

RESOLUTION NO. 17-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF FAIRFAX RECOMMENDING THE TOWN COUNCIL APPROVE A GENERAL PLAN AMENDMENT, ZONING TEXT AND MAP AMENDMENTS TO TOWN CODE CHAPTERS 7.012 AND 17.090 (INCLUDING ADOPTION OF A NEW MULTI-FAMILY RESIDENTIAL – SENIOR ZONING DISTRICT ORDINANCE), PARCEL MAP, DENSITY BONUS, DESIGN REVIEW PERMIT, TRAFFIC IMPACT PERMIT, AND EXCAVATION PERMIT FOR THE VICTORY VILLAGE SENIOR HOUSING PROJECT (2626 SIR FRANCIS DRAKE BOULEVARD)

WHEREAS, the Planning Commission is an advisory body to the Town Council of the Town of Fairfax; and

WHEREAS, the Planning Commission has reviewed the draft “Resolution of the Town Council of the Town of Fairfax Approving a General Plan Amendment for the Victory Village Senior Housing Project (2626 Sir Francis Drake Boulevard)” attached hereto as Exhibit ‘1’ and incorporated herein as if restated in full; and

WHEREAS, the Planning Commission has reviewed the draft “Ordinance of the Town Council of the Town of Fairfax Amending Fairfax Town Code Chapter 17.012, Adding a New Chapter 17.090 (RM-S Multi-Family Residential Senior), and Amending the Town Zoning Map” attached hereto as Exhibit ‘2’ and incorporated herein as if restated in full; and

WHEREAS, the Planning Commission has reviewed the draft “Resolution of the Town Council of the Town of Fairfax Approving a Parcel Map, Density Bonus, Design Review Permit, Traffic Impact Permit, and Excavation Permit for the Victory Village Senior Housing Project (2626 Sir Francis Drake Boulevard)” attached hereto as Exhibit ‘3k’ and incorporated herein as if restated in full; and

WHEREAS, collectively, Exhibits 1-3 listed above constitute the project entitlements necessary for approval of the subdivision of 2626 Sir Francis Drake Boulevard (the “Site”) into three parcels, one of which shall be developed into an affordable Senior Housing Development and the remaining two of which shall be left undeveloped, as further set forth in Exhibits 1-3 (collectively, the “Project”); and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) (Pub. Res. Code, § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs, Tit. 14 § 15000 et seq.), the Town of Fairfax (“Town”) is the lead agency for the proposed Project; and

WHEREAS, Town staff reviewed the Project and caused an Initial Study to be prepared pursuant to State CEQA Guidelines section 15063; and

WHEREAS, on the basis of the Initial Study, which concluded that the Project will not have significant impacts on the environment with implementation of mitigation, the Town determined that a Mitigated Negative Declaration (“MND”) should be prepared for the Project, and an MND was prepared pursuant to CEQA and the State CEQA Guidelines; and

WHEREAS, on October 5, 2016, pursuant to Public Resources Code § 21080.3.1(d), the Town provided formal notification to the designated contact of traditionally and culturally affiliated California Native American tribes that have requested notice of the Project, which is within a geographic area traditionally and culturally affiliated with such tribes; and

WHEREAS, the Town provided copies of the draft MND and Initial Study to the public for an twenty-day review and comment period beginning on November 30, 2016, and ending on January 4, 2017, pursuant to Public Resources Code section 21091(b); and

WHEREAS, subsequent to the January 4, 2017, closure of the comment period, the Applicant proposed changes to certain aspects of the proposed Project, and the Town thus caused the draft MND and Initial Study to be modified to reflect and analyze those changes, per CEQA Guidelines section 15073.5; and

WHEREAS, the Town provided copies of the recirculated draft MND and Initial Study to the public for a twenty day review and comment period beginning on March 29, 2017, and ending on April 19, 2017, pursuant to Public Resources Code section 21091(b) and CEQA Guidelines section 15073.5;

WHEREAS, pursuant to State CEQA Guidelines section 15097, the Town has prepared a Mitigation Monitoring Program, which is attached as an exhibit to the "Resolution of the Town Council of the Town of Fairfax Approving a Parcel Map, Density Bonus, Design Review Permit, Traffic Impact Permit, and Excavation Permit for the Victory Village Senior Housing Project (2626 Sir Francis Drake Boulevard)" attached hereto as Exhibit '3;' and

WHEREAS, as contained here, the Town has endeavored in good faith to set forth the basis for its decision on the proposed Project; and

WHEREAS, the Town has endeavored to take all steps and impose all conditions necessary to ensure that impacts to the environment would not be significant; and

WHEREAS, all of the findings and conclusions made by the Planning Commission pursuant to this Resolution are based upon the oral and written evidence before it as a whole; and

WHEREAS, the Planning Commission has reviewed the MND, Initial Study, and all other relevant information contained in the record regarding the Project; and

WHEREAS, the Town of Fairfax, acting through its Open Space Committee, Tree Committee, Planning Commission and Town Council, have noticed and held multiple public hearings, study sessions, and public meetings to consider the Project, including, but not limited to, meetings on December 15, 2016 (Planning Commission); January 19, 2017 (Planning Commission); January 23, 2017 (Tree Committee); January 26, 2017 (Open Space Committee); March 16, 2017 (Planning Commission); and April 20, 2017 (Planning Commission). The public were invited to attend and share their input at such meetings; and

WHEREAS, on April 20, 2017, at a regularly-scheduled Planning Commission meeting, the public was afforded an opportunity to comment on the Project and the MND/Initial Study; and

WHEREAS, at its April 20, 2017, meeting, the Planning Commission discussed and

considered the Project, including the proposed General Plan Amendment, Zoning Text and Map Amendments to Town Code Chapters 7.012 and 17.090 (Including Adoption of a New Multiple-Family Residential – Senior Zoning District Ordinance), Parcel Map, Density Bonus, Design Review Permit, Traffic Impact Permit, and Excavation Permit for the Victory Village Senior Housing Project; and

WHEREAS, the Planning Commission accepts and makes as its own the findings set forth in Exhibits 1-3 attached hereto, and on that basis recommends the Town Council approve each of said Exhibits and approve the Project contemplated therein.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Fairfax as follows:

SECTION 1. Recitals. The recitals above are hereby incorporated by reference as a substantive component of this Resolution.

SECTION 2. Compliance with the California Environmental Quality Act. As the advisory body to the Town Council, the Planning Commission has independently reviewed and considered the information contained in the Recirculated MND, Initial Study, and administrative record, on file with the Town and available for review at the Town offices located at 142 Bolinas Road, Fairfax, California 94930. The Planning Commission has found that the Recirculated MND and Initial Study have been completed in compliance with CEQA and the State CEQA Guidelines and, by adoption of Resolution No. 17-____, adopted April 20, 2017, has recommended approval of the same to the Town Council.

SECTION 3. Recommendation. The Planning Commission of the Town of Fairfax, having reviewed and considered the following documents, adopts the findings set forth therein as if restated here in full and recommends that the Town Council adopt the:

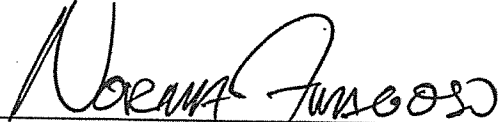
- A. Resolution of the Town Council of the Town of Fairfax Approving a General Plan Amendment for the Victory Village Senior Housing Project (2626 Sir Francis Drake Boulevard) (Exhibit '1');
- B. Ordinance of the Town Council of the Town of Fairfax Amending Fairfax Town Code Chapter 17.012, Adding a New Chapter 17.090 (RM-S Multi-Family Residential Senior), and Amending the Town Zoning Map (Exhibit '2'); and
- C. Resolution of the Town Council of the Town of Fairfax Approving a Parcel Map, Density Bonus, Design Review Permit, Traffic Impact Permit, and Excavation Permit for the Victory Village Senior Housing Project (2626 Sir Francis Drake Boulevard) (Exhibit '3').

SECTION 4. Effective Date. This Resolution shall be effective immediately.

PASSED AND ADOPTED this 20th day of April, 2017, by the following vote:


AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:



Norma Fragoso, Chair

ATTEST:



Linda Neal, Secretary

Exhibits:

- 1 - Resolution of the Town Council of the Town of Fairfax Approving a General Plan Amendment for the Victory Village Senior Housing Project (2626 Sir Francis Drake Boulevard)
- 2 - Ordinance of the Town Council of the Town of Fairfax Amending Fairfax Town Code Chapter 17.12, Adding a New Chapter 17.090 (RM-S Multiple-Family Residential Senior), and Amending the Town Zoning Map
- 3 - Resolution of the Town Council of the Town of Fairfax Approving a Parcel Map, Density Bonus, Design Review Permit, Traffic Impact Permit, and Excavation Permit for the Victory Village Senior Housing Project (2626 Sir Francis Drake Boulevard)

RESOLUTION NO. 17-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF FAIRFAX RECOMMENDING THE TOWN COUNCIL APPROVE A MITIGATED NEGATIVE DECLARATION AND ADOPT A MITIGATION MONITORING PROGRAM FOR THE VICTORY VILLAGE SENIOR HOUSING PROJECT (2626 SIR FRANCIS DRAKE BOULEVARD)

WHEREAS, on April 25, 2016, Resources for Community Development ("Applicant") submitted an application to the Town of Fairfax seeking approval to subdivide a 20-acre site located at 2626 Sir Francis Drake Boulevard (the "Site," APN 174-070-010) and develop an affordable senior housing project on two of those acres (collectively, the "Project"). The site is currently occupied by an existing church and affiliated elementary school, as well as small storage buildings and a paved parking area; and

WHEREAS, the Project would subdivide the Site into three parcels, consisting of a single 2-acre parcel, and two 9-acre parcels. While the 9-acre parcels are not proposed to be developed at this time, the Applicant seeks approval to develop the 2-acre parcel with a 54-unit affordable senior housing project (53 resident units plus one manager's unit), in a roughly 50,755 square foot 'E'-shaped building with two- and three-story wings wrapping around courtyards that terrace with grade changes. The housing project would be served by a paved parking area providing some 43 parking spaces, and new bicycle parking, sidewalks, and associated site and frontage improvements; and

WHEREAS, the Project requires a General Plan amendment, zoning text and map amendments (including the adoption of a Residential Multi-Family – Senior zoning ordinance), a parcel map, a density bonus, design review, an excavation permit, and a traffic impact permit; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Pub. Res. Code, § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs, Tit. 14 § 15000 et seq.), the Town of Fairfax ("Town") is the lead agency for the proposed Project; and

WHEREAS, Town staff reviewed the Project and caused an Initial Study to be prepared pursuant to State CEQA Guidelines section 15063; and

WHEREAS, on the basis of the Initial Study, which concluded that the Project will not have significant impacts on the environment with implementation of mitigation, the Town determined that a Mitigated Negative Declaration ("MND") should be prepared for the Project, and an MND was prepared pursuant to CEQA and the State CEQA Guidelines; and

WHEREAS, on October 5, 2016, pursuant to Public Resources Code § 21080.3.1(d), the Town provided formal notification to the designated contact of traditionally and culturally affiliated California Native American tribes that have requested notice of the Project, which is within a geographic area traditionally and culturally affiliated with such tribes; and

WHEREAS, the Town provided copies of the draft MND and Initial Study to the public and for an extended review and comment period beginning on November 30, 2016, and ending on January 4, 2017, pursuant to Public Resources Code section 21091(b); and

WHEREAS, subsequent to the January 4, 2017, closure of the comment period, the Applicant proposed changes to certain aspects of the proposed Project, and the Town thus caused

the draft MND and Initial Study to be modified to reflect and analyze those changes, per CEQA Guidelines section 15073.5; and

WHEREAS, the Town provided copies of the recirculated draft MND and Initial Study to the public for a twenty day review and comment period beginning on March 29, 2017, and ending on April 19, 2017, pursuant to Public Resources Code section 21091(b) and CEQA Guidelines section 15073.5;

WHEREAS, pursuant to State CEQA Guidelines section 15097, the Town has prepared a Mitigation Monitoring Program for the recirculated draft MND and Initial Study, which is attached hereto and incorporated herein as Exhibit 'A'; and

WHEREAS, as contained here, the Town has endeavored in good faith to set forth the basis for its decision on the proposed Project; and

WHEREAS, the Town has endeavored to take all steps and impose all conditions necessary to ensure that impacts to the environment would not be significant; and

WHEREAS, all of the findings and conclusions made by the Town pursuant to this Resolution are based upon the oral and written evidence before it as a whole; and

WHEREAS, the Planning Commission has reviewed the MND, Initial Study, and all other relevant information contained in the record regarding the Project; and

WHEREAS, on April 20, 2017, at a regularly-scheduled Planning Commission meeting, the public was afforded an opportunity to comment on the Project and the recirculated MND/Initial Study, and the Planning Commission discussed and considered the Project and the recirculated MND/Initial Study; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Fairfax as follows:

SECTION 1. Recitals. The recitals above are hereby incorporated by reference as a substantive component of this Resolution.

SECTION 2. Compliance with the California Environmental Quality Act. As the advisory body to the Town Council, the Planning Commission has independently reviewed and considered the information contained in the recirculated MND, Initial Study, and administrative record, on file with the Town and available for review at the Town offices located at 142 Bolinas Road, Fairfax, California 94930. The Planning Commission finds that the recirculated MND and Initial Study have been completed in compliance with CEQA and the State CEQA Guidelines.

SECTION 3. Findings on Environmental Impacts. In the Planning Commission's role as an advisory body to the Town Council, the lead agency under CEQA, the Planning Commission finds that the recirculated MND and Initial Study contain a complete and accurate reporting of the environmental impacts associated with the Project. The Planning Commission further finds that the documents have been completed in compliance with CEQA and the State CEQA Guidelines. The Planning Commission further finds that all environmental impacts of the Project are either less than significant or can be mitigated to a less than significant levels pursuant to the mitigation measures

outlined in the recirculated MND, Initial Study, and the Mitigation Monitoring Program. The Planning Commission further finds that there is no evidence in the record supporting a fair argument that the Project may result in significant environmental impacts, and that any comments received regarding the Project have been examined and determined to not modify the conclusions of the recirculated MND. The Planning Commission finds that the recirculated MND contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment of the Planning Commission.

SECTION 4. Adoption of Recirculated Mitigated Negative Declaration. The Planning Commission hereby recommends that the Town Council approve and adopt the recirculated MND prepared for the Project.

SECTION 5. Adoption of the Mitigation Monitoring Program. Pursuant to Public Resources Code section 21081.6, the Planning Commission hereby recommends the Town Council approve and adopt the Mitigation Monitoring Program prepared for the Project, attached hereto as Exhibit 'A'.

SECTION 6. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at the Town's offices, located at 142 Bolinas Road, Fairfax, California 94930. Garrett Toy, Town Manager, is the custodian of the record of proceedings.

SECTION 7. Notice of Determination. The Planning Commission recommends that the Town Council direct Staff to file a Notice of Determination with the County of Marin within five (5) working days of approval of the Project, if it should approve the Project.

SECTION 8. Effective Date. This Resolution shall be effective immediately.

PASSED AND ADOPTED this 20th day of April, 2017, by the following vote:


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

NOES:


ABSENT: *Green, Gonzalez-Parber*

ABSTAIN:

APPROVED:


Norma Fragoso, Chair

ATTEST:


Linda Neal, Secretary

Exhibits:

A – Mitigation Monitoring Program