zone Change and Text Amendment. Similar to the GP Amendment described above, the subject property will require rezoning of the 2-acre Senior Housing Site. This will implement Housing Element Program H-2.1.1.1, which calls for this 2-acre site to be rezoned. The two 9-acre parcels will remain zoned UR-7, and will retain their existing development rights.

The proposed rezoning of the 2-acre site to RM-S would be consistent with the Town's General Plan and Housing Element, as they are proposed to be modified, which specifically target the subject property for development of affordable senior housing. The rezoning of the 2-acre project site would also allow the Town to comply with provisions of the State Housing Law requirement

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for providing sites zoned to accommodate affordable housing. Furthermore, because the two 9-acre parcels will remain zoned UR-7, there is no change in the potential development intensity of that portion of the Site.

Senior Housing Zoning District. The new Multiple-Family Residential – Senior zoning designation is proposed to be adopted for the 2-acre parcel and to establish the land uses and development standards applicable to the new zoning district.

The standards of the proposed new zoning district are as follows:

- Eligibility. In order to be eligible to rezone to this new district, the proposed use would have to comply with the relevant state and federal laws governing senior housing, which establish minimum ages for residents, as well as provisions for health care providers and others whose residency may be required under applicable law.
- Density. The maximum density permitted for any site zoned Multiple-Family Residential – Senior ('RM-S') shall no greater than 10 dwelling units per acre, unless otherwise set forth in the General Plan for any given parcel. The General Plan maximum density for a given site may be less than 10 dwelling units per acre, depending on the site; the density for each site zoned RM-S shall be established for the particular site at the time of project approval by the Town.
- Principal permitted uses. The General Plan provides that the Senior Housing Site shall be used for senior residential purposes only. Senior housing projects must comply with applicable state and federal fair housing laws.
- Building site requirements. The building site requirements are very similar to the requirements for the RM district, with some exceptions. For example, in order to qualify for rezoning to Multiple-Family Residential – Senior, a site will need to be at least two acres and not more than three acres in size.
- Height. Height regulations for the Multiple-Family Residential – Senior district will follow the RM district requirements, generally permitting a maximum of 28.5 feet and 1/2 stories on lots with slopes of ten percent or less. On lots having a slope in excess of ten percent, no building or structure occupied by a principal use and situated on the downhill side of the street upon which it has its primary frontage shall not exceed 35 feet in height nor be more than stories, and if situated on the uphill side of the street shall not exceed 28.5 feet in height nor contain more than three stories.
- Off-street parking. Off-street parking for the new Multiple-Family Residential – Senior district will follow the requirements of the Town Code, as found in Chapter 17.052.

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The project's compliance with the applicable standards of the proposed new Multiple-Family Residential – Senior Zoning District is as follows:

	Front Setback	Rear Setback	Combined Front/Rear Setback	Side Setback	Combined Side Setbacks	Lot Coverage	Height
Senior Housing District Required/ Permitted	10 ft.	10 ft.	40 ft.	10 ft. & 10 ft.	25 ft.	35%	28.5 ft./2 _stories (level parcels), 28.5ft./3stories upslope parcels, 35 ft./3 stories (downslope parcels)
Proposed by Victory Village	40 ft.	142 ft.	182 ft.	18 ft. & 28 ft.	46 ft.	24%	27'6" and 2 stories to 38' 7" and 3 stories*
* Due to the project's qualification for a density bonus concession under the California state density bonus law (Government Code 65915), Applicant is requesting that the project receive an exception to the Town's height restriction.							

Density Bonus. Applicant proposes to provide 100% of the resident units at rent-restricted housing rates affordable to low income and very low income seniors. As such, the Senior Housing Project qualifies for a density bonus of 35% and associated concessions under the state density bonus law. (Government Code § 65915.) Under the state density bonus law, if a project provides 20% or more of its units to low-income households or 11% or more of its units to very low-income households, it qualifies for a density bonus of 35% above the otherwise maximum allowable residential density. (Government Code § 65915(f).) "Maximum allowable residential density" means the density allowed under the zoning ordinance and the general plan, per Government Code § 65915(o)(2). In addition, for projects that provide at least 30% of the total units for low income households, the Applicant is entitled to three incentives or concessions (Government Code § 65915(d)(2)(C)), which are defined as:

- A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5

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(commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

- Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
- Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable, financially sufficient, and actual cost reductions.

(Government Code § 65915(k).) If the Town refuses to grant a requested concession to a qualifying project, the Applicant is entitled to initiate judicial proceedings, and the Town would need to demonstrate that it had denied the request due to “a specific, adverse impact ... upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.” (Government Code § 65915(e)(1).) Otherwise, the Town would potentially be liable for payment of attorney's fees and costs of suit, as well as being required to grant the requested concession.

Applicant has requested concessions for height, covered parking, and undergrounding of existing overhead utilities. The concession regarding height (allowing 38' 7" instead of 28'6") was discussed above. With regard to covered parking, Fairfax Town Code would generally require on-site parking to be covered per Town Code § 17.052.010(D). The third requested concession regarding the retention of existing above ground utility wires on Sir Francis Drake Boulevard. The Applicant has requested that the requirement to underground these utilities be waived due to the cost. It should be noted that PG&E specifically noted that the electrical transformer should not be undergrounded for the project. In addition, no utilities are undergrounded on the north side of the Sir Francis Drake heading westbound from the location. All other new utilities on the property would be undergrounded as part of the new development.

Applicant has represented that these concessions will result in identifiable and actual cost reductions, and they thus fall within the concessions contemplated under Subsection (k) of the density bonus law. Staff supports the requested concessions, on the grounds that the Senior Housing Project provides a great public benefit to the community by improving a underutilized site currently developed with a church with rent-restricted affordable housing to seniors. Note that any concession authorized under the density bonus law would be granted without the need for a variance, which is a zoning mechanism subject to different statutory requirements.

State Law Parking Reduction. The density bonus law, separate and apart from any concessions or incentives, allows senior housing developments where residents are 62 years or older to provide parking at a ratio of .5 spaces per unit, provided the project is located within one half mile of a fixed bus route that operates at least eight times per day or the project offers para-transit

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service. (State Government Code § 65915(p).) By meeting these parameters, Victory Village will qualify for this reduced parking standard. Thus, the project's 54 units would only require 27 parking spaces. The project initially proposed to include 39 on-site parking spaces. However, in response to residents' concerns, RCD added four (4) additional parking spaces to the front of the site. The total number of 43 spaces (0.8 parking spaces/units) more than exceeds the state law minimum requirement for the on-site parking.

Traffic Impact Permit. Town Code Chapter 17.056 requires a traffic impact permit as a prerequisite to any building permit, site improvement, occupancy permit or any discretionary approval from the Town for projects that have a floor area of more than 5,000 square feet. The proposed project is 50,755 square feet and therefore requires the approval of a Traffic Impact Permit [Town Code § 17.056.050(A)(1)(b)]. As indicated in the IS/MND and the reports and materials prepared by Parisi Transportation Consultants, the proposed project is now envisioned to include direct connection to Sir Francis Drake Boulevard (south of the current access off Mitchell Drive). This access point was found by Parisi to have no significant potential impacts related to additional traffic or increased delays within the existing circulation system. However, as noted in the IS/MND, a two-way left turn pocket would be required to allow for turning in and out of the property in both directions along Sir Francis Drake. Consistent with the traffic study for the 54-unit project, there would be no adverse impacts.

Excavation Permit. Town Code § 12.20.080(A) requires that any project requiring the excavation and/or fill of 100 cubic yards of material or more obtain an excavation permit from the Fairfax Planning Commission. The project requires an excavation permit because it will entail the excavation of approximately 2,110 cubic yards and fill of 440 cubic yards of material (excavation/fill amount is in the process of being updated per new site plan), the majority of which would be required for the undergrounding of utilities.

The Town Engineer has reviewed the information submitted by Applicant relating to the proposed excavation and performed site inspections of the property on July 8, 2016, and July 23, 2016. Based on his review of all the above-referenced documents and plans and his site inspection, the Town Engineer has determined that the project can be developed as proposed without creating any impacts that cannot be mitigated and that the required findings for the excavation permit could be made.

The Applicant's preliminary civil and hydrology studies indicate that the project meets the required standards for grading and drainage. Applicant has submitted updated reports addressing these issues with modifications related to the Sir Francis Drake access point (see the attached letter).

As there are no immediate residences on adjacent properties, excavation and grading activities would not be disruptive to residents on either side of the Senior Housing Site. The Applicant will be required to comply with standards and practices for erosion and sediment control, as well as storm-water pollution control, to ensure that construction activities on site do not impact neighboring properties, or properties across Sir Francis Drake Boulevard.

Design Review. Pursuant to Fairfax Town Code Chapter 17.020.040, the proposed Senior Housing Project will require design review for new construction. When reviewing a project for

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compliance with the Design Review Ordinance, the Planning Commission must determine that the design meets the criteria set forth in Town Code § 17.020.040(A) through (N).

The exterior facade of the structure is articulated through the alternating use of vertical fiber cement board and batten siding, cement plaster siding, vertical cement board siding and fiber cement panels painted in varying colors of tan (Sherman Williams Downing Sand SW 2822), light brown (Sherman Williams Hubbard Squash SW 0044), olive green (Sherman Williams Bamboo Shoot SW 7733), off white and gray (Sherman Williams Functional Gray SW 7024).

The exterior of the structure is further articulated and the massing of the structure is broken up by the use of the “E” shaped floor plan, use of varying roof pitches, inclusion of trellis structures adjacent the courtyards, the covered entry porch features and the use of alternating and varied window sizes and shapes throughout the building.

The proposed development is consistent with the design review findings because it will create a well-composed design, harmoniously related to other structures in the immediate area and to the total setting as seen from hills and other key vantage points in the community. The proposed project is articulated and varied in height and does not project over ridgelines behind the development area. The proposed project design aesthetic is of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area. The craftsman-style architectural features, including varying material choices and articulated roof eaves and heights, presents an overall style reminiscent of the diverse residential neighborhoods throughout the Town. As the building has been designed with several articulations in façade and height, it is consistent with provisions requiring sufficient variety in the design of the structures and grounds to avoid monotony in external appearance. The size and design of the structure is in proportion to its 2-acre building site and has a balance and unity among its external features so as to present a harmonious appearance.

As proposed, the project height is taller than the maximum 28'6" height limitation throughout town. However, as discussed above in the Density Bonus section, the Applicant is requesting a concession from height limitations to accommodate the total unit count on the 2-acre development footprint. As designed, the front façade and first roof ridgeline comply with the 28'6" height restriction at 27' 6". The building gradually steps up to a three-story structure, with a maximum height of 38' 7" in the middle of the building and then reduces back down to 30' 11" at the rear. This variable height reduces the overall mass and bulk of the proposed structure and lessens its appearance as a tall apartment building. As designed, the proposed building is set back 40' from the front property boundary and is suitably positioned on the site. Material selection, including textures, colors, and other appurtenances, appear to be harmonious with the overall Town aesthetic.

Solar panels are included in the project application. The Applicant is including the solar panel infrastructure as part of the initial construction so that the panels can be installed at a later date. The panels as shown would not increase the height of the building (i.e., exceed the roof ridgeline) above the heights described above. The panels will not have any visual impacts which would warrant future design review approval.

The proposed project is consistent with all requirements for landscaping, screening, usable open

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space, and the design of parking and off-street loading areas set forth in the Town Code. The robust landscaping plan proposes to soften the front yard facing Sir Francis Drake with species and trees suitable for drought tolerant environments. The majority of off-street parking is located to the rear of the project and would thus be hidden from public view.

The proposed Senior Housing Project is located in an area of existing disturbance and would therefore protect the balance of natural features on site, including trees, shrubs, creeks, and rocks and the natural grade of the site.

The proposed landscaping is consistent with the requirement for screening service and storage areas from the street and helps to break up large expanses of paved areas while separating and screening parking lots from the street. The proposed building is designed in such a way that internal landscaped areas will separate building areas from paved areas to provide access from buildings to open space areas.

Pursuant to Fairfax Town Code § 8.36.050, the Applicant is required to submit a tree removal permit to the Tree Advisory Committee for review and approval of the proposed removals and suggested replanting plan. Although the proposed project will require up to 72 tree removals, only 42 trees were approved for removal within the construction zone by the Tree Committee in January 2017. The removal of the remaining 30 trees will require additional approvals by the Tree Committee. Of the total 72 trees, 26 trees are proposed for removal due to poor health or hazardous conditions. The majority of the remaining 46 trees proposed for removal are California bay laurel. The Applicant had a survey conducted and has had a tree protection plan prepared for of all trees within the development footprint.

Other Agency Comments/Conditions

The latest project comments from Marin Municipal Water District are attached to this staff report as attachment E.

Comments have also been received from the Ross Valley Fire Department as follows:

1. A fire alarm system shall be installed throughout all buildings, which complies with the requirements of the National Fire Protection Association (NFPA) 72 and local standards. A separate deferred permit shall be required for this system. Plans and specifications for the system shall be submitted by an individual or firm licensed to design and/or design-build alarm systems. This requirement is a deferred submittal and is required prior to building permit approval.
2. A private fire hydrant system is required for this project. The location of the proposed hydrant appears to meet minimum requirements. The actual placement of hydrants will be performed in the field and approved by a Ross Valley Fire Inspector. Fire hydrants shall be installed and made serviceable prior to delivery of combustibles to the construction site. This requirement shall be noted on building plan cover sheet.
3. A Vegetation Management Plan designed in accordance with Ross Valley Fire Standard #220 is required for this project. A separate deferred permit shall be required for this plan.

**Planning Commission – April 20, 2017
Victory Village Project**

Please submit directly to the Fire Department for review. This requirement is a deferred submittal on building permit plan set and is required prior to building permit approval.

4. Approved address numbers a minimum 6 inches in height shall be placed on all new and existing buildings above the doorway or in such a position as to be plainly visible and legible from the street or road fronting the property. Newly permitted buildings shall have a continually illuminated sign. Refer to RVFD Standard #205 for details.
5. Applicant may propose alternate materials or method in accordance with Section 1 03.3. All approved alternates requests and supporting documentation shall be included in the plans set submitted for final approval.

Comments have also been received from the Ross Valley Sanitation District.

1. An additional Condition of Approval has been added to address the need for the project to confirm to all requirements of the Ross Valley Sanitary District.

If comments from other agencies are received prior to the Planning Commission meeting, they will be provided to the Commission and the public at the meeting.

Ministerial Actions

Ministerial permits and approvals will need to be issued by the Town (or other appropriate agency) to allow site preparation, curb cuts, utility connections and other project features subject to ministerial permits.

CEQA

An initial study/mitigated negative declaration (IS/MND) was prepared to evaluate the proposed project and circulated for public review and comment in December 2016 and January 2017. Given the proposed changes to the project, including the zoning and the determination that the access to the project will be from Sir Francis Drake Boulevard, a revised IS/MND was re-circulated on March 29, 2017 in accordance with the California Environmental Quality Act ('CEQA'). The new 20+ day public comment period will close on April 19, 2017, the day before the Planning Commission's hearing.

Attached are the public comments received as of April 13, 2017. We have also included the comments received for the previous MND prepared for the project when we proposed amendments to the PDD zoning code. Any public comments received between April 14, 2017 and the close of the comment period will be distributed to the Planning Commission at the meeting. Staff will be prepared to respond verbally to the comments at the PC meeting. We will prepare the written responses to any CEQA comments received for the Town Council's consideration of the project.

**Planning Commission – April 20, 2017
Victory Village Project**

FINDINGS

The findings necessary to support each of the actions discussed above are included in the ordinances and resolutions attached to this staff report in which the Planning Commission is being requested to take action.

RECOMMENDATION

1. Conduct Public Hearing.
2. Adopt Planning Commission Resolution No. 17-12 Recommending Approval of Mitigated Negative Declaration and Adoption of Mitigation Monitoring and Reporting Program
3. Adopt Planning Commission Resolution No. 17- 13 Recommending Approval and Adoption of General Plan Amendment, Zoning Ordinance and Map Amendment, Parcel Map, Density Bonus, Design Review, Traffic Impact Permit, and Excavation Permit

ATTACHMENTS

- A. Resolution No 17-12
- B. Resolution No. 17-13
- C. Letter from RCD regarding changes to the project
- D. Revised Elevations of the Proposed Development
- E. MMWD letter dated 4/14/17
- F. 8/10/16 Fairfax Open Space Committee letter
- G. Correspondence received from the public
- H. Frequently Asked Questions



MARIN MUNICIPAL WATER DISTRICT

220 Nellen Avenue Corte Madera CA 94925-1169

www.marinwater.org

April 14, 2017
Service No. 39987

Linda Neal
Fairfax Planning Dept.
142 Bolinas Rd.
Fairfax, CA 94930

RE: WATER AVAILABILITY – Redevelopment and Lot Split
Assessor's Parcel No.: 174-070-17
Location: 2626 Sir Francis Drake Blvd., Fairfax

Dear Ms. Neal:

The above referenced parcel is currently being served. The purpose and intent of this service are to provide water to a church. The proposed demolition of the existing structures, subdivision of the existing parcel into three lots and construction of a 54-unit senior housing facility will not impair the District's ability to continue service to this property; however, the property's current annual water entitlement of 0.38 acre-feet will be insufficient for this new use. Therefore the purchase of additional water entitlement will be required.

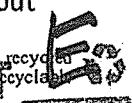
Please note, the proposed parcels labeled as "Lot 2" and "Lot 3" on the submitted plans will not meet the conditions for service as set forth by the District which state in part: "the property must be fronted by a water main; the structure must be within 125 feet of the water main." Under these conditions, water service to those proposed lots will require a pipeline extension from the end of the District's existing facilities. The applicant must enter a pipeline extension agreement for the installation of the necessary facilities and said agreement must be approved by the District's Board of Directors. All costs associated with a pipeline extension are borne by the applicant.

Upon completion and acceptance of these facilities this property will be eligible for water service upon request and fulfillment of the requirements listed below.

1. Complete a High Pressure Water Service Application.
2. Submit a copy of the building permit.
3. Pay appropriate fees and charges.
4. Complete the structure's foundation within 120 days of the date of application.
5. Comply with the District's rules and regulations in effect at the time service is requested.
6. Comply with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Plans shall be submitted, and reviewed to confirm compliance. The following are required:
 - Verification of indoor fixtures compliance
 - Landscape plan
 - Irrigation plan
 - Grading plan

Any questions regarding District Code Title 13 – Water Conservation should be directed to Water Conservation Department at (415) 945-1497. You can also find information about the District's water conservation requirements online at www.marinwater.org.

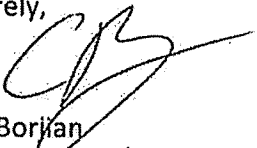
ATTACHMENT



7. Comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1558.
8. Comply with Ordinance No. 429 requiring the installation of gray water recycling systems when practicable for all projects required to install new water service and existing structures undergoing "substantial remodel" that necessitates an enlarged water service.

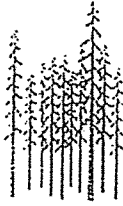
If you have any questions regarding this matter, please contact me at (415) 945-1531.

Sincerely,



Chris Borjian
Engineering Technician

CB



Fairfax Open Space Committee

August 10, 2016

TOWN OF FAIRFAX

Mr. James Moore and Ms. Linda Neal
Town of Fairfax Planning Department
142 Bolinas Road
Fairfax, CA 94930

AUG 11 2016

RECEIVED

Dear Mr. Moore and Ms. Neal,

Thank you for providing the Fairfax Open Space Committee (FOSC) the opportunity to review and submit comments regarding the Victory Village development proposal for affordable senior housing located at the current site of Christ the Victor Lutheran Church in Fairfax.

Based on the current design, as shown in the plans dated 6/15/16, below are the issues identified by FOSC, through the FOSC subcommittee formed for the purpose of this review:

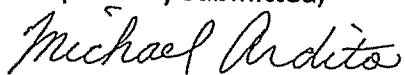
- **Aesthetic view to maintain ridgeline.** We are concerned that the three-story structure may obstruct existing views from the Sir Francis Drake scenic corridor of the open space ridgeline on the north side of the boulevard. We suggest view studies assess this concern. The goal of the Fairfax General Plan's Open Space element OS-3.2.3 is to prevent development from blocking or impairing existing views of visually significant areas.
- **Trail connectivity.** We believe there are current hiking trails that have been used for decades that cut across the Lutheran Church property. We believe that at the back of the property there are trails that connect with open space lands such as the Loma Alta Open Space Preserve. FOSC believes that these trails already are public access ways and should be expressly identified and acknowledged as such.
- **Intermittent streams.** It appears that during the rainy season there are one or more streams that flow through the property. We are concerned that the streams have been severely degraded and need to be restored to more natural function and not further impacted by the development.
- **Open space retention.** We are pleased to know that the 18 acres in the back of the property may be preserved as permanent open space. We are also pleased to know that the outdoor stage, amphitheater, and basketball courts are planned to be not

ATTACHMENT F

demolished but will be retained on one parcel of open space. The goal of FOSC is to have the open space preserved.

On behalf of FOSC and the FOSC Subcommittee (Jack Judkins, Chris Powers, Michael Simler and Michael Ardito), these are the comments we have at this time. We appreciate being kept informed of project progress and the need for any further FOSC review or help with the open space element.

Respectfully submitted,



Michael Ardito

FOSC Acting Chair / Co-Secretary

Email: michael.ardito@sbcglobal.net

Cell phone: 415-298-8405

cc: Alicia Klein, Resources for Community Development

Planning Commission Meeting
April 20, 2017
Agenda Item No. 1
Proposed Victory Village Project

Linda Neal

From: Larry Kennings <larry@lakassociates.com>
Sent: Sunday, December 04, 2016 1:15 PM
To: AKlein@rcdhousing.org; aklein@rcdev.org; Linda Neal; Pam Goode; Garrett Toy; Sean Kennings
Subject: Fwd: Victory Village

TOWN OF FAIRFAX

Sent from my iPhone

DEC 05 2016

Begin forwarded message:

RECEIVED

From: Susanne Chaney <susannechaney@me.com>
Date: December 4, 2016 at 2:08:46 PM MST
To: larry@lakassociates.com
Subject: Victory Village

Concerns re construction

I suffer from a very serious lung disorder and live very near to the construction of this project. I'm concerned that dust and other pollutants will seriously impact the daily walks and other activities I enjoy in my home and neighborhood.

How are you going to protect me from increased costs to me to have my home cleaned more often and perhaps having to power wash decks and patios to keep my home dust free.

Also I am concerned after inspecting the proposed project today that it's too large and that too many trees are being sacrificed. I'm also against it being three stories.

I would be more comfortable if it were two stories and less bulky

There also is not enough parking.

The design also doesn't fit into the woodsy cottage feeling of the neighborhood.

Everything else seems to fit into the surrounding landscape. This design feels more like a big city design than a design for Fairfax. I feel it changes completely the character of our town.

The colors proposed are also not pleasing.

I also object to having the little trees in front cut down as they were planted by children to remember 911.

Susanne Chaney

Sent from my iPad

To: FAIRFAX PLANNING COMMISSION
From: Board of Directors
Village West Homeowners Association (Fairfax)
Date: December 5, 2016
Subject: **CONCERNS ABOUT WATER MANAGEMENT PLAN for the
Victory Village Project (2626 SF Drake Boulevard in Fairfax)**

Village West is a planned unit development of 68 townhomes located at the west end of Fairfax, directly across the street from the Cañon Village complex and the Christ Lutheran Church property at 2626 Sir Francis Drake Boulevard—site of the proposed Victory Village project.

Members of the Village West Board attended the Victory Village Informational Meeting on November 29th at Christ Lutheran Church. We heard about the proposed plan for water management on the property and are concerned that the plan might be inadequate. You need to know that:

- Historically, Village West has had a problem with rainwater flowing across Sir Francis Drake Boulevard from the church property onto the lower-lying ground at Village West.
- Water flows through our complex toward Fairfax Creek, which runs through the center of Village West. In years of heavy rainfall, there has been flooding in garages as the rainwater flows through Village West toward the creek.
- In the flood of December 31, 2005, run-off from the hillside of the church property, combined with overflow of the storm drains at the church, contributed to the flooding of many homes at Village West.

We want to be sure that the Victory Village water management system is adequate to handle large volume of run-off from the hillside and prevent overflow across Sir Francis Drake Boulevard.

We would like this letter to be placed on record at the public hearing of the Fairfax Planning Commission on December 15, 2016.

Village West contact person:
Jean Moore, Village West Board Secretary (415-453-3021)

cc: Linda Neal (Fairfax Principal Planner)
Larry Kennings (LAK Associates) larry@lakassociates.com
Resources for Community Development (2220 Oxford Street, Berkeley, CA 94704)

Linda Neal

From: Patti Breitman <eatplants@earthlink.net>
Sent: Monday, December 05, 2016 3:12 PM
To: Linda Neal
Subject: Please say yes to Victory Village

Dear Linda and other planning commissioners, (Thank you for forwarding this to them, Linda.)

I wrote a similar letter to the town council members last week, and they suggested that I write to the planning commission as well. Since I wrote this, the tragic fire in Oakland reminds me that a lack of affordable housing leads people to live in unsafe spaces. I know a number of people who are sleeping in their cars, living on rickety boats as "anchor outs" in Sausalito, and sleeping in the hills or behind commercial buildings. Affordable housing is a public health issue, and lives are at stake.

I am writing as a 25 year resident of Canon Village to enthusiastically support the building of Victory Village (although I would prefer another name for the project). I like that a resident manager will live on site, and that the land is being used for people in need, not more luxury housing. I like having seniors as neighbors. We in the over 62 crowd tend to be more quiet, kind, and respectful than we were in our youth.

As to worries about traffic on Sir Francis Drake Boulevard, I hope you will share these ideas with those concerned:

1. The school that was on that property had far more people coming and going every day than these residents will.
2. Senior residents will, most likely not be traveling during peak commute hours and won't be driving children to and from school.
3. I will offer rides to the residents every time I have a regularly scheduled trip to San Rafael. Others in Canon Village can do the same, for our own neighbors here in Canon Village and for the residents of Victory Village. A simple website could allow us to post ride sharing offers and needs. We are all aging, and at some point, even if just for a temporary setback, we will all need rides.

As to construction concerns:

The need for affordable housing, especially for seniors, is enormous. A year (or less) of inconvenience for us in Canon Village is a small price to pay to enable seniors without means to live with dignity for the rest of their lives.

Like the rest of Marin and the Bay Area, Fairfax has become out of reach for the vast majority of people living on Social Security and a small pension. Our town's tradition of forward thinking and compassionate choices will be sustained by the addition of Victory Village.

The presentation by RCD Housing was very well done last week. Their design is thoughtful, efficient and quite attractive. I found myself wishing I could live there myself. Please add my voice to the chorus advocating for this building on the church site. And let me know how else I can be helpful in making it happen.

With all best wishes,

Patti Breitman

12 Rally Ct.
Fairfax, CA 94930
415 459 1666

Gmail - Victory Village - Affordable Housing

kevin morris <kmorris1970@gmail.com>
To: kevin morris <kmorris1970@gmail.com>

Tue, Dec 6, 2016 at 11:21 AM

Town of Fairfax Planning Department

142 Bolinas Road

Fairfax, CA 94930

TOWN OF FAIRFAX

DEC 08 2016

RECEIVED

RE: Victory Village - Affordable Housing

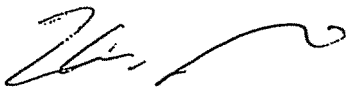
I am writing to express to express my opposition to this project as it is currently proposed.

I am opposed to this project for 2 main reasons:

1. I believe that a 3-story structure of this size is not appropriate in this particular location. There are no other buildings of this height in the proximity of this proposed development. It simply does not fit into the neighborhood scheme and would be a true eye-sore.
2. I also cannot support this project where a 54-unit development is only allocated 39 parking spaces. I would think that at a minimum, 1 parking space per unit should be the plan. And that plan would not allow for any visitor parking. I understand that not all seniors are car-drivers, but I do believe that the majority of them still do drive. The lack of sufficient parking included in this building plan will result in a serious overflow of additional cars parking in the surrounding area.

For these reasons, I am voicing my opposition to this project in its current proposed form.

Thank you.



Kevin Morris
17 Rally Court
Fairfax, CA

[Quoted text hidden]

Linda Neal

From: Spirit L Wiseman <spiritji@aol.com>
Sent: Tuesday, December 06, 2016 1:05 PM
To: Council Member Barbara Coler; Mayor Renee Goddard; Council Member John Reed; Council Member David Weinsoff; Council Member Peter Lacques; Garrett Toy; Linda Neal; nfragoso49@gmail.com; laura@fdivinearchitects.com; bruce@laughingcrows.net; mimi.newton@gmail.com; phil@greenandgreen.com; meg-p@comcast.net; cindyswift@sbcglobal.net
Cc: spiritji@aol.com
Subject: Not sure my letter went through so second email please ignore if already received concerning support of senior housing

To the Town of Fairfax,

I have lived in Fairfax since the 1970's and well aware of the changes our Town has gone through since that time. I also presently live in Canon Village, next to the proposed project and work in Fairfax at Bradley Real Estate. So I know a bit more than most about housing and traffic in the immediate area.

I write in support of the project and basically beg you to do whatever you can to move forward with affordable senior housing. Do I want to live next to something that might look like the Marriott Hotel named "Victory Village"....well not really but this comfortable way of thinking is not an option.

As a Realtor it breaks my heart that people can no longer afford to live in my town. We have seen in recent years an influx of people from Silicon and the City bidding up some homes hundreds of thousands beyond the asking price because they received a one million dollar bonus from Twitter. Fairfax has become a very desirable location. We need and must keep the balance here

I nearly lost my little Condo in Canon Village in the housing crisis to foreclosure. So I know what it feels like to face homelessness, worry and concern about housing, The rents have been rising to a place that borders on unethical. It really is completely crucial that some balance is put into place.

As I live in Canon Village I know the traffic flow well and really the only time there is a problem is when school is in session as so many parents seem to drive the kids back and forth in a single car.

Seniors living in Senior housing are not likely to be driving kids to school, plus I know some seniors who live in Canon Village who do not drive much at all. We have bus stops nearby.

There appear to be some loud voices against the project which are fear based. Please do not let these voices run the show or think they represent the majority because they do not. My friends and neighbors very much support the project even if they are not appearing at meetings and writing letters. The voices I hear against it, I happen to know live in comfortable homes and seem to not understand the whole picture. They have not faced being a senior on limited income or near homelessness.

It dismays me when traffic is used as a road block argument but PLEASE don't buy it... I live right here....I see the situation everyday and it can easily handle the few cars extra on the road from Senior housingunlikely for all 62 cars to leave the parking lot at the same time.....We have 109 places here in Canon Village and we have no traffic issue outside of school time.

Please listen to reason not fear and help move this project forward, it is timely and crucial and the responsibility of the town to support senior housing at this time and in this place.

Thank you for reading my email,

Spirit Wiseman
9 Herrea Dr
Fairfax, Calif 94930
415-847-4828

Spirit L Wiseman
Bradley Real Estate
Chairman's Club 2013/2014/2015
415-847-4828

Spirit L Wiseman
Bradley Real Estate
Chairman's Club 2013/2014/2015

415-847-4828

<http://www.zillow.com/profile/spiritwiseman/>

Linda Neal

From: Stan Rosenfeld <vegstan2@ix.netcom.com>
Sent: Tuesday, December 06, 2016 2:51 PM
To: Mayor Renee Goddard; Council Member John Reed; Council Member David Weinsoff; Council Member Peter Lacques; Garrett Toy; Linda Neal; bcoler@townoffairfax.or; geomonley@earthlink.net
Cc: nfragoso49@gmail.com; laura@fdivinearchitects.com; bruce@laughingcrows.net; mimi.newton@gmail.com; phil@greenandgreen.com; meg-p@comcast.net; cindyswift@sbcglobal.net
Subject: A neighbor in favor

Dear Town Council and Planning Commission members:

I own two units in Canon Village: 12 Rally Ct. and 17 Deuce Ct. And I wish I could write you two letters in support of the new building planned for the Lutheran Church lot, but I know that one must suffice.

The only drawback to this very much needed affordable housing for seniors is that a number of trees must be cut down for the project. In other circumstances I'd be loudly protesting this, but housing that's affordable is so desperately needed, that I am strongly in favor of it despite the tree issue. I do hope that the town will hold the developer to its promise to replant at least one tree for every one being cut for the building.

Any complaints about traffic are not valid in my mind because most residents won't be driving during school commute hours, and that's the only time when too many cars are an issue.

Since moving to Canon Village in 1991, there was new housing built on June Ct. across from Canon Village; at Shadow Creek next to Lefty Gomez field; off Oak Manor, and now above the 7-11 on SFD Blvd. These are all luxury homes that were expensive when they were new and are now valued at astronomical prices. Our town – and the entire county – needs affordable housing. I cannot imagine a more attractive building plan or a more appropriate place than this new planned residence.

Thank you for doing the right thing. Thank you for supporting this project. (And for following up with the promised re-planting of trees)

Sincerely,
Stan Rosenfeld
12 Rally Ct.
Fairfax, CA 94930
415 459 4668

Linda Neal

From: Elizabeth Greason <epgreason@comcast.net>
Sent: Wednesday, December 07, 2016 5:37 PM
To: Council Member Barbara Coler; Mayor Renee Goddard; Council Member John Reed; Council Member David Weinsoff; Council Member Peter Lacques; Garrett Toy; Linda Neal; nfragoso49; laura; bruce; mimi.newton; phil; meg-p; cindyswift
Subject: Senior Housing Project

Dear Town of Fairfax,

I am writing to urge you to approve the Senior Housing Project in Fairfax. I am a psychotherapist and live on Chester Ave. in Fairfax. It seems to me that a Senior Housing Project in Fairfax with affordable housing is an obvious need for our community as the housing market has sky rocketed and prices are astronomical and are far out of the reach of many us today.

I understand that the main objection is that there will be more problems with traffic but I do not believe this will be the case. Traffic is at it's highest when children are dropped off at school. Many seniors are not driving at that time of day and from what I hear from friends living at Cannon Village the morning are the only time this might be an issue.

I have not been to any of the town meetings but I feel strongly that this is the right thing for us to do.

I hope you will approve the project.

Thank you.

Elizabeth Greason, LCSW

Linda Neal

From: Garrett Toy
Sent: Monday, December 12, 2016 8:52 AM
To: Linda Neal
Subject: FW: Victory Village questions

Fyi: can't recall if I forwarded this to you.

Thanks

Garrett

From: Fees, Bridget [mailto:Bridget.Fees@smith-nephew.com]
Sent: Friday, December 09, 2016 1:13 PM
To: Garrett Toy <gtoy@townoffairfax.org>
Cc: Bridget Fees <btfees@gmail.com>
Subject: Victory Village questions

Hi I am writing to express my sincere concern that the Victory Village is at its final vote for our town. With traffic conditions as bad and complete congestion on our roads, the idea of bringing in housing at this scale is absurd! A very poor decision on the part of the city council. Who can I speak with directly about this situation. I want to be heard and updated about the community I live, work and own a home in. I feel that this project was brought in under the guise of something good for the community when it will be the complete opposite.

Thank you and I look forward to your response.

Bridget



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Bridget.Fees@smith-nephew.com |

M 415.515.7692

www.MyTonsils.com

www.RapidRhino.com

www.smith-nephew.com

Planning Commission
142 Bolinas Road
Fairfax, CA 94930

RECEIVED
DEC 13 2016
TOWN OF FAIRFAX

I am writing this letter in support of senior housing planned at Canon Village.

The need for affordable housing is crucial.

I like very much that property in Fairfax could be used for people in need of a residence rather than more luxury housing.

Thank you for your consideration,

Alice Lucas
130 Manor Road
Fairfax, CA 94930

P.S. I have lived in my Fairfax home since 1981. I have lived in Marin all my life.

Linda Neal

From: Michele Gardner
Sent: Wednesday, December 14, 2016 9:47 AM
To: Linda Neal
Subject: FW: Senior housing

Hi Linda.
For your records.
Thanks,
Michele

-----Original Message-----

From: Sue [mailto:suelamorte@yahoo.com]
Sent: Wednesday, December 14, 2016 9:16 AM
To: Michele Gardner <mgardner@townoffairfax.org>; Sue <suelamorte@yahoo.com>
Subject: Senior housing

I am writing to express my support for the idea and the plans. I have followed it closely via the newspapers. Senior housing is much needed. Thank you Fairfax for stepping in and participating. I am sure there are details but such a worthy project requires all our support.

Suellen Lamorte.

Commission on aging. Town of San anselmo. Writing as a private citizen.

Sent from my iPhone

Linda Neal

From: Danielle Salk <dvsalk@gmail.com>
Sent: Tuesday, December 13, 2016 1:32 PM
To: Council Member Barbara Coler; Council Member Renee Goddard; Mayor John Reed; Council Member David Weinsoff; Vice Mayor Peter Lacques; Garrett Toy; Linda Neal; nfragoso49; laura; bruce; mimi.newton; phil; meg-p; cindyswift
Subject: in support of senior housing

Hello,

I live very close to the proposed senior housing and I want to say that I am in support of it. We need it in our community and I do not feel it will too adversely impact the traffic (building it will, but not once the housing is in).

I sell homes in Fairfax and I live here. I hope we can keep Fairfax special by allowing for people to remain here.

Warm regards,

Danielle Salk, Broker Associate
Bradley Real Estate
Chairman's Club 2012, 2013 & 2014
DRE # 01279207
415-250-5361
dvsalk@gmail.com
<http://www.linkedin.com/in/daniellesalk>
<http://www.daniellesalk.com>

Trulia :

<http://www.trulia.com/profile/danielle-salk-broker-94960-4458882/reviews>

Zillow:

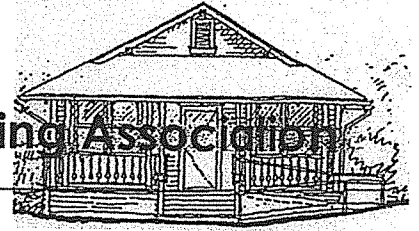
<http://www.zillow.com/directory/real-estate-agents/Danielle-Salk/?frmsrch=true>

Yelp:

<http://www.yelp.com/biz/danielle-salk-san-anselmo>

San Geronimo Valley Affordable Housing Association

P.O. Box 152 Woodacre, CA 94973 415-488-4890



Board of Directors

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Bill Blanton Dahlia Kamesar
Kit Krauss Howie Cort
Laura Sherman Joe Downey
Joe Walsh Maya Gladstern
Reede Stockton Mike Cusick

December 14, 2016

To: Fairfax Town Council
Fairfax Planning Commission

The San Geronimo Valley Affordable Housing Association is a nonprofit 501©3 organization that was established more than 40 years ago to address housing issues in our community. Its mission is to create, preserve and manage affordable housing in the San Geronimo Valley and beyond.

Marin County, including Fairfax and our local towns and villages in the Valley and West Marin, is now in the midst of a housing crisis that is affecting senior adults, families with children, young adults, working people and retirees. Affordable housing is essential to sustain the demographic, social and economic diversity our communities.

We strongly believe that the Victory Village project will be an important step in providing much needed housing for senior adults. The skyrocketing costs and scarcity of affordable rentals is forcing many seniors who have lived in Marin County for many years to be displaced from the support systems, friends and neighborhoods, and social services that they rely on for their health, longevity and well-being.

We fully support the Victory Village senior housing. This project has the ability to set an excellent example for other towns and villages to welcome and support our growing population of vibrant senior adults who enrich our communities in so many ways.

Sincerely,

Board of Directors
San Geronimo Valley Affordable Housing Association



December 14, 2016

BOARD

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Elaine Lyford-Nojima,
Coordinator

PO Box 9633
San Rafael, CA 94912
www.MarinMEHC.org

Planning Commission
Town of Fairfax
142 Bolinas Rd.
Fairfax, CA 94930

Dear Chairperson Kehrlein:

The Marin Environmental Housing Collaborative (MEHC) is an organization of advocates who support affordable housing that respects environmental values and social justice. We strongly urge that your Commission recommend the Victory Village senior housing project to the Town Council for approval.

Victory Village is an extraordinary example of affordable housing that addresses a critical need while enhancing environmental resources.

The need for affordable senior housing is critical in Marin, and getting worse. Seniors are the fastest growing age group in the County. This is particularly true in Fairfax, where the number of persons 65 years or older rose from 693 to 950 from 2000 to 2010, a 30% increase. In 2012 more than 20% of Fairfax householders were 65 or older. Most seniors live on limited fixed incomes, and, as a group, they suffer disproportionately from poverty. Moreover, as seniors get older, many develop special needs relating to accessibility.

Victory Village will go a long way in addressing Fairfax's senior housing needs. About half of the units will be reserved for people earning up to 30% of the average median income (AMI), and the remainder will be for households making up to 50% of the AMI. The units will be fully assessable to residents with physical disabilities.

We know that when lower income households pay more than 30% of their income for housing, they have to cut back on food, clothing, and transportation resources. *Victory Village will save 53 senior households from poverty living conditions.*

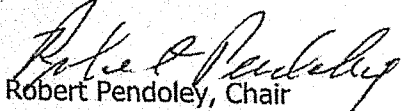
Aesthetically, the design is very attractive and appropriate at this gateway to West Marin. The building massing is nicely articulated, as are the facades. The design is harmonious with surrounding buildings and relates well with the total setting. The craftsman style is very appropriate to Fairfax, and is well executed. We strongly agree with the assessment in the staff report that the gradual step-up in height from 2 to 3 stories reduces the apparent massing of the project and avoids the appearance of a tall apartment building.

All donations go to MEHC's fiscal sponsor, EAH Housing, a nonprofit, non-stock corporation recognized by the IRS as exempt from income tax under Internal Revenue Code Section 501(c)(3). EAH generously contributes all donations to MEHC, pro bono. Your donation is tax exempt.

Victory Village will be an environmental asset to the community. The design is environmentally friendly, with drought tolerant landscaping, an upgraded drainage system to address potential flooding problems, and high quality construction materials. Construction will be limited to the two acres that are already developed, thereby avoiding disturbing any existing green space. The remaining 18 acres will be divided into two parcels with the potential for no more than one unit on each. We understand that there is a movement and general support to put these two remainder parcels in permanent open space, which MEHC would support.

MEHC stands for environmental protection, affordable housing, and social justice. It is unusual to have a development proposal that addresses these values so effectively. We strongly urge that you recommend Victory Village to the Town Council for approval.

Sincerely,



Robert Pendoley, Chair

Marin Environmental Housing Collaborative

All donations go to MEHC's fiscal sponsor, EAH Housing, a nonprofit, non-stock corporation recognized by the IRS as exempt from income tax under Internal Revenue Code Section 501(c)(3). EAH generously contributes all donations to MEHC, pro bono. Your donation is tax exempt.

Linda Neal

From: Michele Gardner
Sent: Wednesday, December 14, 2016 9:47 AM
To: Linda Neal
Subject: FW: Senior housing

Hi Linda.
For your records.
Thanks,
Michele

-----Original Message-----

From: Sue [mailto:suelamorte@yahoo.com]
Sent: Wednesday, December 14, 2016 9:16 AM
To: Michele Gardner <mgardner@townoffairfax.org>; Sue <suelamorte@yahoo.com>
Subject: Senior housing

I am writing to express my support for the idea and the plans. I have followed it closely via the newspapers. Senior housing is much needed. Thank you Fairfax for stepping in and participating. I am sure there are details but such a worthy project requires all our support.

Suellen Lamorte.

Commission on aging. Town of San anselmo. Writing as a private citizen.

Sent from my iPhone

Submitted at the 12/15/16 Commission meeting

December 15, 2016

To: The Fairfax Planning Commission
Ms. Laura Kehrlein, Chair
Ms. Norma Fragoso, Vice-chair
Mr. Philip Green
Ms. Esther Gonzalez-Parber
Ms. Cindy Swift
Mr. Bruce Ackerman
Ms. Mimi Newton

From: Sandy Claire (retired senior citizen and homeowner) - Village West, Fairfax, CA

"Victory" Village Senior Housing Proposal

Dear Planning Commission:

I was among several local residents who attended the informational meeting on November 29th at which the Resources for Community Development (RCD) presented their plan for "Victory" Village. I don't believe many people object to the construction of a low-cost senior housing development on the former Christ Lutheran Church property. However, I do believe there are several concerns about the *scale* of the project (especially the possibility of "bonus" concessions) and the failure of the RCD to grasp the *parking* and *traffic* situation in this part of Fairfax. I also feel that RCD is not particularly sensitive to the *local culture* and environment of the area.

Here is a breakdown of what surrounds the proposed "Victory" Village property.

Cañon Village	adjacent	100+ units	private parking	two story units
Village West	across SFD Blvd.	68 units	private parking	two story units
June Court	across SFD	8 units	private parking	two story units
Kingdom Hall of Jehovah's Witnesses	2600 SFD	n.a.	private (locked, gated parking)	one story bldg.
Creekside Apts.	2575 SFD	≈ 48 units	private parking	two story bldg.
Lanai Apts.	2555 SFD	≈ 33 units	private parking	two story bldg.
Drake Manor Apts.	2525 SFD	16 units	private parking	two story bldg.

Scale

The proposal to have senior housing on this site has been around for several years. Initially, I think I remember hearing that 6 units were planned. So it was quite a surprise when RCD said it was pushing for 54 units with only 39 parking spaces. The 54 units is the maximum (rather than 40 units) if RCD is allowed to receive "bonus concessions" -- which amount to an additional 14 units and also being allowed to build to a three-story height rather than complying with local height regulations.

I hope the Planning Committee will look long and hard at the "bonus concessions" possibility and decide to scale this building back to the basic 40 units -- a much more appropriate number of units for the area and a more appropriate height. Creating 40 units is still represents a high density number. Also there are no other buildings in this area that are three stories high.

Parking

I have lived in Village West for 17+ years. Parking has always been a problem in this area. There is no parking on Sir Francis Drake Blvd. from the west end of Olema back to the 7/11 at Manor. Parking was eliminated about 20 years ago to create bike lanes which are really used primarily by the road bikers that arrive on the weekends. All parking is private.

There was general consensus at the November 29 meeting that the number of parking places for the development is unreasonable. RCD (a business in Berkeley) seems to be unaware that this part of Fairfax is not in an urban area with frequent transit, BART, etc.). They tell us that seniors will not be driving or need cars, but rather will ride bikes and happily choose to use public transportation. This seems like an ideal life view, but one that may be a bit naive. People are not giving up their cars. And where will family, visitors, health providers, and residents park? We certainly hope they won't park at Village West, on June Court, in Cañon Village, etc. Parking is such an issue that the Kingdom Hall of Jehovah's Witnesses Church, just east of the proposed senior housing, blocked off the entrance of their parking lot with a locked gate a few years ago.

Traffic

Another concern is the amount of traffic that is almost a constant (especially morning and afternoon/evening) at this section of Sir Francis Drake Blvd. Anyone who lives in this area knows that there will undoubtedly need to a flashing light at the cross walk on SFD near the east end of Mitchell Drive. And let's not kid ourselves, there will probably need to be an actual stop light at some point. Please consider the amount of traffic when you are considering the addition of 40-54 units with the residents and their vehicles and their visitors and their service providers.

Local Culture

The promotional rhetoric used by RCD also seems a little manipulative. Let's remember that non-profits are still in business to make money and to support and grow their organizations. Construction companies are for profit operations. Selling the church property is the result of a church that could not financially sustain itself. The choice to make the property available for senior housing is admirable, but this ultimately is a business proposition.

RCD's crown jewel is located in Berkeley -- The Brower Center Complex that is coupled with the Oxford Plaza, an affordable housing project. Across the Bay in urban Berkeley, the Oxford Plaza provides a multi-story facility with 97 units and 40 residential parking spaces (below ground level with a parking lift system). Oxford Plaza is one block (a 3-minute walk) to the BART Station on Shattuck Avenue. There was a huge fight in Berkeley between RCD and Berkeley residents. Ultimately RCD got their "victory" with Oxford Plaza. RCD is going to fight for their "big" proposal as evidenced by the large number of staff and consultants present at the November 29th meeting. I want to point out again that West Fairfax is not a transportation hub. A large complex with inadequate parking is not acceptable.

Many of us sense that our local community is being bulldozed by an outside organization that doesn't really want serious input from long-term local residents. This was evident at the November 29 meeting when numerous attendees mentioned the parking and transportation issues, and RCD staff seemed to rush them along and just focus on their housing proposal as though it were a done deal.

Please think carefully about this project. It is too BIG. Don't let this be West Fairfax's own little Win-Cup eye-sore. You have an important responsibility to balance the need for senior housing with a respect for the local culture, more rural environment, and long-time residents. This site does not need to attempt to take on the whole senior housing quota for Fairfax.

Please recommend that this project be scaled back to 40 units with no third story. Insist that there be a requisite and realistic number of parking places.

Thank you for your consideration.

Michael W. Graf
Law Offices

227 Behrens St.,
El Cerrito CA 94530

Tel/Fax: 510-525-1208
mwgraf@aol.com

December 15, 2016

Via Email Submission
Town of Fairfax Planning Department
142 Bolinas Road
Fairfax CA 94940
Attn: Linda Neal (lneal@townoffairfax.org)
James Moore (jmoore@townoffairfax.org)

Re: Town of Fairfax's CEQA Review for Victory Village Senior Housing Project

To Whom it May Concern:

I am writing on behalf of Community Venture Partners, Charles Cornwell and other Fairfax residents in regards to the Victory Village Senior Housing Project. The Project proposes a lot split into three parcels, with a 53 unit housing project on the smallest parcel. The Project proposes General Plan and zoning amendments necessary for project approval and amendments to the zoning code proposing streamlined review process for all 'opportunity areas' identified in the General Plan.

We have concerns about the manner in which the Town is currently reviewing this Project under the California Environmental Quality Act ("CEQA") Pub. Res. Code §§ 21000 *et seq.* Currently, the Town is proposing to adopt the project along with a mitigated negative declaration ("MND") under CEQA. On November 30, 2016, the MND was circulated for a twenty day comment period, the minimum required under CEQA, *see* Pub. Res. Code § 21091(b), along with *456 pages of project materials*. That comment period for this massive amount of information is set to expire on December 20, 2016, in the middle of the holiday season. As far as we are aware, prior to this, there had been *no hearing* held by the Town, alerting the public about the Project.

Given these facts, we would request that the Town extend the CEQA comment period on the Project until into the second week January 2017, in order to allow citizens to get up to speed on what the Town is proposing, and not have to do so in the middle of the holidays when people are busy and distracted with a multitude of activities. Here, an extension is warranted, given that this project has apparently been in the works for years and that the Town's choice of a CEQA review period right in the middle of the holiday season at this time raises some troubling questions about its commitment to citizen input.

A further concern is the timing of tonight's Planning Commission hearing, at which staff is proposing the Commission adopt resolutions recommending to the Town Council approval of the Project and MND, as well as necessary amendments to the Town General Plan and zoning code. Here, the Commission is proposing to recommend adoption of the MND before the public comment process has been completed. How can the Commission make such a recommendation when it has not considered public comment pursuant to CEQA?

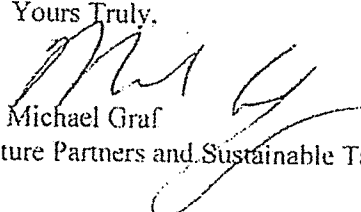
In *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 130-131, the Supreme Court noted that to "be consistent with CEQA's purposes, the line [for conducting CEQA review] must [not] be drawn so...late that such review loses its power to influence key public decisions about those projects." In our view, the Planning Commission's proposed Resolutions are entirely premature given that the CEQA process is still underway and no one in the Town has even considered public input on the project or MND. See Pub. Res. Code § 21091(d)(1) (lead agency shall consider comments it receives on proposed mitigated negative declaration.)

Here, the Town's process violates a central purpose of CEQA that environmental review take place during and not after the agency planning process. See *Save Tara, supra*, 45 Cal.4th at 130 ("[T]he later the environmental review process begins, the more bureaucratic and financial momentum there is behind a proposed project, thus providing a strong incentive to ignore environmental concerns that could be dealt with more easily at an early stage.")

Finally, we have concerns about the substance of the Town's actions and project including traffic impacts, aesthetics etc. In particular we are concerned about the Town's proposal to amend the Town's Planned Development District Ordinance (Fairfax Town Code Chapter) to allow for a future streamlined review process for sites such as this one that are identified as Opportunity Sites in the Town's Housing Element. To our knowledge, the MND does not address the cumulative effects of developing these sites, nor does it direct the reader to any prior Environmental Impact Report that has done such an evaluation.

The need for affordable senior housing is clear, but in order to provide for such housing, the Town must retain the trust of its citizenry. The Town's procedure so far on this Project does not engender such trust. At this juncture we reiterate our request for a comment period extension until the second week in January. We also request that the Planning Commission hold off on any decision on this project until CEQA review is completed.

Yours Truly,


Michael Graf

On behalf of Community Venture Partners and Sustainable Tam/Almonte

cc: Town Council via email

Community Venture Partners, Inc.
A Catalyst for Sustainable Solutions

December 20, 2016

Via Email Submission

Town of Fairfax Planning Department
142 Bolinas Road
Fairfax CA 94940

Attn: Linda Neal (lneal@townoffairfax.org)
Garret Toy (gtov@townoffairfax.org)

Re: Fairfax's CEQA Review for Victory Village Senior Housing Project

Dear Ms. Neal:

Community Venture Partners ("CVP") is submitting this comment letter on behalf of Charles Cornwell and other concerned residents of Fairfax. Our comments regard the proposal before the Fairfax Planning Commission to recommend the Victory Village Senior Housing Project (the "Project") for approval, its Initial Study and proposed adoption of a Mitigated Negative Declaration, and its requisite General Plan Amendment and the Planned Development District Ordinance, and approval of the zoning text and map amendments, a parcel map, a density bonus agreement, design review, and excavation permit and a traffic impact permit as first submitted to and heard by the Fairfax Planning Commission on December 15, 2016.

This letter is a companion letter to the previous correspondence on this project by our legal counsel, Michael Graf, dated December 15, 2016, and is incorporated herein, by reference.

Let me state from the outset that our comments are not about senior housing, per se, or the need for affordable senior housing in Fairfax and Marin County. CVP fully supports the important goal of providing affordable senior housing. However, we believe that any project proposed to meet that goal must be appropriate to its location and neighboring community, and its approval process must be transparent, equitable to all concerned, and consistent with the requirements of State Housing Law, the California Environmental Quality Act ("CEQA") and the town's municipal codes and regulations, and any decisions made regarding it must be evidence based and the result of adequate public input.

It is with regard to these issues that we have significant concerns.

Background

In recent years, the Town approved a General Plan Update and a new zoning ordinance that provided for "by right," high density residential use in downtown commercial zones and on sites identified as "opportunity sites." There was no environmental impact report ("EIR") or requisite analysis that would have been required under an EIR to support either

the General Plan Update or the proposed zoning ordinance. The CEQA process used was that of an Initial Study and Negative Declaration.

Subsequently, the residents of Fairfax brought a successful petition, signed by more than 1,000 Fairfax voters, to overturn the new zoning ordinance through a referendum. After much delay, this petition was endorsed by the Town Council, apparently because they knew that bringing it before the public for a vote would have only resulted in the same outcome.

The Town Council made no secret of its displeasure about this turn of events. A disconnect between the elected officials of the Town and a significant number of its residents appears to have persisted ever since.

The newly proposed Planned Development District Ordinance (the "Ordinance") and its "streamlining" review process appears to be an attempt to resurrect the provisions of the previous "by right" zoning ordinance in a way that ensures less public awareness of zoning changes in the future (fewer public notices) and fewer opportunities (public hearings) where the public can provide input on the Town's project review process. This brings into question the Town's commitment to transparency. As it stands, the public is faced with what can only be described a highly unusual public process for Victory Village that raises significant questions regarding CEQA and compliance with the Town's own municipal codes.

Inadequate Public Notice and Public Comment Period

There is no question that the proposed approval of the Victory Village project is major decision for the Town of Fairfax that will be precedent setting for decades to come. At the December 15th Planning Commission hearing, Town Manager and acting Planning Director Garret Toy stated that [there is]

No question the project before you, its 54 units, 53 affordable senior units, one manager unit... It's the largest project this town has seen in thirty years.

This statement considered, one would hope that the Town would make a significant effort to provide the Planning Commission and the general public with adequate time and opportunity to evaluate and comment on the proposal. Instead, the Town has pursued a fast track process that seems designed to do the exact opposite.

Although a public workshop on the project was held on November 12, 2016, the December 15th hearing was set to be the first and last opportunity the Planning Commission would have to review and recommend the final Project Proposal for approval. And, they were not only being asked to recommend the Victory Village project itself but to endorse a host of lengthy, interrelated and complex documents, including the Initial Study, a Planned Development District Ordinance, parcel and zoning map changes, a density bonus agreement, project design review, and a long list of formal Resolutions, in one fell swoop.

In our opinion, this was unreasonable and did not and does not allow sufficient time for public comment.

The Project's truncated public comment period violated CEQA

In my experience attending project planning hearings for 23 years in Marin, the type of expedited processing employed by Fairfax for this project is unprecedented. The documents to be reviewed, which were only released to the public in the Staff Report on December 9, 2016, were over 450 pages in length. Yet, in spite of this massive "data dump" by the Town on the Planning Commission and its citizenry, the public comment period was set at 20 days, six days after the Staff Report's publication. Technically, the Initial Study was published on November 30, 2016 with minimum public notice and a public comment period of 20 days: the bare minimum allowable under statute for comment under CEQA, *see* Pub. Res. Code § 21091(b). As has been expressed by many, coming right before the biggest holiday season of the year, the public comment period was truncated to the point of absurdity.

In addition, by scheduling the decision-making approval hearing on December 15th, a full 5 days before the end of the public comment period (allowing only 15 days to comment), the Town was not only in violation of the law under CEQA, but for all intents and purposes it suggests its decision to approve the project was already predetermined before all comments by the public would even be received, much less considered.

An objective observer would be hard pressed to conclude that the Town has been acting in good faith. It also raises serious legal and ethical questions about the integrity of this project's entire review and approval process. Under CEQA public comments are required to be an integral part of an agency's decision-making process, not an afterthought, as the Town of Fairfax has treated public comment on the Project.

To repeat the opinion voiced in Mr. Graf's comment letter,

In *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 130–131, the Supreme Court noted that to "be consistent with CEQA's purposes, the line [for conducting CEQA review] must [not] be drawn so...late that such review loses its power to influence key public decisions about those projects." In our view, the Planning Commission's proposed Resolutions are entirely premature given that the CEQA process is still underway and no one in the Town has even considered public input on the project or MND. *See* Pub. Res. Code § 21091(d)(1) ("lead agency shall consider comments it receives on proposed mitigated negative declaration.").

Here, the Town's process violates the entire purpose of CEQA, which is that environmental review must take place during and not after the agency planning process.

[T]he later the environmental review process begins, the more bureaucratic and financial momentum there is behind a proposed project, thus providing a strong incentive to ignore environmental concerns that could be dealt with more easily at an early stage of the project. ... For that reason, "EIRs should be prepared as early in the planning process as possible to enable environmental considerations to influence project, program or design." *Save Tara, supra*, 45 Cal.4th at 130.

In essence, the Town of Fairfax has not complied with either the planning or the zoning process established in the Government Code or the CEQA process set out in the Public Resources Code. Specifically, Fairfax appears to be adopting an unprecedented truncated planning process which does not provide a legally adequate level of public review or impact assessment.

Under these rules, at a minimum, the entire Initial Study should be recirculated for a proper public comment period to occur and the previously drafted Resolutions reconsidered and redrafted and recirculated after all public comment has been received and considered.

The Project Description is defective under CEQA

Neither the Staff Report nor the Resolutions or the Initial Study provide a clear and complete Project Description, which is required under CEQA to assist the public in fully understanding the decisions the Planning Commission is being asked to make and the Project's environmental impacts.

"An accurate, stable and finite project description is an essential element of an informative and legally sufficient EIR under CEQA" (see CEQA Guidelines §15124, citing *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App.3d 185, 199 [139 Cal. Rptr. 396]). Several courts have invalidated CEQA documents for their failure to provide an adequate Project Description. For example, in *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859 [134 Cal.Rptr.2d 322], the California Supreme Court found that an EIR was invalid because it omitted a meaningful discussion of the conditions in the northern part of the proposed water supply system. (See also *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal. 3d 376.)

In fact, it appears that the Town has deliberately attempted to hide what is arguably the most significant and impactful aspect of the Project in what are essentially footnotes in the documents, regarding the required approval of an amendment to the General Plan, e.g.,

The existing Planned Development District Ordinance (Town Code Chapter 17.112) will require revision in order to reflect General Plan requirements and to allow a more streamlined review process for sites, such as this one, that are identified as Opportunity Sites in the Town's Housing Element.

As such, the Project Description is incomplete and inadequate because it does not sufficiently alert the reader to the significance and impacts of the proposed Ordinance.

The way the Project is described and presented forces the reader to attempt to sift through the voluminous and numerous documents to gain this important project information. This violation of this project description requirement is further demonstrated throughout the Staff Reports, the Initial Study and the other project documents in that the potential overall environmental impacts of the sum total of all the approvals sought for the project are never actually discussed, rendering reasonable environmental analysis impossible.

Cart before the horse decision-making

The Staff's recommendation to endorse the Planned Development District Ordinance and its requisite streamlining provisions are procedurally improper and inadequate under CEQA. As presented to the Planning Commission and the public, the "project" constitutes an improper attempt by Staff to "hide" the requisite streamlining approval inside the approval of Victory Village, an individual project, and sabotages the public process to achieve its approval.

Of the nine items included for approval only eight only pertain to the Victory Village project itself, while one other, the Planned Development District Ordinance impacts all of the identified "opportunity sites" that are located throughout the Town, in addition to Victory Village. As noted, the approval of Victory Village is fully contingent and solely dependent upon a prior approval of "streamlining." This fact is not clearly explained in the Staff Report's presentation to the public and the Planning Commission.

Further, the approval of the Ordinance and streamlining, and the appropriate public process that this would demand under the Town's own codes and regulations, is in no way similar to the eight approvals sought for the Victory Village proposal itself. This action by Staff, and the inclusion of the approval of other aspects of the Project, such as design review and granting specific entitlements, violates Chapter 17 of the Town's Code, regarding Planned Development Districts, and discards the public process required to make such General Plan and zoning changes. In addition, by bundling the Planned Development District Ordinance and its dependence upon a General Plan Amendment to allow for a streamlined approval process inside of the approval of the Victory Village project, the Town has entered into an improper and inadequate environmental review process under CEQA.

To an objective observer, by including the approval of the Planned Development District Ordinance within a single project approval, the Staff Report's recommendations to the Planning Commission appear to be an attempt to circumvent the Town Code in order to streamline the rezoning of all other opportunity sites in Fairfax, for future high density projects, without adequate public process or comment in the future, and without any analysis of the environmental impacts of those future projects.

Worse still, the Staff Report is not only recommending that the Planning Commission approve the Planned Development District Ordinance and assume the future approval of the streamlined approval process for all other opportunity sites in Fairfax, but it is

attempting to actually implement the streamlining process to gain approval of the Victory Village project before that streamlining process has even been considered or created by the lead agency (the Town Council).

This nonsensical and improper “cart before the horse” process alone potentially invalidates the Staff Report, its drafted Resolutions, and this project’s public review process so far, in its entirety.

Failure to comply with CEQA in considering the Ordinance

The Staff Report states:

Planned Development District ordinance (Town Code Chapter 17.112) will require revision in order to reflect General Plan requirements and to allow a more streamlined review process for sites, such as this one, that are identified as Opportunity Sites in the Town's Housing Element. This revision was specifically contemplated in the 2015-2023 Housing Element.

However, when Fairfax considered its General Plan Update and its prior “by right” zoning ordinance, the Town did not conduct an EIR or do the studies and analysis that would have required. The Town addressed CEQA requirements by conducting an Initial Study and the adoption of a Negative Declaration. Therefore, the Town has no prior document to tier off to satisfy CEQA requirements for Victory Village or for the recommendation of the Planned Development District Ordinance and streamlining.

The fact that streamlining was “contemplated” in the 2015-2023 Housing Element does not in any way satisfy the CEQA requirements for identification of significant impacts, their analysis and mitigation if needed, or for an evidenced based decision-making process for the Ordinance or any individual project subject to that Ordinance, including Victory Village..

Further, since the entire Initial Study and all its attachments and conclusions are based solely on the specific Victory Village project, and since there was no EIR conducted for the General Plan Update, the consideration of the Planned Development District Ordinance and the implementation of streamlining on the Victory Village project itself has not been properly or adequately analyzed or considered. To propose the Planning Commission recommend the Ordinance in absence of its compliance with CEQA clearly violates both the spirit and the letter of the law.

In summary, the Initial Study does not in any way assess the impacts of the Planned Development District Ordinance, despite clear CEQA requirements that the Initial Study do so. Instead, the Initial Study simply makes unsupported conclusions that impacts are not significant, without citing adequate data or qualitative analysis regarding those impacts.

In a situation such as this, a full EIR is required.

Failure to consider cumulative impacts

It is impossible for any agency to adequately identify, consider, analyze, or mitigate cumulative impacts on a project by project basis. Processing projects one at a time, as the Staff is recommending, would, therefore, *forever* ignore the cumulative environmental impacts. However, this appears to be precisely what Fairfax is proposing to do.

Segmentation

With regard to the Ordinance and streamlined approvals, CEQA prohibits the segmentation of related projects into smaller pieces in an attempt to avoid analysis of cumulative environmental impacts. A public agency may not divide several "projects" (e.g., opportunity sites) into smaller individual projects, such as Victory Village, in order to avoid its responsibility to consider the environmental impacts of the all the projects as a whole. See *Orinda Assn. v. Board of Supervisors* (1986) 182 Cal. App. 3d 1145, 1171.

Here, even though the Town is asking the Planning Commission to recommend a Planned Development District Ordinance and its requisite streamlined approval process, which will certainly impact the development, density and environmental impacts of other sites in Fairfax, the Initial Study fails to address or even mention those potential cumulative impacts in any way.

Worse, the Town is thereby indicating *its conscious intention to engage in inappropriate segmenting or piece-mealing* in considering of all potential cumulative impacts, for all future approvals of development projects on other opportunity sites, in addition to Victory Village. These potentially significant cumulative impacts that the agency has failed to consider, identify, analyze or mitigate include Aesthetics, Biological Resources, Greenhouse Gas Emissions, Land Use / Planning, Population / Housing / Traffic / Transportation / Mandatory Finding of Significance, Agricultural Resources, Cultural Resources, Hazards & Hazardous Materials, Mineral Resources, Public Services, Tribal Cultural Resources, Air Quality, Geology / Soils, Hydrology / Water Quality, Noise, Recreation, and Utilities / Service Systems.

Consideration of cumulative impacts is key to providing decision-makers and the public with a comprehensive view of the approvals being sought. It is clear that streamlining would provide significant incentives to build new high density, multifamily development. Some but by no means all of the concomitant impacts might include increases in housing density and population, traffic congestion and parking demand (irrespective of statistical density upper limits found in the code), public services and infrastructure demands, increases in permeable surfaces and subsequent polluted runoff, and floodplain and water resources impacts, to name just a few. All of these cumulative impacts require careful analysis and if found to be significant, require mitigation.

This fact alone potentially negates all of the finding of the Initial Study, because although dependent upon the approval of a new citywide Planned Development District Ordinance,

the Initial Study only looked at the Victory Village in isolation, and therefore is far too limited in scope, analysis or evidence, regarding the cumulative impacts that would result.

Future opportunity site proposals

To this observer, then, it appears that the Staff is shamelessly attempting to use public support for senior housing as a Trojan Horse, to slip a major city wide zoning change past the unsuspecting eyes of the Planning Commission and the public, thus opening the door to a series of major developments, for which there will be inadequate analysis or fact-based decision-making, and for which there will be extremely limited public input opportunities.

Much more importantly this subterfuge by Staff, this attempt to put in place a process whereby projects are approvable under a general zoning ordinance streamlining review, but which will allow them to be approved on a case by case, standalone basis, completely disregards and circumvents ever having to recognize, account for, analyze or mitigate the cumulative impacts of those projects as an outcome of the Ordinance. This proposed future process violates both the spirit and the letter of the law under CEQA.

As written and submitted for review and approval, the Initial Study is grossly inadequate in all aspects and provides no evidence whatsoever, either way, regarding the impacts or lack thereof from the adoption of streamlining. It is also important to note that although Victory Village may be an affordable senior housing project, as proposed, future projects on other opportunity sites, which will also benefit from the approval of the Ordinance and streamlining, are not guaranteed to provide a significant amount of affordable housing above and beyond the Town's inclusionary regulations. In fact, it is extremely likely the vast majority of new housing units proposed on other opportunity sites will consist of high priced, luxury units. The economics of development guarantee this outcome.

Based on the approval process Fairfax is attempting to put in place, facts such as this may never be addressed, adequately or otherwise, thereby denying the public their right to comment.

One example of inadequate impacts analysis: traffic

We have reviewed the Parisi Transportation Consultants Traffic Study dated October 16, 2016. We would note that a weekend day peak hour analysis was not conducted for existing conditions. It is the weekend, particularly in the good weather months, when recreational traffic would be highest on Sir Francis Drake Boulevard (S.F. Drake) that may result in greater traffic congestion in Fairfax than the Parisi Study indicates. Further traffic counts would need to be conducted to arrive at appropriate assumptions.

The Parisi analysis of the project impact is based on previous Parisi analysis of General Plan traffic volumes. Of the 11 intersections reported for the General Plan conditions, 5 are found by Parisi to operate at LOS "E" and "F." This LOS condition exists in spite of the fact that the Town of Fairfax has adopted LOS "D" as the minimum acceptable service

level standard. It is not clear why this condition exists in the General Plan when several intersections were reported to operate in clear violation of the Town's adopted LOS standard. Therefore, the General Plan and the Town's adopted LOS standards are inconsistent and demand clarification prior to any consideration of the Ordinance.

4 of the 5 intersections with substandard LOS traffic loads are also found by Parisi to now operate at LOS "E" and "F" for existing traffic. Oddly, because Parisi claims the addition of project traffic to these intersections does not degrade the already substandard LOS letter grade, the project is found by Parisi, and in the Initial Study and Staff Report, to have no significant impact on existing conditions, even though it is in violation of the Town LOS standards, and clearly even the addition of a single car will certainly *increase its lack of compliance* with that Town standard, and therefore must be identified as significant.

Nowhere does the Town, the Ordinance or the Staff Report acknowledge this truth or attempt to define at what point this creates a significant impact that requires mitigation, if that is even possible. Where is a plan for that and where is it identified and analyzed as required under CEQA.

As written, the logic being employed by Parisi and Fairfax would mean one could always continue to add more traffic to a failing intersection without the impact ever becoming significant. However, the CEQA test is rather, whether the addition is cumulatively significant; the worse the existing levels, the less traffic, not more, needs to be added to cause a significant impact.

Parisi finds that the addition of project traffic would degrade one intersection from an acceptable LOS D to an unacceptable LOS E, assuming General Plan traffic volumes. This intersection, S.F. Drake at Mitchell Drive/Alhambra Circle, is described by Parisi as having such a low traffic volume that it is not suitable to mitigate the substandard LOS with a traffic signal. No other mitigation measure is suggested. But why not, since it is in violation of the Town's LOS standard? Are the Town standards of Fairfax so fanciful and subject to political desires that they are essentially irrelevant? If so, how are the Planning Commissioners supposed to interpret or implement the standards?

All good questions, which remain unexamined.

Under commonly accepted interpretations of the standards for significant impact, the fact that a single project would add to an already unacceptable condition, e.g. the LOS "E" and "F" existing operation at 4 intersections, would be considered a significant impact of the project.

The awkward result of these procedures is demonstrated by the findings in the project Staff Report, which states that

... the proposed project would not cause the performance of intersection roadway linkages to fall below acceptable level of service or otherwise further reduce the system performance within the Town of Fairfax.

This is clearly not the case as found in the Parisi analysis of the intersection of S. F. Drake and Mitchell Drive/Alhambra Circle discussed above.

The Staff Report also finds

... 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.

This is also incorrect because the Parisi study reports that the project would add 8 vehicles to the 10 peak hour vehicles projected for Mitchell Drive at its intersection with S. F. Drake (an increase of 80%). It appears that errors and miscalculations of this kind are found throughout the analysis of traffic impacts as well as other documents that purport to support the findings of the Initial Study. But, because the public comment period has been so extremely truncated and the documents so voluminous, it was simply impossible for us to go into this level of detail on all the information provided.

In addition, the issue of the cumulative impacts of Victory Village and all of the opportunity sites affected by the Planned Development District Ordinance and streamlining procedures being used to process the Victory Village project are never addressed or acknowledged by Parisi.

An EIR is required

There is little question that the Victory Village proposal and its Initial Study, as it has been presented, is inadequate for the purposes of asking the Planning Commission or the public to consider the Planned Development District Ordinance and the streamlined approval process being used for Victory Village and the approval of the Victory Village project itself.

The Town would be prudent to not allow any projects that are proposed on opportunity sites, including Victory Village, to be brought before the Planning Commission and the public until a thorough public process has been undertaken and completed with regard to the proposed streamlined approval process: to do otherwise would be both improper and in violation of the Town's own regulations.

Our analysis of the Staff Report, the Initial Study and all their appurtenant documentation as presented, indicates that a complete EIR adequately assessing the overall and cumulative impacts of such a proposal is required in order to move forward.

We ask that the Town carefully consider this requirement and all our comments before continuing its present approval process for Victory Village.

Respectfully submitted for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Silvestri', with a stylized flourish at the end.

Bob Silvestri
President
Community Venture Partners, Inc.

Linda Neal

From: Denise Ferry <dferry@earthlink.net>
Sent: Tuesday, January 03, 2017 4:16 PM
To: Linda Neal
Subject: Attempts to Change our Town

Dear Ms. Neal,

I have read Bob Silvestri's letter to you and I am in complete agreement with its content and sentiments.

It appears that Victory Village is being used as an opportunity to sweep away the ordinances that have protected our town and kept it the place we treasure and the envy of gentrified Marin.

I am not going to take up your time repeating what has been so well and clearly stated in his letter. And it would also be a waste of my time. It was clear from the great hostility expressed at the Oct 1st meeting that when the citizens of Fairfax realized what the town was planning (in that case closing off Bolinas or making it one way) they turn out to stop it.

The October 5th Town Council meeting minutes only record that closing Bolinas was "taken off the table." Sadly, I do not believe this was in response to the citizen's feelings on the matter but because it was pointed out that the town's plan was not possible because the road had to remain as it was to conform to Federal Standards.

I hope the Director of Planning positions will remain vacant, not refilled and in fact eliminated. A town of our size does not need such a position and it has lead to nothing but trouble, vast expense and financial burden. Every meeting I have attended people implore the town to turn their attention to the most basic issues such as fixing our deteriorating sidewalks. We dont need a Town Planning Director for that.

Sincerely,
Denise Ferry

Linda Neal

From: Michele Gardner
Sent: Wednesday, January 04, 2017 4:27 PM
To: Linda Neal
Subject: FW: Public Comment re: Victory Village

Hi Linda.
For your information.
Thanks,
Michele

Michele Gardner
Town Clerk | Assistant to the Town Manager
Town of Fairfax | 142 Bolinas Road | Fairfax, CA 94930 | 415.458.2343
www.townoffairfax.org

From: Denise Larsen [mailto:deniserlarsen@gmail.com]
Sent: Wednesday, January 04, 2017 2:53 PM
To: Michele Gardner <mgardner@townoffairfax.org>
Subject: Fwd: Public Comment re: Victory Village

----- Forwarded message -----

From: Denise Larsen <deniserlarsen@gmail.com>
Date: Wed, Jan 4, 2017 at 2:49 PM
Subject: Public Comment re: Victory Village
To: bcoler@townoffairfax.org, rgoddard@townoffairfax.org, jreed@townoffairfax.org,
dweinsoff@townoffairfax.org, placques@townoffairfax.org, gtoy@townoffairfax.org,
gardener@townoffairfax.org, lineal@townoffairfax.org

This is in regards to Public Comment due by 1/4/17 on Victory Village. Please forward to the Planning Commission members, as well. Thank you.

Hello Everyone,

I, like many citizens, have several concerns about the proposed Victory Village (VV) project. At this time, I will limit my comments to current the environmental impact and the probable change in the town of Fairfax itself.

The town has codes/laws/zoning carefully put in place over several decades designed to protect the town, its small town and unique character, and environment/wild areas. Although the VV project is noble in its intention, the town should not be changing its laws/codes/zoning to fit any project. Any project should come up with plans that fit the town's laws/codes/zoning. Of course, any small variances or changes to allow any project can be granted but the VV project is asking for major changes in several areas.

I am concerned about making major zoning changes to allow the VV property to be subdivided into 2 and possibly 3 parcels and allowing a major concentration of development/units on property zoned for 1 unit per 7 acres. This is a major change. Even if the property went against current laws/codes/zoning and was allowed to

subdivide and develop the 2 acre site, how would the town in the future ever be able to protect the remaining 18 acres? Or any other properties that are now and have always been fairly natural and wild? Why would some developer not come in and demand or sue to have the same exceptions/privileges on their property that the town seems so freely to want to give to VV? Does the town think that the remaining 18 acres could be subdivided into two 9 acres parcels and that the most that can happen is that two homes max will be built? Is the town willing to put itself into long and expensive litigation when some other developer wants what VV got?

It appears that the town is putting itself into a very dangerous situation and once precedent has been set, the floodgates will be open. Please at least be aware that could happen here. All one has to do is look at what happened in the Sacramento Valley where the small, individual, unique and cute towns like Fair Oaks, Orangevale, Rocklin, Folsom, Roseville, etc. became blurred or disappeared except in name only. Look at Sebastopol where the locals don't even try to go downtown anymore, drive through the neighborhoods to get around, and where a 6 story hotel is going in right in the heart of downtown while a huge two story building housing a CVS is being built across the street and high end businesses are moving in. Please do not think this cannot possibly happen here. Citizens settled in Fairfax, not a Daly City or a San Rafael, for a reason. Prove to us you could approve VV and protect the rest of the land/environment/feel here. I don't think you can.

The traffic study needs to be done at worst case scenarios times/days, not a light or mid-range. How about Wed am between 7:30-11am? How about a Friday afternoon or a Saturday? How about summer and Sunday afternoons? To have the report state there would be very little, if any impact, is not realistic. Considering how bad the traffic and parking has become over the last 10 or 15 yrs or so, how would 54 new units on the west end of town not have major impact, not just from the individuals or couples living in the units but from the workers, visitors for a myriad of reasons, deliveries, etc? Traffic and parking issues have continued to increase while there have not been any major developments for a very long time. But there have been lots of homes being remodeled into bigger ones, developments of 5 to 10 or more homes/units going in over the years, younger families with young children buying homes, etc. Look how bad traffic and parking have become without any major development projects. And the town is seriously considering and trying to force more major development projects on the town under the guise of transit oriented development and/or affordable housing. That people won't drive and only use non-car transportation in VV or any other developments in the works or future is only AN ASSUMPTION and does not take into account the visitors (service people, support/medical people, deliveries, friends and family visits, boy or girlfriend visits and staying over, Uber, etc.) who will be driving to any one resident here.

While the VV developers state their other properties average out as needing .7 parking spaces per unit, ALL of their other properties are not out "in the sticks" without walkable shopping, services, etc nearby. It does not matter if the state currently requires .5 parking spaces. Most affordable senior housing is built right near frequent, fast, reliable and affordable major transportation (which does not and will not exit here) and right near services, medical offices, grocery stores, etc. As someone in support of VV sarcastically stated at the planning commission in Dec., "Should we be building these along the 101 corridor?" YES!! VV is being billed as an active senior living development, not assisted living. Seniors drive and have visitors. They have needs beyond catching a bus, having one errand and nothing to carry from and back home but a small bag of groceries.

The sheer amount of trees being asked permission to remove and the amount of land that will now be covered with increasing water run-off is concerning. Even if 46 or so of the 70+ trees being asked for removal are replaced, a young tree does not provide the habitat or root system that holds the soil or uses water that a tree many decades old can. And speaking of water, where is all the water coming from to support more and more residents and developments?

As stated earlier, the town's codes/laws/zoning are trying to be being changed or seem to be ignored or interpreted "differently" to allow this kind of development. Changing zoning to allow a structure 40.5 ft high and 3 stories of development versus 2, and in actuality is 4 stories in height, again opens the door wide for

everyone else to want and expect the same and more. And sue if not given the same that VV gets. This height would also impact the environment and neighbors with blocking the sun and shading areas that were not experiencing that before. At their presentation, the developers touted their huge, dramatic, showcase entry as needed so people could find the entrance. A couple of low-cost, small signs stating "Entrance" with an arrow as ones drives onto and through the property would suffice. Plus the costs to heat and cool a two-story open lobby entrance area with an adjoining gathering place for residents would not make sense where a green design is considered. In short, it is not necessary or needed.

I found it very interesting that a person who appeared to be a rep of the VV project speak during the public comment time at the last PC meeting and went on about studies showing the huge positives of "aging in place." I found it ironic that this whole plan and how it is being financed does just the opposite. Aging in place??? If this project is approved, what is it going to be like for the seniors in other areas of the Bay Area and beyond applying for a unit out of necessity only to be uprooted from their family, friends, neighbors, doctors, dentists, neighborhood grocery stores, service people, support system, gym, seniors' groups, activities, church, etc, etc. at a very important time in their lives? If this developer was a "true" non-profit in reality (and not just meeting some minimum standards required by law), perhaps they would finance and build in a way that would respect the concept of the importance of "aging in place" and give priority to Fairfax seniors. This should be happening in towns and cities all over, people taking care of their own so they are not uprooted and having to start over just when they need help the most. Fairfax, by virtue of what it has represented in the past, could, with other cities and towns, lead the way.

Lastly, the spirit of any CEQA is the **accumulative impact** of a project and all the others coming forward through the town and county, as well as where the past has taken a town. The accumulative impact appears to be completely disregarded. Fairfax is limited in several ways, including water, infrastructure and open space/wild areas. And once the town changes its laws/codes/zoning to appease developers, we will not be able to turn back. Do not be under the illusion that Fairfax is in some magic bubble that will protect it from the worst of development once that door has been opened, even with deep pockets, which we don't have. Talk to some Sebastopol locals first. It appears that the VV project is putting Fairfax at a major crossroads/turning point for everything else in the pipeline now and in the future. I hope you all will look at the big picture and choose wisely.

Thank you for your time and consideration.

Respectfully,
Denise Larsen
Fairfax, CA

Linda Neal

From: Michele Gardner
Sent: Wednesday, January 04, 2017 4:46 PM
To: Town Council; Bruce Ackerman (Bruce Ackerman); Cindy Swift (Cindy Swift); 'Esther Gonzalez-Parber,'; Laura Kehrein (laura@fdvinearchitects.com); Mimi Newton; Norma Frago; Phil Green
Cc: Garrett Toy; janet.coleson@bbklaw.com; Linda Neal
Subject: FW: Affordable Low Income Senior Housing

Mayor and Council, Planning Commissioners:
Below please find another letter, which some of you may already have received.
Michele

Michele Gardner
Town Clerk | Assistant to the Town Manager
Town of Fairfax | 142 Bolinas Road | Fairfax, CA 94930 | 415.458.2343
www.townoffairfax.org

From: Kathy Flores [mailto:k-flores@comcast.net]
Sent: Thursday, December 29, 2016 4:56 PM
To: Michele Gardner <mgardner@townoffairfax.org>
Subject: Affordable Low Income Senior Housing

Hello Michele, I was not able to get everyone's email address. Can you please forward this email to the Planning Commission, Staff and Town Council. Thank you - K

December 29, 2016

Dear Planning Commission:

First of all, I would like to have my comments regarding 'Victory Village' development made a part of the record.

Secondly, I am not against Low Income Senior Housing, but I feel that it is important to be consistent with the requirement of State Housing Law, the California Environmental Quality Act ("CEQA") and the Town's Municipal Codes and regulations and any decisions made to have adequate public input.

The 450 page Developers document was released to the public on December 9, 2016. The Initial Study was published on November 30, 2016 with minimum public notice and a public comment period of 20 days: the **bare minimum** allowable under statute for comment under CEQA. After receiving the Lawyer's letter, Garrett Toy extended public comments to January 4, 2017, however it is an extremely busy this time of year and most do not have time to read the 450 page document within this time frame or be able to send in their comments. In order for all residents in our community to have the opportunity to send their comments, I am asking the Town Council to extend the comment period to **January 20, 2017**.

Thirdly, it seems the Planning Commission, with the backing of the Developers, is attempting to circumvent the Town Code in order to streamline the rezoning of **ALL** other **Opportunity Sites** in Fairfax- without adequate public process or comment and without any analysis of the environmental impacts of those future projects.

Some, but by no means all of the impacts might include increases in housing density and population, traffic congestion and parking demand, aesthetics, public services and infrastructure demands, increases in permeable surfaces and subsequent polluted runoff, and floodplain and water resources impacts, to name just a few. All of these cumulative impacts require careful analysis and if found to be significant, require mitigation.

It appears that the Staff is attempting to use public support for senior housing as a “Trojan Horse”- to slip a major city wide zoning change past the unsuspecting eyes of the Planning Commission and the public, thus opening the door to a series of major developments, for which there will be inadequate analysis or fact-based decision-making, and for which there will be extremely limited public input opportunities in the future.

There’s no turning back once our town laws, codes and zoning that have saved and kept Fairfax’s small town environment character are ignored or changed.

Thank you,

Kathy Flores

Kathy Flores
k-flores@comcast.net

Linda Neal

From: Michele Gardner
Sent: Wednesday, January 04, 2017 4:33 PM
To: Town Council; Bruce Ackerman (Bruce Ackerman); Cindy Swift (Cindy Swift); 'Esther Gonzalez-Parber,'; Laura Kehrlein (laura@fdivinearchitects.com); Mimi Newton; Norma Frago; Phil Green
Cc: Garrett Toy; janet.coleson@bbklaw.com; Linda Neal
Subject: FW: Fairfaxzoning changes and development

Mayor and Council, Commissioners:
Below please find a letter regarding Victory Village.
Thank you,
Michele

Michele Gardner
Town Clerk | Assistant to the Town Manager
Town of Fairfax | 142 Bolinas Road | Fairfax, CA 94930 | 415.458.2343
www.townoffairfax.org

From: Helen Fauss [mailto:hkfauss@gmail.com]
Sent: Wednesday, January 04, 2017 10:40 AM
To: Mayor John Reed <jreed@townoffairfax.org>; Michele Gardner <mgardner@townoffairfax.org>
Subject: Fairfaxzoning changes and development

To Fairfax Town Council and Planning Commission,

While I realize the need for more low income housing is of a pressing nature, I feel strongly that Victory Village is not the answer and has been rushed through the planning process without adequately informing or including the residents of Fairfax. I have read Bob Silvestri's letter and am in wholehearted agreement with it. This would be a project of unprecedented size for the Town, yet there has been little public notification or involvement. Not only is this a poor plan for meeting the needs of seniors, being so far from Town, but resulting additional traffic would clearly be a problem.

Deeply concerning in recent months has been a seeming isolation of the Council from the citizens of Town. Consultants are hired to propose plans which could have come from residents, who, after all, know best what is needed. Most often, however, it seems plans of consultants such as closing of Bolinas Road, parking meters and zoning changes require mobilization of residents to defeat them either by showing up in force to meetings or by referendum. The very costly consultant expense could more profitably go to repairing sidewalks or trails.

Lastly, I question the need for a Planning Director in addition to Linda Neal. Recent proposed housing developments and zoning changes have been the product of excessive planning. I believe Fairfax is able to grow organically within current building ordinances. As nearby towns of equivalent size do not have separate directors of planning, how is it we can afford such a position?

Thank you for your attention to these important concerns,

Helen Fauss

Linda Neal

From: Michele Gardner
Sent: Wednesday, January 04, 2017 5:04 PM
To: Bruce Ackerman (Bruce Ackerman); Cindy Swift (Cindy Swift); 'Esther Gonzalez-Parber,'; Laura Kehrlein (laura@fdvinearchitects.com); Mimi Newton; Norma Fragoso; Phil Green
Cc: Garrett Toy; janet.coleson@bbklaw.com; Linda Neal
Subject: FW: Letter to be forwarded to planning commission

Hello Commissioners:
Below please find another letter.
Michele

Michele Gardner
Town Clerk | Assistant to the Town Manager Town of Fairfax | 142 Bolinas Road | Fairfax, CA 94930 | 415.458.2343
www.townoffairfax.org

-----Original Message-----

From: Susanne Chaney [mailto:susannechaney@me.com]
Sent: Tuesday, December 27, 2016 1:25 PM
To: Garrett Toy <gtoy@townoffairfax.org>
Subject: Letter to be forwarded to planning commission

Dear Planning commission

I would like to have my comments regarding this victory village development made a part of the record. I think that it is a good idea to have senior housing but that it should for into fairfax design wise and I do not think the current plans accomplish this. I am very concerned about the height at the entrance which reaches way above Fairfax current two story limit. I think it is a bad precedent to have a building this large built in our neighborhood. I believe it would benefit the seniors and the neighborhood if instead of the fifty four units it were twenty five units and on two floors and the design would be a craftsman or cottage type that would fit into the area. As it is I also am concerned that the traffic study previously done is not correct as it does not include the increased traffic on weekends when it is often bumper to bumper almost every weekend day from may through October. It also doesn't provide for the relocation of the ross valley charter school to white hill school. The other thing I'd like to see the developer do is put something into the community like improve the sidewalks from the development all the way to the library and stores downtown. I may be a dreamer but doing this could go along way towards healing the negativity there currently exists in our town towards the developer. Also at the last town meeting during public comments there were paid employees of the Developer who spoke. Is this usual practice. And many people who would have spoken against the development were intimidated when they were told not to speak unless they had something to say that hadn't been already said. Yet the twenty four people who,spoke for the project almost all repeated the same thing. Had the rest who also left early who live in canon village been allowed to speak your total would not have been lopsided pro. The first two hours of the last planning commission meeting was a repeat of the meeting that the developer had on November 29. People left because of this before the presentation ended. Also is there a way these meetings can be started earlier so they don't end at one am Thanks for listening

Susanne Chaney.
12 Ace Ct
Fairfax Ca 94930
Sent from my iPad

RECEIVED

JAN 04 2017

TOWN OF FAIRFAX

To the Planning Commission:

It seemed to me that the Planning Commission did nothing to clarify the zoning and housing issues, refused to listen to citizens' objections, did not address traffic problems, participated in overriding the CEQA and Fairfax existing restrictions on new building, And were bullied by the Planning Director. I am very disappointed.

Alice Ducayet
36 Claus

Linda Neal

From: Michele Gardner
Sent: Wednesday, January 04, 2017 5:29 PM
To: Bruce Ackerman (Bruce Ackerman); Cindy Swift (Cindy Swift); 'Esther Gonzalez-Parber,;; Laura Kehrlein (laura@fdivinearchitects.com); Mimi Newton; Norma Fragoso; Phil Green
Cc: Garrett Toy; janet.coleson@bbklaw.com; Linda Neal
Subject: FW: PROPOSAL AT LUTHERAN CHURCH SITE, "VICTORY VILLAGE"

Hello again.

Please find another letter below.

Thanks,
Michele

Michele Gardner
Town Clerk | Assistant to the Town Manager
Town of Fairfax | 142 Bolinas Road | Fairfax, CA 94930 | 415.458.2343
www.townoffairfax.org

From: Ellen Floyd [mailto:rosekushner@gmail.com]
Sent: Wednesday, January 04, 2017 5:11 PM
To: Ellen Floyd <rosekushner@gmail.com>
Subject: Fwd: PROPOSAL AT LUTHERAN CHURCH SITE, "VICTORY VILLAGE"

Dear Fairfax Planning Commission, Town Council, et al:

As a "concierge" and fiduciary for seniors, one of the most important services I provide is locating appropriate and affordable housing for my clients. I am therefore well acquainted with the critical shortage of housing for low-income seniors, particularly for those who require assistance. I strongly feel that safe, affordable housing, close to public transportation and services, has got to be made available. At the same time, I strongly feel that any new construction must not aggravate already unworkable situations, and cannot degrade the surrounding environment and fabric of the community in which it is located.

In addition to being a passionate advocate for elders, I am also a 44-year Fairfax resident. In this capacity, and despite my advocacy for adequate housing for low-income seniors, I am horrified by the prospect of "Victory Village" in west Fairfax, as it is currently proposed, for the following reasons:

1) Traffic: By not rejecting the proposed "Victory Village" as it is currently planned, you will be increasing traffic on Sir Francis Drake Boulevard and Center Boulevard, both of which are already beyond capacity most of the day, particularly during commute hours. It is not possible to not make current conditions worse. I drive Drake Blvd. every morning, and traffic is so heavy that I turn off my engine and "park" in the gridlock at least two or three times during my drive between my home and San Anselmo (just over two miles). The traffic situation through Fairfax is currently out of control and unacceptable. With the construction of 54 additional units in west Fairfax, it is impossible not to further exacerbate this traffic nightmare, greatly diminishing the

quality of life for all of us who are forced to drive that route regularly. It is the responsibility of the Town of Fairfax and its officials to help alleviate traffic congestion, not intentionally increase it.

2) Blight: Victory Village is completely out of proportion for this area of Fairfax and wholly out of keeping with the character of the town. I have researched completed projects of RCD Development (pictured), and they are, without exception, eyesores. RCD and any Planning Department should be ashamed of subjecting any community to these glaring, unadorned, towering concrete boxes. Although I understand the design for V.V. is slightly different from the facilities pictured, it still does not come close to conforming to the surrounding area and will degrade the entire corridor. This project is too high, too invasive, and too destructive to the natural surroundings; e.g., destruction of *72 to 90 trees*. For the good of the town, its residents, and the preservation of Fairfax's historical beauty and heritage, this massive proposal must be rejected.

3) Lack of services: This proposal for senior housing is out of place for reasons other than the fact that it does not conform aesthetically; there are no services in the immediate area. The closest store (other than 7-11), is nearly a mile away, and the nearest pharmacy is close to two miles. In addition, public transportation is minimal and unreliable. If a facility designed specifically for seniors is planned, it should be located in an area that is convenient and accommodates the special needs of seniors. West Fairfax is an inappropriate setting for a senior housing development of this scope.

For these reasons, I am in firm opposition to this proposal, and respectfully appeal to you, as champions of our beloved Town of Fairfax, to insist to RCD Developers that this excessive and illogical project be significantly reduced in scope, or rejected altogether. I implore you to consider the serious and permanent damage our town will suffer with the approval of this "Victory Village" as proposed, and to additionally consider the devastation it will lead to; opening the door to unchecked urban sprawl and blight.

Yes, affordable housing for everyone is a human right, but at what cost to our land, our community, and our quality of life? There is a sensible and appropriate path to ensure that seniors and families are provided with affordable and safe housing, but this project is not it. Will this Planning Commission leave a legacy of thoughtful concern for conservation, or one of recklessly rubber-stamping shamefully inappropriate "development"?

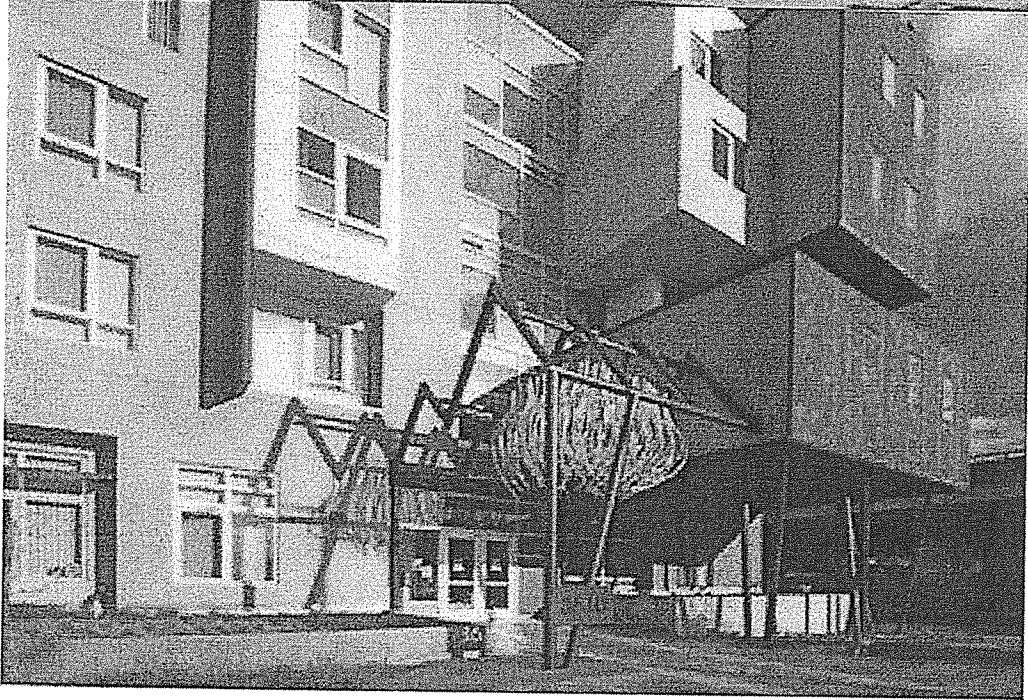
Thank you.

Ellen R. Floyd

2 Shemran Court

415.261.7992





Linda Neal

From: barbara coler <barbaracoler@gmail.com>
Sent: Wednesday, January 04, 2017 3:04 PM
To: Garrett Toy; Linda Neal
Subject: Fwd: Support for Victory Village project

Barbara Coler, Councilmember
Town of Fairfax

The opinions expressed in this email are those of this individual Council Member and are not representative of the entire Council or Town of Fairfax unless otherwise stated.

----- Forwarded message -----

From: Laurie Garrett <lauriegarrett.cc@gmail.com>
Date: Wed, Jan 4, 2017 at 2:56 PM
Subject: Support for Victory Village project
To: bcoler@townoffairfax.org, rgoddard@townoffairfax.org, jreed@townoffairfax.org,
dweinsoff@townoffairfax.org, placques@townoffairfax.org

Dear City Council Members of Fairfax,

I live in Cañon Village and am writing to express my positive feelings about the senior housing project proposed to go in next door.

With the tremendous senior population here in Marin we need more low income housing. This is a fact. I want to see that we will provide it.

I have worked with seniors my entire career and still do. I would love to be able to walk next door and donate some of my time each week to those seniors who would love some companionship and assistance.

Thank you for considering this important project.

Laurie Garrett
16 Penny Lane
Fairfax

Linda Neal

From: Michele Gardner
Sent: Wednesday, January 04, 2017 4:29 PM
To: Town Council; Bruce Ackerman (Bruce Ackerman); Cindy Swift (Cindy Swift); 'Esther Gonzalez-Parber,'; Laura Kehrlein (laura@fdivinearchitects.com); Mimi Newton; Norma Fragoso; Phil Green
Cc: Garrett Toy; janet.coleson@bbklaw.com; Linda Neal
Subject: FW: Please forward to staff, planning commission and council

Mayor, Council, Commissioners:
Below please find a letter regarding Victory Village.
Thank you,
Michele

Michele Gardner
Town Clerk | Assistant to the Town Manager
Town of Fairfax | 142 Bolinas Road | Fairfax, CA 94930 | 415.458.2343
www.townoffairfax.org

From: Diane Hoffman [mailto:hoffman_diane@yahoo.com]
Sent: Wednesday, January 04, 2017 1:23 PM
To: Michele Gardner <mgardner@townoffairfax.org>
Subject: Please forward to staff, planning commission and council

Dear Planning Commission,
It is not clear who is to blame but the town of Fairfax is not following the law in terms of the proposal at the Lutheran Church site. If the town is sued we all loose. Please read the paragraph below from the attorneys letter to the town. I am hoping you do the right thing.

Here, the Town's process violates a central purpose of CEQA that environmental review take place during and not after the agency planning process. See *Save Taro*, supra, 45 Cal.4th at 130 ("[T]he later the environmental review process begins, the more bureaucratic and financial momentum there is behind a proposed project, thus providing a strong incentive to ignore environmental concerns that could be dealt with more easily at an early stage.") Finally, we have concens about the substance of the Town's actions and project including traffic impacts, aesthetics etc. In particular we are concerned about the Town's proposal to amend the Town's Planned Development District Ordinance (Fairfax Town

Code Chapter) to allow for a future streamlined review process for sites such as this one that are identified as Opportunity Sites in the Town's Housing Element. To our knowledge, the MND does not address the cumulative effects of developing these sites, nor does it direct the reader to any prior Environmental Impact Report that has done such an evaluation.

Diane Hoffman
33 Porteous Ave.
Fairfax, Ca. 94930

Diane Hoffman
*REAL ESTATE, WITH INTEGRITY
AND ATTENTION TO DETAIL*
Bradley Real Estate
44 Bolinas Road
Fairfax, CA 94930
Bus: 415-482-3139
License # 01271342
hoffman_diane@yahoo.com
www.MarinHomeReview.com

Linda Neal

From: Michele Gardner
Sent: Wednesday, January 04, 2017 4:36 PM
To: Linda Neal
Subject: FW: Victory Village

FYI

Thanks, Michele

From: Laura Ralph [mailto:lauraralph44@hotmail.com]
Sent: Tuesday, January 03, 2017 6:36 PM
To: Garrett Toy <gtoy@townoffairfax.org>; Vice Mayor Peter Lacques <placques@townoffairfax.org>; Council Member Barbara Coler <bcoler@townoffairfax.org>; Council Member Renee Goddard <rgoddard@townoffairfax.org>; Mark Lockaby <mlockaby@townoffairfax.org>; Mayor John Reed <jreed@townoffairfax.org>; Michele Gardner <mgardner@townoffairfax.org>; Council Member David Weinsoff <dweinsoff@townoffairfax.org>; lineal@townoffairfax.org; bruce@laughingcrows.net
Subject: Victory Village

While I agree affordable senior housing is needed; I oppose the Victory Village project as it now stands. The letter from Community Venture Partners (CVP)/ Bob Silvestri clearly spells out the many problems with the project from inadequate traffic studies, public notice & comment period.

What I find particularly disturbing is that zoning changes were attempted to be made by placing the information in a footnote.

I believe we have town officials who cannot be trusted. Aside from the Victory Village project here is another example of town officials not being fully honest:

After the council officially declared they were taking changes to Bolinas Road "off the table"; the last meeting I attended D. Weinsoff brought up the issue of making changes to Bolinas Road. So what it it? Are the changes "off the table" or are you planning to make changes behind the backs of residents?

With the hidden zoning / code changes that were attempted to be pushed through in a footnote of the Victory Village document and TC continuing to discuss changing Bolinas Road; this leaves me with no confidence in our town officials.

Laura Ralph

Linda Neal

From: Diana Perdue <dperdue199@gmail.com>
Sent: Wednesday, January 04, 2017 11:43 AM
To: Garrett Toy; Linda Neal; Michele Gardner
Subject: Fwd: CEQA-Victory Village

Town staff, planning & town council,

Begin forwarded message:

From: Diana Perdue <dperdue199@gmail.com>
Subject: CEQA-Victory Village
Date: January 4, 2017 at 11:23:05 AM PST
To: Garrett Toy <gtoy@townoffairfax.org>, mgardner@townoffairfax.org

I would like to contest the victory village projects processing and approval procedures being used by the Town of fairfax and the study that supports such. It is my belief that a project such as this would harm Fairfax and set forth a pattern of development counter to what Fairfax expects and stands for. It invalidates our building policies and rules as well as our zoning parameters. VV is inappropriate in both size and location. It has not been properly vetted by the town citizens and the streamlined review being fast tracked is an affront to the public. The required approval of a planned development district ordinance and other opportunity sites listed to be developed hidden in the VV information package was devious.

Thus far the process has violated the entire purpose of CEQA, which is that environmental review MUST take place during and not after the planning process. That not only are public comments required but that they are actually considered. That the impact assessments be genuine.

What you presented to the public was an article that suggests the project had predetermined approval. This is not what I expect from town staff, the planning commission or the town council. You are in trusted roles and one would expect you to honor them. Instead I see the entire group being deceitful. It is positively a shame to disregard our town, do not give it away.

Diana Perdue
Fairfax

Linda Neal

From: Autumn Wagner <autumnchanges@comcast.net>
Sent: Friday, January 13, 2017 12:32 PM
To: Linda Neal
Subject: I Support Victory Village!

Categories: Red Category

Hi Linda,

As a volunteer raiser of awareness on cohousing, I am keenly aware of the growing need for housing for Marin County's seniors. Personally, I am approaching retirement age and own and live in a four bedroom home. I would love to sell it and be able to downsize within Marin, but just cannot do it with the available housing stock. I do realize there is vocal opposition throughout the county for the construction of anything but single family homes, but the burgeoning need is for smaller units in a community context.

Victory Village would be a very welcome addition to desperately needed housing for elders and should be supported.

Please pass along my comments of support for Victory Village to the Planning Commission and the Town Council.

Many Thanks,

Autumn Wagner
415 686 6237

<http://www.boomercohousing.com/>

Linda Neal

From: Jo D'Anna <jodanna69@hotmail.com>
Sent: Friday, January 13, 2017 7:20 PM
To: Linda Neal
Subject: Fw: A Victory (Village) in Fairfax is a Victory for Seniors

To: Linda Neal, Fairfax Town Planner

At the suggestion of MEHC, I am writing to urge you to move the Victory Village Senior Housing project forward. I also plan to come to the meeting on Thursday Jan. 19th @ the Fairfax Women's Club.

I have been living in Fairfax since 1989, when I was 39 years old. I lived in Fairfax a total of 15 years, in Sausalito for the following 7 years, and now for the last almost 7 years I've been living in a small, in-law cottage in Forest Knolls in San Geronimo Valley. So I'm a long-term resident, and I'll be age 67 in 3 months. In 2010 I lost my job and went on SSDI. Last year I was full-retirement age (66) so I discontinued SSDI and went on Social Security. As you well know, Social Security benefits do not come anywhere near paying for rent in Marin--even in Fairfax and San Geronimo Valley. I live alone, and I have no family to speak of who can help me out financially. I am also an artist--a songwriter and a dancer. Since I stopped working in 2010, I have looked hard, but have been unable to find sustainable employment to enable me to supplement my social Security benefits to be able pay for rent in Marin (I have been living mostly in West Marin, so this is where I would prefer to stay, but rents are very unaffordable). I have had a few low-paying grocery store jobs, but I have not been able to keep them past one month. It's very, very hard to get jobs as an older worker, even with my excellent skills (I was a former full-time Legal Secretary in San Francisco for 27 years).

When I lost my job in 2010, I cashed in my Roth IRA, which I had been saving since age 45. I needed this money available to me to be able to supplement my Social Security income to pay rent, utilities, yard maintenance and other bills (ie., dental, medical, car repairs, veterinary bills and cat supplies & food being the most important, and for which I have accumulated a debt of \$9,400.00, since I cannot really afford these things right now and this allows me to defer payment and make only minimum payments).

My total Social Security benefits net \$1,699.00 per month. My rent is currently \$1,400.00 per month, but it has been going up \$100 every year since 2012. I also pay for water, garbage, PG&E, propane, AT&T and yard maintenance (required per my Lease). On top of that, I pay Kaiser health premiums.

Since 2012, I started getting on several Affordable Housing waiting lists in Marin. So far, I'm still way down on the lists and it's already 5 years since signing up. It could take another 5-7 years or more before I get an eligibility interview. In the meantime, I only have \$10,000 left in my savings account which will last me until Fall 2017. I am getting very worried I won't be able to pay my rent and utilities in Forest Knolls, will not have any family to live with or to help me out, and I'll have nowhere to live, with two 9-year old adult male cats which are like family to me and who I could never part with (it's very hard to find rooms to share with 2 cats). Things were getting so bad for me financially, that last May 2016 I even set up a GoFundMe campaign online!

I never thought it would end up like this--once I was making \$64,000 annual salary, but since I went on SSDI in 2010 and then Social Security in 2016, I am now I'm on poverty-level income with my savings running out, no friends or family to offer financial or housing support, and NOT ENOUGH AFFORDABLE HOUSING OPTIONS FOR

SENIORS. I do know that I am not alone--there are many, many seniors living on poverty level income with nowhere to live--stuck in an unacceptable rising rent situation with no affordable housing options anywhere in Marin. I urge you to read the section in the MEHC message below entitled: "**Here are the FACTS:**" It shows the growing number of seniors in Marin, especially in Fairfax.

I wish to stay in Fairfax, because this has been my home since 1989. I therefore strongly urge you to please ensure that Victory Village moves forward to offer seniors affordable housing in Fairfax. I understand there is a great deal of opposition to this project, but I think the Fairfax citizens who protest are lacking the understanding of how dire the situation is, because all they are thinking about is their own money and how they like to see their town appear and how it will impact them (parking, traffic, etc.) to make their lives more difficult in some way. I, too, am a very concerned former Fairfax citizen and I care about environmental impact of such a project. HOWEVER, I urge you to read the section in the message below from MEHC entitled "**MEHC says Victory Village is an environmentally friendly project. Here's why:**"

Again, I plan to go to the meeting next Thursday. I strongly urge you to allow the Victory Village Affordable Housing project to move forward as planned to enable the growing number of low-income seniors in Marin to have an affordable place to live, which they deserve. I definitely feel I deserve to stay here, as a resident of Fairfax and San Geronimo Valley since 1989 (28 years), although sadly, the last 7 years have indeed been a harrowing struggle financially.

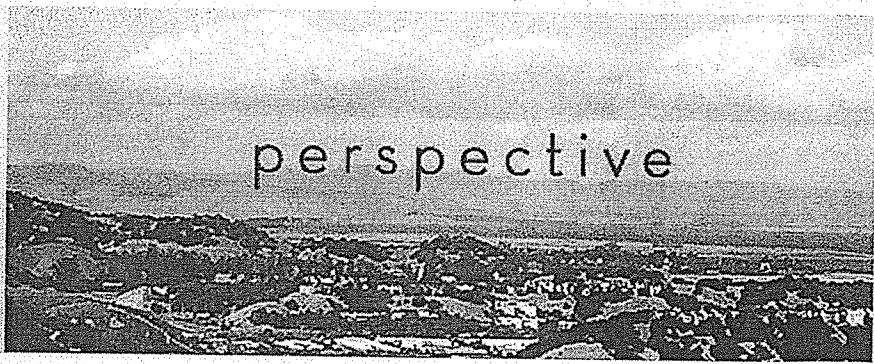
Thank you.

Jo D'Anna
P.O. Box 713
Forest Knolls, CA 94933-0717
(415) 488-9195

From: Marin Environmental Housing Collaborative <rpendoley=comcast.net@mail122.wdc01.mcdlv.net> on behalf of Marin Environmental Housing Collaborative <rpendoley@comcast.net>
Sent: Wednesday, January 11, 2017 11:33 AM
To: jodanna69@hotmail.com
Subject: A Victory (Village) in Fairfax is a Victory for Seniors

Now is the time for all good-hearted Marinites to stand with MEHC! *This is our perspective.*

[View this email in your browser](#)



Elevating the conversation at the intersection of housing & environment since 2006.

Vol. 2 No. 4 January 2016

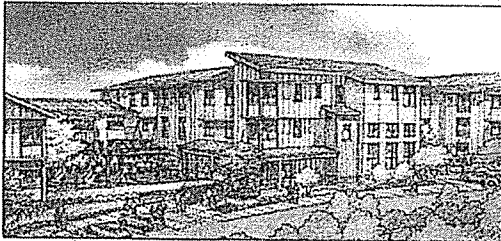
Welcome to our perspective

... Come to the Aid of Senior Housing in Fairfax!

On January 19, the Fairfax Planning Commission will consider *Victory Village*, a 54-unit affordable senior housing proposal. Marin Environmental Housing Collaborative – MEHC – is standing up for this badly needed environmentally-friendly affordable housing.

Victory Village needs your support now.

Here's how: 1. Attend and speak at the hearing. 2. Email a support letter to the Town planner, Linda Neal, at lneal@townoffairfax.org. **Even better, do both.**



The Planning Commission needs to hear from you about the desperate need for affordable senior housing in Marin, especially in Fairfax. Many seniors, particularly single women, must move out of Fairfax and Marin because, once retired, they no longer have enough income to pay Marin's inflated market rents. Please encourage retired folks who can't afford market rents to send a support letter and/or speak at the Planning Commission meeting, 7 pm on Thursday Jan 19 at the Women's Club (46 Park Rd., Fairfax).

Here are the FACTS:

- *Seniors and young households, which tend to have the lowest income levels, are the fastest-growing groups in the county.*
- *The Marin Commission on Aging (MCA) predicts that by 2020, one out of every three Marin residents will be 60 or older.*
- *Three out of four people over 85 will be women.*
- *Fairfax's population is aging more quickly than the rest of the county. In 2010 about 17% of Fairfax residents were 60 years or older. By 2015 that figure had climbed above 24% and more than 63% of Fairfax residents who are 65 or older have a physical disability.*
- *Seniors often live on fixed incomes and suffer disproportionately from poverty and health problems.*
- *All of the Victory Village apartments will be adaptable for seniors with no bility impairments.*
- *Victory Village will provide affordable housing designed for seniors that Fairfax and all of Marin desperately needs.*

Brown space will be redeveloped; green space will be protected.

- Development will be confined to 2 acres, on a parcel currently occupied by Christ Lutheran Church and a vacant school building at the corner of Sir Francis Drake Boulevard and Mitchell Drive. The church and school buildings will be replaced by 54 apartments, 53 affordable to low-income seniors and one for the manager.
- The remaining 18 acres of steeply sloped woodlands could be subdivided into 2 single-family house lots or will be left undisturbed as open space.

Nature and views will be protected.

- There are no endangered plants or animals on the site
- The site will be monitored during construction to assure that plant and animal resources are protected.

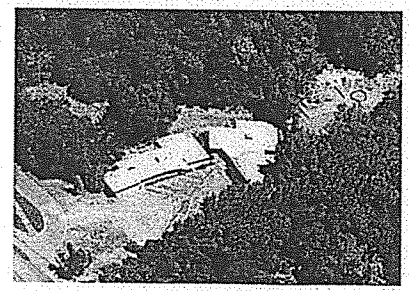
In 2020
1 out of 3
Marinites
60+ WILL BE years old

3 out of 4
Marinites
85+ WILL BE WOMEN

In 2015
1 out of 4
FAIRFAXIANS
60+ WAS years old

nearly **2/3** of
FAIRFAXIANS
65+ have a
disability

Marin Commission on Aging



- The finished product will be well below the thresholds set by the Bay Area Air Quality Management District and the Town's Climate Action Plan for greenhouse gas emissions.
- Ridgeline views will be preserved.

Remember, location, location, location.

- The development will be compatible with nearby, similar apartments.
- The neighborhood is walkable.
- Downtown is a short walk away.
- The new apartments will be on a major transit route.

Flooding will be reduced.

- Flood mitigation and detention ponds, and an improved drainage system will reduce historic off-site flooding.

Traffic: not so much.

- Senior housing generates less than half as much traffic as standard apartments.
- During the morning and evening peak hours, the project will add only one vehicle *every five minutes* to the town's traffic.

Serving Seniors' Transportation Needs.

To support a car-free lifestyle, the project is developing a transportation demand management plan exploring

- Whistlestop services
- Advocacy with transit agencies for more frequent service
- A van shuttle
- Car-pooling and car-sharing options

There will be no negative service or utility impacts.

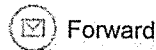
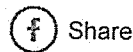
- Public services and utilities are already more than adequate to serve the project.

Well-located, environmentally friendly, and affordable housing proposals are sorely needed. *When one like Victory Village comes along, we need to stand up and shout our support as often and as loudly*

as we can!

Standing up for our seniors and facing up to Marin's aging demographics is yet another reason to support environmentally friendly affordable housing. MEHC will continue to spread the FACTS, and we'll keep exploring how to get it done, with your help. For more information about Marin Environmental Housing Collaborative and our work, please visit our [website MarinMEHC.org](http://www.MarinMEHC.org) and follow our [Facebook page](#) for updates. Thanks for reading.

Stick with us. Watch for our Perspective newsletters in your inbox and archived at www.marinmehc.org. If someone forwarded this email to you, you can get your own copy by joining [our email list](#). Encourage friends and colleagues to **stand with MEHC and** help grow the movement for environmentally-friendly affordable housing in Marin!



We are volunteers with no vested interest except community benefit. We don't get paid, we don't have a staff, but we *do* have expenses. For example, it costs money to publish this newsletter.

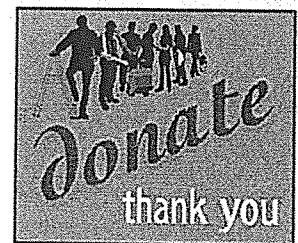
You can help with a tax-deductible donation by clicking [here](#).

Or you can mail a check to us directly:

Marin Environmental Housing Collaborative

P.O. Box 9633

San Rafael, CA 94912



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You support environmentally friendly affordable housing

Our mailing address is:

RF

JAN 17 2017

1/14/17

TOWN OF FAIRFAX

Dear Fairfax ~~Town Council~~, ^{Planning Commission} & ~~Town Mgr.~~ ^{Town Mgr. Garrett Toy}

We moved to FF about 7 years ago. I had to be scraped off of our Sausalito houseboat (coincidentally across the channel from Jim Moore's boat residence) to move to this rural village. The move was all the more painful because I had a brutal commute to South SF. In the first few years I grew to love the town, but the commute was killing me. I vowed we would move out because of it. We purchased an old fishing shack in Larkspur that we could remodel, move in and sell this house in this extremely badly located town. Over time our remodel slowed accidentally on purpose, the neighbors in Larkspur proved to be invasive & judgmental and our neighbors here proved to be the most helpful live and let live minded people I have ever met. In not too long we fell head over heels in love with Fairfax, a love so great I let my career wither to avoid the killer commute.

I assumed good old neighbor Jim Moore was letting this heaven on earth stay as it was, so I never paid the town government much mind. When he muttered disparaging comments about NIMBY's in our few encounters, I laughed it off as those silly planning people who are a bit patronizing to the people who pay their salary, but I never thought it meant anything. Besides, I was busy commuting and had not one shred of energy for long evening meetings. It wasn't until the Nextdoor post about not fixing what is not broken was uploaded that I woke up to the horror of a town government throwing open the doors to a complete upheaval of Fairfax.

Now, here we are with developments lined up all over town. It would seem, the Town Council and the Planning Department & Commission have a vision to remake Fairfax into a Walnut Creek with apartment complexes throughout; upMarining the downtown with a European style plaza; and inviting (by demanding our charity) those on the Marin Housing Authority list to live in a very remote prison with a plaza. You all know if you need to go anywhere beyond San Rafael, and don't have a car, this town is a prison. All this is to be accomplished by ignoring current laws and zoning. The TC, Town Manager & Planning apparently consider the General Plan to be the vehicle for which they can with a wave of their hand remove all legal procedure and oversight and turn this town into something completely different than it was, but the General Plan was conceived and executed by consultants who have NO SKIN in the game and without the knowledge of most of the people in town. I would like to see the noticing for the General Plan meetings. Why did I not receive anything in my mail or email? If the town can afford \$300k on consultants, why not on informing taxpaying citizens?

This is not why we are living here. We love nature, walking to an old style downtown with reasonable rents so businesses can thrive. We love brats at Gestalt Haus, petting the kitties at Patties, checking out the books outside on the table at Rose's, listening to Neil Young's doppelganger while sipping our coffee at the Roastery. We love the open space; walking from our house to the trails in Deer

Park or Tamarancho, or the countless other hills that can be climbed on a warm summer's day. This town is not a suburb, it's not a good candidate for condos (downtown rezoning) or apartment buildings (Victory Village) or tacky mansionettes on ridgelines (Wall Property) it's a precious unique environment that IS NOT THE VISION OF THE STATE OF CALIFORNIA OR SOME PLANNER WHO NEVER OWNED A HOUSE HERE (OR ANYWHERE FOR THAT MATTER). Because of this, it has traditionally had the lowest priced housing in Marin with many options for lower income people in shared houses or inlaw units. We have housed 3 low income men since moving here for over a year each. Each of them had terrible challenges with transportation to their jobs, or anything really. They all had marginal vehicles and the bus system did not take care of their needs.

By not really doing due diligence some very basic elephants sitting in the living room are being ignored.

1. TRAFFIC--The traffic all the way to 101 is soul killing. We cannot add one more car without major mental illness killing the population.
2. PUBLIC TRANSIT—This town has no drug store and minimal services. To purchase many things one has to go out of town. The only way without driving is by Marin Transit. The concept that SFD is a "transit corridor" has no real basis in fact. Fairfax is not served well enough with public transit to be able to live with any kind of ease without a car. Period.
3. OPEN SPACE—It's obviously a priority with townspeople, but the Town Council would rather pay \$3 mil for an overpriced bridge with \$1 mil going to consultants, or hundreds of thousands to consultants from all over to redesign things that just aren't going to fly than to put some money into Open Space or the upkeep of trails and stairs in town. Allowing houses on the ridge line on the Wall property is against our current zoning laws; allowing 4 story buildings (at the current height of the the Victory Village project) destroys the visual dominance of nature in this town.

I appreciate your consideration of my views.

I know that many people living in this town share them. We love it here, we don't want it to morph into something else.

Sincerely,



Stephanie Burns

28 Mountain View Road
Fairfax, CA 94930

415-261-9868

January 15, 2017

Michelle Gardener, Town Clerk
Town of Fairfax
gardener@townoffairfax.org

Dear Planning Commissioners/Councilmembers,

I write you to express my support for the Victory Village development at Christ Lutheran Church in Fairfax.

Debate around this development has invited comment about three stories or transportation. But, from my perspective, you should concentrate on the needs of the people of Fairfax. We desperately need affordable options restricted for low-income seniors.

With so many units reserved for seniors with incomes capped at either \$25,830 annually or \$49,200 annually, this development will help current residents age in this community. As Treasurer of Fairfax Community Church, our church has seen aging members face that age, or that health crisis, or that income failure and be forced to leave Ross Valley and all of Marin to find a place to live. Older Fairfax residents are already vulnerable to rising fees and prices. This is no longer the affordable community that my parents moved to in 1987.

Time has a way throwing plans and preparations to the wind, so the demographics indicate that a greater proportion of our seniors meet those moments where the old home or the long-term rental no longer work. Lower incomes and older residents cannot adjust, and they deserve the opportunity to stay close to neighborhood friends, family, familiar community services and clergy. The income restrictions will serve to make Victory Village appeal mostly to local seniors, even if other seniors might see this as an opportunity. Specifically, lower income seniors are far more dependent on local resources that they cultivate over a lifetime, so Fairfax will not look attractive to outsiders when these units become available.

Without an increase in these types of facilities in Fairfax, we fail our Fairfax residents who grow older and face the all-too-predictable personal crisis. This is an essential change to the mix of housing needs for an aging population. That others can't see this does not represent the Fairfax ethic that is much more far-sighted.

Sincerely,

Kris Organ
99 Redwood Road
Fairfax, CA 94930
kris@civilrightsca.com



PETITION SUPPORTING VICTORY VILLAGE

I, the undersigned, join those supporting Victory Village, the development proposed at Christ Lutheran Church. Personally, I have read the letter from Fairfax Community Church Treasurer, Kris Organ and support the points made in favor of that development.

Name & Address

Signature

<u>Elise Oser 203 Scenic Ave San Anselmo 94960</u>	<u>Elise Oser</u>
<u>Dean Hanson Box 1184 Woodacre CA 94973</u>	<u>Dean Hanson</u>
<u>Eugene LaChance 20923 SFD Blvd.</u>	<u>Eugene LaChance</u>
<u>LYON BAKER 47 MT VIEWS 1484-1A Lurie San Rafael 94901</u>	<u>Lion Baker</u>
<u>Buck Kelly 114 D St San Rafael 94901</u>	<u>Buck Kelly</u>
<u>Je Hui 208 Forbes Ave San Anselmo, CA 94960</u>	<u>Je Hui</u>
<u>Elizabeth Heitner</u>	<u>E Heitner</u>
<u>Gilda Melcham 11 Hampton Av San Anselmo CA 13 ALHAMBRA CIRCLE</u>	<u>Gilda Melcham</u>
<u>Justin Dowlen FAIRFAX CA 94930</u>	<u>JUSTIN DOWLEN</u>
<u> </u>	<u> </u>

Lisel Blash
22 Pacheco Avenue
Fairfax, CA 94930

January 15, 2017

Town of Fairfax Planning Commission and Town Council,

I am strongly in support of the proposed Victory Village low-income senior housing development. The need for low-income housing is desperate across the US, and more so in the Bay Area. The ability to provide subsidized housing will likely become less and less possible in the increasingly conservative political climate in the US. We in Fairfax should seize our chance to be a beacon of hope and an example to the rest of Marin that we can both be a humane and liberal community AND stay a small town by selectively welcoming a project that truly fits our town's character.

I have spent some time biking, walking, and driving around town to think about how this project would fit into our local landscape. This 54 unit, 2-acre project seems in keeping with developed properties at the west end of town and is well-designed and aesthetically pleasing. For comparison, West Fairfax developments include these apartments and condominiums:

- Creekside Apartments, 48 units, 1.65 acres¹
- Fairfax Woods, 32 units, 1.2 acres
- Lanai Apartments, 33 units, 1.27 acres
- Redwood Glade, 22 units, 1.06 acres
- Cañon Village, 87 units, 6.23 acres
- Village West, 68 units, (acreage unknown)
- Drake Manor/300 Olema, total of 26 units between the two, 0.9 acres

In addition, there are two other apartment developments in town that are larger. These are:

- Bennett House, 70 units, (acreage unknown)
- Sherwood Oaks, 80 units, 2.9 acres

There are also already a number of 3-story structures in Fairfax, including:

- Bennett House, 53 Taylor Drive
- Sherwood Oaks, 200 Bolinas Road
- Center Oaks, 780 Center Blvd
- 1780-1790 Sir Francis Drake
- Redwood Glade, 351 Olema Road
- 300 Olema Road behind Drake Manor (virtually across the street from the proposed Victory Village project)

¹ Acreage is from parcel maps at the Marin County Assessor's Office. Units are from online real estate sources such as apartments.com. The number of stories were collected from direct observation.

- 40 Taylor Drive
- Several buildings on Live Oak including 103 Live Oak
- Miscellaneous other buildings in the hills around Deer Park

Most of these structures seem to have included the third story to allow parking under the building, or to accommodate the slope of a hill, as the proposed project would. The 3-story building at 300 Olema can be seen from Sir Francis Drake and yet seems to pass largely unnoticed. Although a two story limit in general feels more “human-scale”, in the right situations these three story structures seem to fit in to their landscape. The three-story wing of Victory Village would not set a precedent for three story buildings in Fairfax, and it would have no visual impact on the overall low-rise character of our historic downtown.

While Fairfax has had a preference for lower and more spread-out development, the more compact nature of the proposed Victory Village development offers some advantages. It is on infill property—property that was already developed for another purpose. Its relatively compact nature will help minimize landscape disruption, allow residents to move about more easily, and limit the amount hardscape and roof surface. The initial study of the design and impacts of this proposed project have been extensive (456 pages). The attention to local environment including drought resistant plantings, 1:1 tree replacement, and storm water retention seem to fit in with our town’s desire for green building that is sensitive to its natural setting. In fact, it appears that the proposed improvements to the property would decrease storm runoff. I have ridden and walked all around the proposed project. The story poles help demonstrate that it would not impede the view of the ridgeline from Sir Francis Drake. In fact, the initial study of the proposal concludes that the project “has been designed to vary the heights and facades facing Sir France Drake Boulevard and is thus consistent with this policy” (of minimizing the visual mass).

Finally, we should think about our town’s culture. We are a socially active and left leaning town with an informed citizenry. We are proud of being different from much of the rest of Marin and California. Embracing this project will set us apart as a community that understands that the measure of a society is found, as Jimmy Carter once said, in how it treats its weakest and most helpless citizens. The vision for this project grew out this inclusive aspect of Fairfax culture.

As the UC Berkeley Urban Displacement researchers note, building new affordable housing is a necessary if insufficient solution to stabilizing communities in face of increasing gentrification and displacement pressures. Let’s take this step to embrace this project by zoning the property to accommodate it and take other measures to make sure that our community retains its diverse income mix and its heart.

Lisel Blash