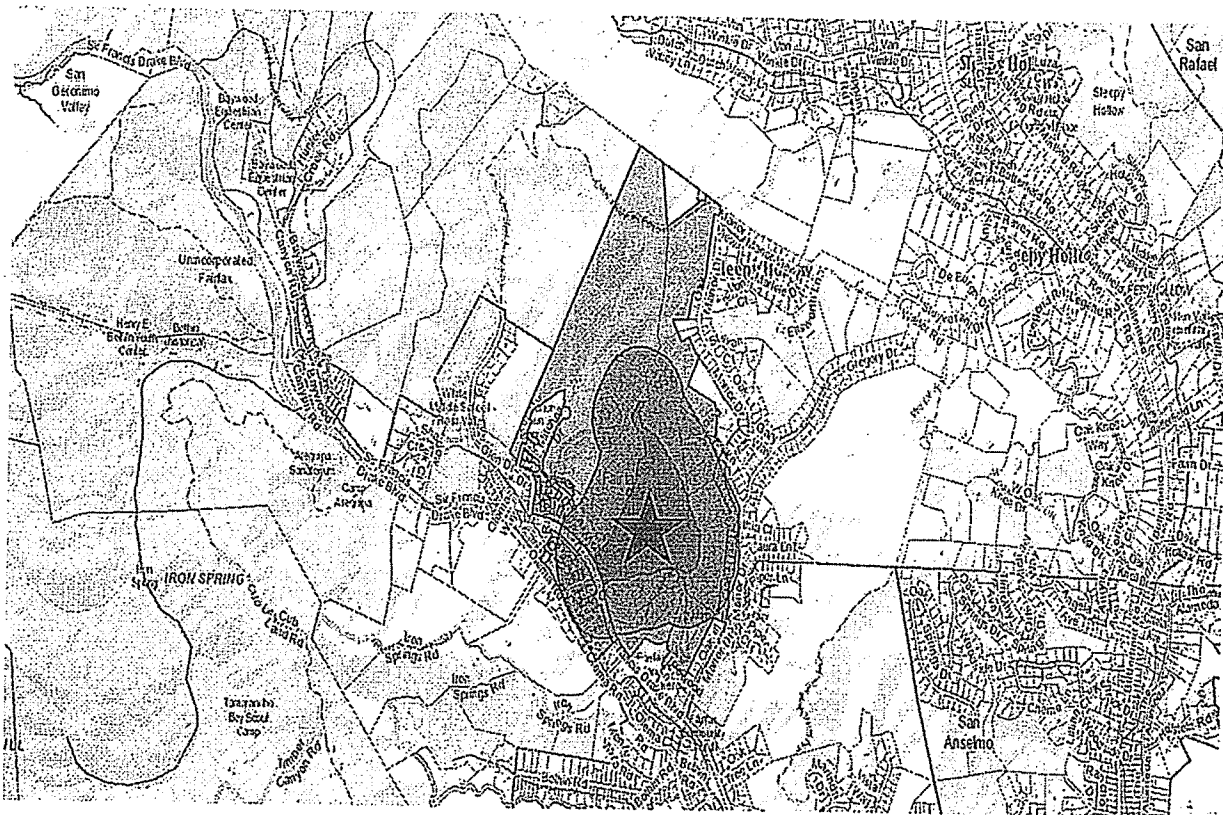


**TOWN OF FAIRFAX  
STAFF REPORT**  
Department of Planning and Building Services

**TO:** Fairfax Planning Commission  
**DATE:** December 15, 2016  
**FROM:** Garrett Toy, Town Manager  
Linda Neal, Senior Planner  
LAK Associates, Contract Planner  
**LOCATION:** 2626 Sir Francis Drake Boulevard, Fairfax, CA 94930  
**ZONING:** UR-7  
**PROJECT:** Victory Village Senior Housing project  
**ACTION:** Recommend for Approval  
**APPLICANT:** Resource for Community Development  
**OWNER:** Christ the Victor Lutheran Church  
**CEQA STATUS:** Mitigated Negative Declaration



**2626 SIR FRANCIS DRAKE BOULEVARD  
Victory Village Senior Housing Project**

## OVERVIEW

Applicant Resources for Community Development, a non-profit affordable housing developer, 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.** The General Plan land use designation for the 2-acre parcel will remain PDD, while the two 9-acre parcels will require a General Plan amendment in order to re-designate those parcels UR-7-10.
- **Zone Change and Text Amendment.** The 9-acre parcels will remain zoned UR-7, while the 2-acre parcel will need to be rezoned PDD. In addition, 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. This revision was specifically contemplated in the 2015-2023 Housing Element.
- **Planned Development District Ordinance.** A new Planned Development District ordinance will be adopted for the 2-acre parcel to establish applicable land uses and development standards.
- **Parcel Map.** A parcel map will be necessary to subdivide the existing 20-acre site into three parcels.
- **Density Bonus Agreement.** 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 a portion of its parkland dedication requirement 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 which only requires the Council's approval.
- **Traffic Impact Permit.** The project will require a traffic impact permit.

- **Excavation Permit.** The project will require an excavation permit.

Specifically, the Planning Commission will be considering the following: 1) the adoption of a resolution recommending adoption of mitigated negative declaration and mitigation monitoring and reporting program and 2) the adoption of a resolution recommending approval and adoption of general plan amendment, zoning ordinance and map amendment, planned development district ordinance, parcel map, density bonus, design review, traffic impact permit, and 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. The Opportunity Sites outlined in the "Housing Opportunities" section of the 2015 Housing Element are the areas the Town designated as capable of hosting 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 keep its existing General Plan land use designation (PDD) and will be rezoned PDD. 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.

A new Planned Development District ordinance will be adopted for the 2-acre lot to establish the land uses and development standards applicable to the senior housing portion of the Site. No development of the two 9-acre remainder parcels is contemplated as part of the proposed project. 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 seniors and one will serve as a manager's apartment (the "Senior Housing Community"). Applicant also proposes to provide 36 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 a portion of the project's parkland dedication requirement. These concessions are addressed below.

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 reaches a maximum height of 40'-10" at the ridgeline of the middle wing and then drops down to 32'-10" at the ridgeline of third wing. 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 have the same curb cut location as 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 also included to connecting 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 stormwater 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 also includes an alternative access to connect to the existing storm water drainage system and an alternative vehicle access located off Sir Francis Drake Boulevard that aligns with the drive along the southeast edge of the site. (See Figure 3 – Site Plan). 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 a proscriptive 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 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 alternate drainage and access is included as part of the project, and was reviewed in the environmental review document prepared for the project.

## **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, 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 as to the two 9-acre parcels by paying the in-lieu fee. With regard to the requirement vis-à-vis the Senior Housing Project, Applicant makes two requests:

- (1) Under Town Code § 16.24.100(B)(10)(b), planned developments are eligible to receive a credit, as determined by the Town Council, against the amount of land required to be dedicated, or the amount of the fee imposed, pursuant to this section, for the value of private open space within the development which is usable for active recreational uses. For the purposes of this section, private open space is that open space which is available to all residents within the development. Applicant requests the Town Council issue such credit to this project, given its service to low-income seniors.
- (2) As is discussed in further detail below, under the state density bonus law (Government Code 65915), the Applicant is entitled to request a number of concessions. To the extent the open space provided on the Senior Housing Site does not satisfy the Senior Housing Site's entire parkland dedication requirement (after the credit mentioned above is given), Applicant requests the Town grant it a concession waiving the remaining dedication requirement.

**General Plan Amendment.** The property is currently designated PDD in the General Plan (see Land Use Figure LU-1). The Applicant proposes to retain this PDD land use designation for the 2-acre parcel but redesignate the two 9-acre parcels UR-7-10. This General Plan Amendment

will retain the development rights of the remaining 18 acres and will ensure 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 PDD. The two 9-acre parcels will remain zoned UR-7, and will retain the existing development rights.

In addition, the existing Planned Development District Ordinance (*Fairfax 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. The streamlined approval process is meant to facilitate the development of affordable housing by removing obstacles to approval and allowing for more tailored development and use standards at qualifying sites. Generally, the changes will:

- Only apply to requested PDDs that are also identified as Opportunity Sites in the Housing Element.
- Implement Housing Element Program 2.1.1.1, which allows for the development of this PDD at a site that is less than five acres (which is the minimum otherwise required for development of a PDD by the existing Code language).
- Allow for the Town to set development standards particular to the PDD at issue, rather than simply imposing the standards applicable to the zoning district most similar in nature to the project.
- Acknowledge that the density of a given PDD will be set by the general plan.
- Streamline the application submission and review process, such that the three-step preliminary development plan, master development plan, and precise development plan process is replaced by the submission of an application that is heard by the Planning Commission and decided by the Town Council.

As indicated above, approval of the proposed rezoning would be consistent with the Town's GP and Housing Element which specifically target the subject property for development of affordable housing. The rezoning of the 2-acre project site would also allow the Town to comply with provisions of the State Housing Law requirement for providing sites zoned to accommodate affordable housing. Furthermore, because the two remainder parcels will remain zoned UR-7, there is no change in the potential development intensity of that portion of the Site.

**Planned Development District Ordinance.** A new Planned Development District ordinance will be adopted for the 2-acre parcel to establish the land uses and development standards applicable to the Senior Housing Site.

The creation of a PDD requires consistency with the PDD adoption process and standards discussed above. Applicant is requesting a PDD with standards very similar in nature to the RM Zone, which is the zoning district most similar in nature to the project. However, some deviations are requested. Generally, these are as follows:

- Density. The project's base density of 20 units per acre is established in the General Plan. As discussed below, the Senior Housing Project qualifies for a density bonus under California Government Code § 65915. As a result, the project's base density of 20 dwelling units per acre is increased to 27 dwelling units per acre, which will allow for the construction of 54 units on the 2-acre Senior Housing Site.
- Principal permitted uses. The General Plan provides that the Senior Housing Site shall be used for residential purposes only. This requirement is incorporated into the PDD.
- Building site requirements. The building site requirements are tailored to the site, as is customary for most planned development districts.
- Height. As discussed below, Applicant has requested a concession under the state density bonus law as to maximum permissible height. Where the Fairfax Town Code would generally require a maximum of 28'6", Applicant has requested a maximum height of 40'10".
- Off-street parking. As discussed below, Applicant has requested a concession under the state density bonus law regarding parking. Where the Fairfax Town Code would generally require on-site parking to be covered, Applicant has requested that uncovered parking. In addition, because Applicant is providing rent-restricted affordable housing for seniors 62 and older, and the project is located near transit, it qualifies for a state-mandated parking ratio of 0.5 parking spaces per dwelling unit. (California Government Code § 65915(p).)

The proposed project also includes the undergrounding of all proposed utilities.

The project's compliance with the applicable standards of the most similar residential Zone District, the Multiple Family Residential RM Zone, as follows [Town Code§17. 17.112.030(A)(4)]:

|                     | Front Setback | Rear Setback | Combined Front/Rear Setback | Side Setback    | Combined Side Setbacks | Lot Coverage | Height                                      |
|---------------------|---------------|--------------|-----------------------------|-----------------|------------------------|--------------|---|
| Required/ Permitted | 10 ft.        | 10 ft.       | 40 ft.                      | 10 ft. & 10 ft. | 25 ft.                 | .35          | 28'5", 3 stories                            |
| Proposed            | 40 ft.        | 142 ft.      | 182 ft.                     | 18 ft. & 28 ft. | 46 ft.                 | .24          | 27'6" and 2 stories to 40'10" and 3 stories |

**Density Bonus.** Applicant proposes to provide 100% of the resident units at rent-restricted housing rates affordable to 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 land use element of 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 (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, 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 required to grant the requested concession. The statute does, however, also provide that the requirement to provide concessions "does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements." (Government Code § 65915(l).)

Two of Applicant's requested concessions were discussed above: (1) height (allowing 40'10" instead of 28'6"), and (2) uncovered parking (instead of covered parking). Applicant has represented that these concessions will result in identifiable, financially sufficient, and actual cost reductions, and they thus fall within the concessions contemplated under Subsection (k) of the density bonus law. The third requested concession is the waiver of 8,900 square feet of the parkland that the Senior Housing Project would be required to dedicate (or, alternatively, waiver of the fees that could be paid in lieu of actually offering land for dedication). This request is thus not subject to Subsection (k), but rather Subsection (l) cited above, and the Town has more



discretion as to whether or not it wishes to grant this final concession. (Note that the parkland requirement for the two 9-acre parcels is not subject to any requested concessions, and Applicant has proposed to pay the required fee in-lieu for that requirement.) Staff supports all three requested concessions, on the grounds that the Senior Housing Project provides a great public benefit to the community by improving a vacant site with rent-restricted affordable housing to seniors.

**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 paratransit service. (State Government Code § 65915(p).) By meeting these parameters, Victory Village will qualify for this reduced parking standards. Thus, the project's 54 units would only require 27 parking spaces. The project proposes to include 36 on-site parking spaces and therefore, 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, it 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 would not cause the performance of intersection of roadway linkages to fall below the acceptable level of service or otherwise further reduce the system performance within the Town of Fairfax. As there is no potential impacts, no traffic impact plan is required for development of the proposed project. 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. Therefore, there are no potential impacts related to traffic as a result of the project and the project will provide an overriding public benefit with the addition of much needed, affordable, senior housing units.

The proposed project also includes an alternative access, with direct connection to Sir Francis Drake Boulevard (south of the current access off Mitchell Drive). This access point was also studied by Parisi and found 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, and therefore the project will provide an overriding public benefit.

**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 or fill of 1,670 cubic yards of material, the majority of which would be required for the undergrounding of utilities.

The Town Engineer has reviewed the following 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 reference 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 can be made as set forth in the resolution accompanying this staff report.

The Applicant's preliminary civil and hydrology studies indicate that the project meets the required standards grading and drainage. Furthermore, the IS/MND evaluated the proposed project for potential impacts to geologic and hydrologic conditions and found that mitigation incorporated to the project would result in a less than significant impact. 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 stormwater 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 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 facilities 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 aesthetic, 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 can comply with the 28'6" height restriction. The building gradually steps up to a three-story structure, with a maximum height of 40'10", in the middle of the building and then reduces back down to 33' 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 have been suggested in the project application, but are not proposed at this time. The Applicant is intending to include infrastructure as part of the initial construction so that panels can be installed at a later date. If proposed, a separate design review permit would be required to consider the visual impacts associated with the design.

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

Although the proposed project will require up to 69 tree removals, 26 trees are proposed for removal due to poor health or hazardous conditions. The majority of the remaining 44 trees proposed for removal are California bay laurel. The Applicant had a survey conducted and tree protection plan of all trees within the development footprint. 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. Applicant has requested to be added to the Tree Committee's January 2017 meeting for this purpose.

### **Other Agency Comments/Conditions**

To date, comments and conditions concerning the project have been received from Marin Municipal Water District, which notes:

- The above parcel is currently being served. 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 to provide water service to this property.
- The 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. The proposed parcels labeled as "Lot 2" and "Lot 3" on the plans will not meet the conditions for service as set forth by the Water 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".
- Should backflow protection be required, said protection shall be installed as a condition of water service.

- Ordinance No. 429 requires the installation of gray water recycling systems when practicable for all projects required to install new water service and existing structures undergoing "substantial remodel".

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 appear 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. 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.

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.

#### **FINDINGS**

The findings necessary to support each of the actions discussed above are included in the ordinances and resolutions attached to this staff report.

## **RECOMMENDATION**

1. Conduct Public Hearing.
2. Adopt Planning Commission Resolution No. 16-34 Recommending Adoption of Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
3. Adopt Planning Commission Resolution No. 16-35 Recommending Approval and Adoption of General Plan Amendment, Zoning Ordinance and Map Amendment, Planned Development District Ordinance, Parcel Map, Density Bonus, Design Review, Traffic Impact Permit, and Excavation Permit

## **ATTACHMENTS**

2 Resolutions

Initial study and Negative Declaration with Mitigation Monitoring Program

Attachment A – letters

Attachment B – Fairfax Open Space Committee letter dated 8/10/16

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF FAIRFAX RECOMMENDING THE TOWN COUNCIL APPROVE A GENERAL PLAN AMENDMENT, ZONING TEXT AMENDMENTS TO TOWN CODE CHAPTER 7.12 AND 7.112; PLANNED DEVELOPMENT 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 'A' 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 Chapters 17.12 And 17.112 And Amending The Town Zoning Map" attached hereto as Exhibit 'B' and incorporated herein as if restated in full; and

**WHEREAS**, the Planning Commission has reviewed the draft "An Uncodified Ordinance Of The Town Council Of The Town Of Fairfax Adopting A Planned Development District Ordinance For The Victory Village Housing Development (2626 Sir Francis Drake Boulevard)" attached hereto as Exhibit 'C' 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 to Approve 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 'D' and incorporated herein as if restated in full

**WHEREAS**, collectively, Exhibits A-D 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 A-D (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. The MND is attached hereto and incorporated herein as Exhibit 'A'; 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 the State Clearinghouse for a twenty-day review and comment period beginning on November 30, 2016, and ending on December 20, 2016, pursuant to Public Resources Code section 21091(b); and

**WHEREAS**, pursuant to State CEQA Guidelines section 15097, the Town has prepared a Mitigation Monitoring Program, which is attached hereto as Exhibit 'B'; 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**, on December 15, 2016, 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 December 15, 2016 meeting, the Planning Commission discussed and considered the Project and the MND/Initial Study and adopted a Resolution recommending the Town Council adopt the MND/Initial Study and Mitigation Monitoring and Reporting Program; and

**WHEREAS**, on Planning Commission accepts the findings set forth in Exhibits A-D attached hereto, and on that basis recommends the Town Council approve each of said Exhibits and approves 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

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considered the information contained in the 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 MND and Initial Study have been completed in compliance with CEQA and the State CEQA Guidelines and 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);

B. Ordinance Of The Town Council Of The Town Of Fairfax Amending Fairfax Town Code Chapters 17.12 And 17.112 And Amending The Town Zoning Map;

C. Uncodified Ordinance Of The Town Council Of The Town Of Fairfax Adopting A Planned Development District Ordinance For The Victory Village Housing Development (2626 Sir Francis Drake Boulevard); and

D. Resolution of the Town Council of the Town of Fairfax to Approve 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)

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

**PASSED AND ADOPTED** this 15th day of December, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

\_\_\_\_\_  
Laura Kehrlein, Chair

ATTEST:

\_\_\_\_\_  
Planning and Building Services Director

/

/

/

/



**Exhibits:**

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)

B - Ordinance Of The Town Council Of The Town Of Fairfax Amending Fairfax Town Code Chapters 17.12 And 17.112 And Amending The Town Zoning Map

C - Uncodified Ordinance Of The Town Council Of The Town Of Fairfax Adopting A Planned Development District Ordinance For The Victory Village Housing Development (2626 Sir Francis Drake Boulevard)

D - Resolution of the Town Council of the Town of Fairfax to Approve 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-\_\_\_\_\_

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX APPROVING A GENERAL PLAN AMENDMENT FOR THE VICTORY VILLAGE SENIOR HOUSING PROJECT (2626 SIR FRANCIS DRAKE BOULEVARD)**

**WHEREAS**, on April 25, 2016 Resources for Community Development ("Applicant") submitted a planning application to the Town of Fairfax which proposed to subdivide a 20-acre site (the "Site," APN 174-070-017) and develop an affordable senior housing project on one of the resulting parcels (collectively, the "Project"). The Site is currently occupied by 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 site with a 54-unit affordable senior housing project (53 resident units plus one manager's unit), in a roughly 50,755 square foot 'E'-shaped building with two- and three-story wings wrapping around courtyards that terrace with grade changes. The housing project would be served by a paved parking area providing some 39 parking spaces, and new bicycle parking, sidewalks, and associated site and frontage improvements; and

**WHEREAS**, the current general plan land use designation for the entire Site is Planned Development District ('PDD'); and

**WHEREAS**, the current zoning designation for the entire Site is Upland Residential ('UR') 7 ; and

**WHEREAS**, the 2010-2030 Fairfax General Plan (the 'General Plan') contains figures depicting the Site, including Figure LU-1 ('Fairfax General Plan Map'), Figure LU-2 ('Fairfax Zoning'), and Figure LU-3 ('Fairfax Sphere of Influence'); and

**WHEREAS**, Program H-2.1.1.1 of the 2015-2023 Housing Element Update to the General Plan calls for the 2-acre portion of the Site to be rezoned to Planned Development District, thus leaving the two remaining 9-acre portions of the Site zoned Upland Residential 7; and

**WHEREAS**, in order to achieve conformance between the general plan land use designation and zoning designation of all parcels on the Site, in accordance with state law, the Project requires a General Plan amendment, and zoning text and map amendments, as shown in Exhibit A hereto, which is incorporated herein, which will harmonize the General Plan land use and zoning designations such that the 2-acre parcel will be designated and zoned PDD, and the two 9-acre parcels will be designated UR 7-10 and zoned UR-7; and

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

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

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

**WHEREAS**, the Town provided copies of the draft MND and Initial Study to the public for a twenty-day review and comment period beginning on November 30, 2016, and ending on December 20, 2016, pursuant to Public Resources Code section 21091(b); and

**WHEREAS**, the Town received \_\_\_ comment letters on the MND and Initial Study and has drafted written responses to those comment letters, which are included in the Final MND; and

**WHEREAS**, pursuant to State CEQA Guidelines section 15097, the Town has prepared a Mitigation Monitoring Program; and

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

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

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

**WHEREAS**, on December 15, 2016, the Fairfax Planning Commission held a duly-noticed public hearing to receive public input on and consider the Project, including the General Plan Amendment set forth herein, and all persons wishing to testify were heard; and

**WHEREAS**, by adoption of Resolution No. \_\_\_\_, the Planning Commission recommended the Town Council approve the General Plan Amendment set forth herein; and

**WHEREAS**, the Town Council has reviewed the MND, Initial Study, and all other relevant information contained in the record regarding the Project; and

**WHEREAS**, on \_\_\_\_\_, 2017, at a regularly-scheduled Town Council meeting, the public was afforded an opportunity to comment on the Project, including the proposed General Plan Amendment, and the Town Council discussed and considered the Project and the proposed General Plan Amendment, as well as written and oral reports from staff, and a presentation from the Applicant; and

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

**NOW THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Fairfax as follows:

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

**SECTION 2. Compliance with the California Environmental Quality Act.** By adoption of Resolution No. 17-\_\_\_\_, on \_\_\_\_\_, 2017, the Town Council, as the decision making body for the Project, has approved and adopted a Final MND and Initial Study and Mitigation

Monitoring Program for the Project, which were completed in compliance with CEQA and the State CEQA Guidelines. The Final MND and Initial Study and Mitigation and Monitoring Program for the Project fully analyzed any environmental impacts of the General Plan Amendment contemplated herein.

**SECTION 3. General Plan.** Based on the entire record before the Town Council, all written and oral evidence presented to the Town Council, and the findings made in this Resolution, and pursuant to Government Code § 65356, the Town Council hereby amends the 2010-2030 Fairfax General Plan to change the general plan land use designation of both of the two 9-acre parcels on the Property from Planned Development District to Upland Residential 7-10, as shown in revised General Plan Land Use Figures LU-1 and LU-3, and to reflect the zoning that shall be applicable to the Site, as shown in revised General Plan Land Use Figure LU-2, all of which Figures are attached hereto and incorporated herein as Exhibit A. The Town Council finds that this General Plan Amendment is consistent with those portions of the General Plan not being amended inasmuch as it brings said Figures and designations into conformance with the dictates of Housing Element Policy H-2.1.1.1 set forth above.

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

**SECTION 5. Severability.** If any section, subsection, sentence, clause, phrase or portion of this resolution is for any reason held incorrect, invalid, illegal or unenforceable, such decision shall not affect the validity of the remaining portions of this resolution. The Town Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared incorrect, invalid, illegal or unenforceable.

The forgoing Resolution was duly passed and adopted at a regular meeting of the Town Council of the Town of Fairfax held in said Town on the \_\_\_\_th day of \_\_\_\_\_, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Michele Gardner, Town Clerk

**Exhibit:**

A – Revised General Plan Land Use Figures LU-1, LU-2, and LU-3

**EXHIBIT "A"**

**GENERAL PLAN LAND USE FIGURES LU-1, LU-2, AND LU-3**

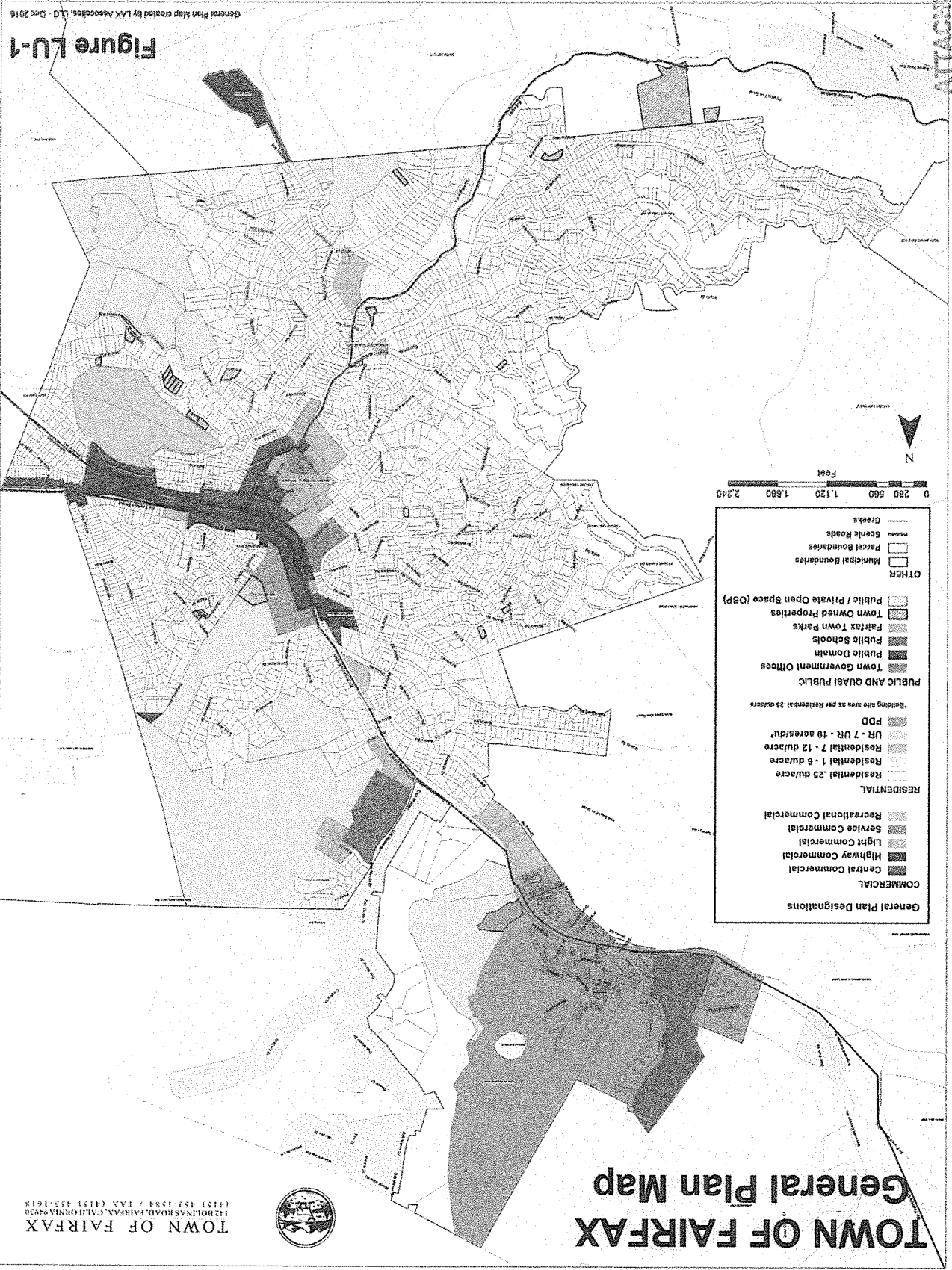


Figure LU-1  
General Plan Map created by LMK Associates, LLC - Dec 2016

# TOWN OF FAIRFAX General Plan Map



TOWN OF FAIRFAX  
142 BOLLINGS ROAD, FAIRFAX, CALIFORNIA 94030  
(415) 453-1584 / FAX (415) 453-1618



# TOWN OF FAIRFAX Zoning Map

TOWN OF FAIRFAX  
145 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94030  
(415) 451-1584 / FAX (415) 453-1613



**ZONING DISTRICTS**

**COMMERCIAL ZONES**  
 CC - Central Commercial  
 CH - Highway Commercial  
 CL - Light Commercial  
 CS - Service Commercial  
 CR - Recreational Commercial

**RESIDENTIAL ZONES**  
 RD - 5.5 - 7 - Residential  
 RS - 6 - Single Family Residential  
 RS - 7.5 - Single Family Residential  
 RM - Multi-Family Residential  
 PDD - Planned Development District  
 UR - 7 - Upland Residential (Tract/du)  
 UR - 10 - Upland Residential (Tract/du)  
 \*RS - 6 - zoning determined by arroyo easement agreement recorded 02/20/13

**OPEN AREA ZONE**  
 O-A - Open Space

**OTHER**  
 Municipal Boundaries  
 Fairfax Parcel Boundaries  
 Creeks

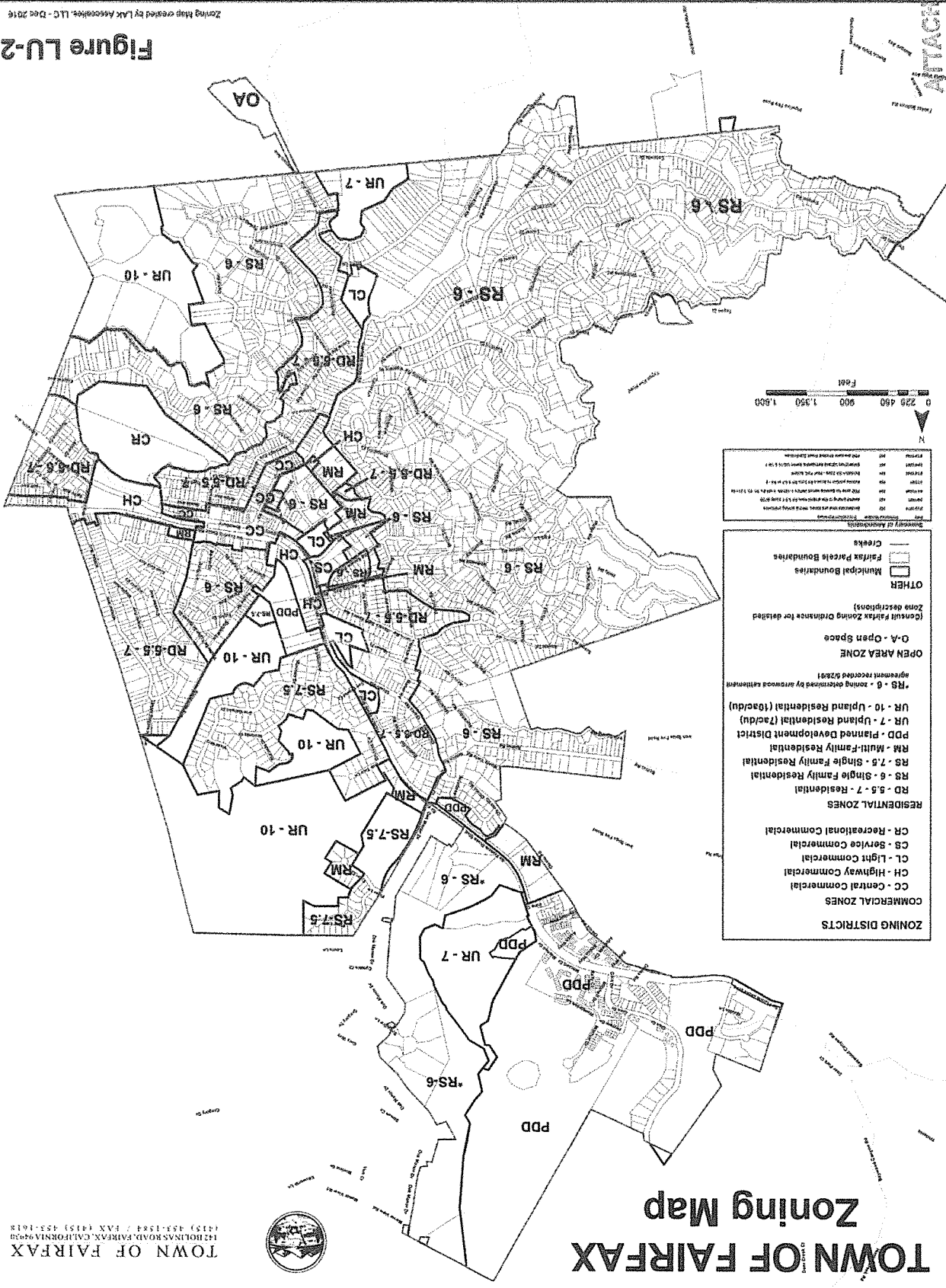
(consult Fairfax Zoning Ordinance for detailed zone descriptions)

**PROPERTY OF MARRIOTT**

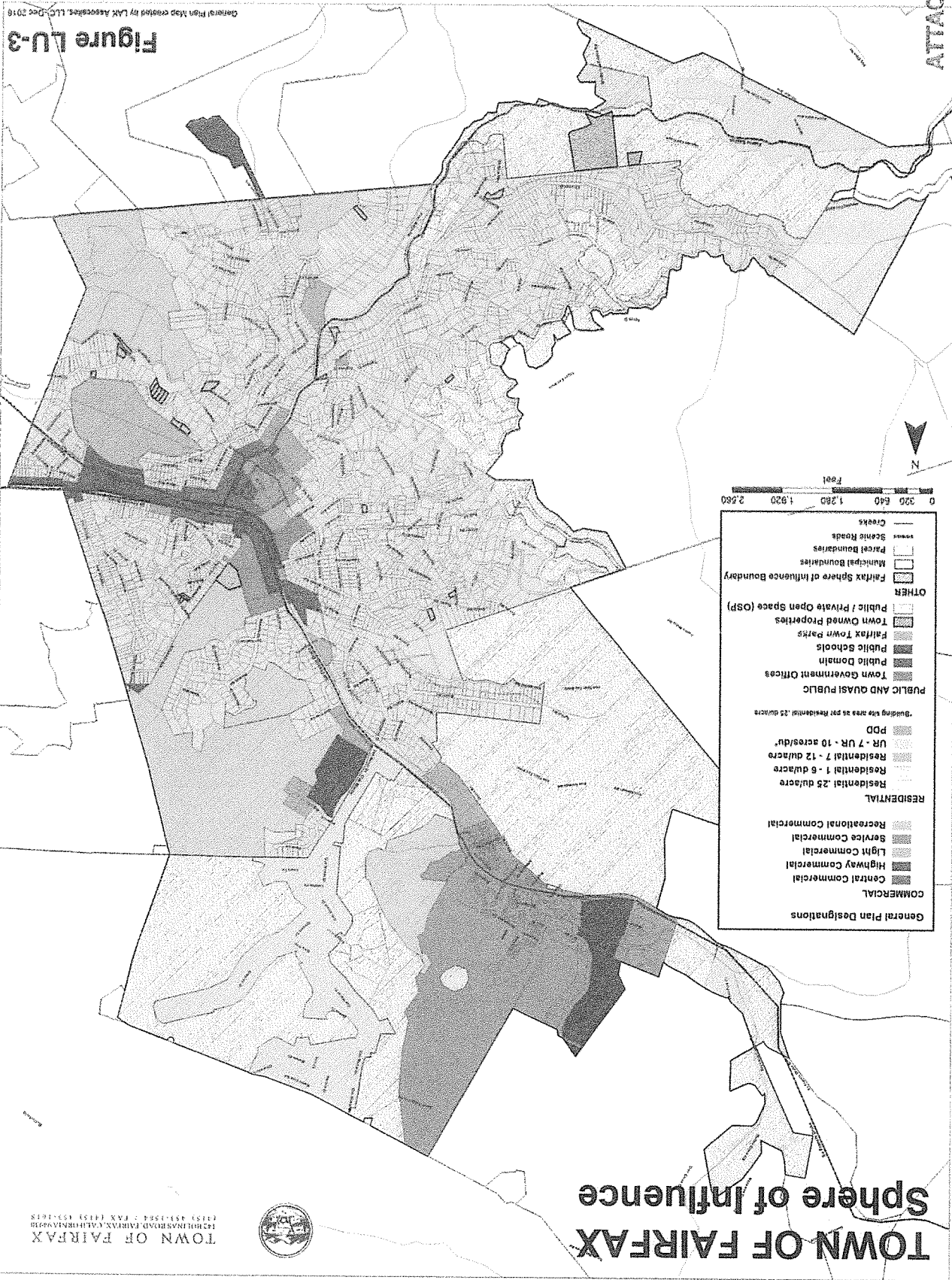
|            |                               |
|------------|-------------------------------|
| UR-10      | Upland Residential (Tract/du) |
| UR-7       | Upland Residential (Tract/du) |
| RD-5.5-7   | Residential                   |
| RD-5.5-8   | Residential                   |
| RD-5.5-9   | Residential                   |
| RD-5.5-10  | Residential                   |
| RD-5.5-11  | Residential                   |
| RD-5.5-12  | Residential                   |
| RD-5.5-13  | Residential                   |
| RD-5.5-14  | Residential                   |
| RD-5.5-15  | Residential                   |
| RD-5.5-16  | Residential                   |
| RD-5.5-17  | Residential                   |
| RD-5.5-18  | Residential                   |
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| RD-5.5-137 | Residential                   |
| RD-5.5-138 | Residential                   |
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| RD-5.5-141 | Residential                   |
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| RD-5.5-146 | Residential                   |
| RD-5.5-147 | Residential                   |
| RD-5.5-148 | Residential                   |
| RD-5.5-149 | Residential                   |
| RD-5.5-150 | Residential                   |
| RD-5.5-151 | Residential                   |
| RD-5.5-152 | Residential                   |
| RD-5.5-153 | Residential                   |
| RD-5.5-154 | Residential                   |
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| RD-5.5-156 | Residential                   |
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| RD-5.5-197 | Residential                   |
| RD-5.5-198 | Residential                   |
| RD-5.5-199 | Residential                   |
| RD-5.5-200 | Residential                   |



Figure LU-2  
Zoning Map created by Lark Associates, LLC - Dec 2016







- General Plan Designations**
- Central Commercial
  - Highway Commercial
  - Light Commercial
  - Service Commercial
  - Recreational Commercial
- RESIDENTIAL**
- Residential .25 du/acre
  - Residential 1 - 6 du/acre
  - Residential 7 - 12 du/acre
  - UR - 7 UR - 10 acres/du'
  - PDD
  - Quadrangle area as per Residential .25 du/acre
- PUBLIC AND QUASI-PUBLIC**
- Town Government Offices
  - Public Domain
  - Public Schools
  - Fairfax Town Parks
  - Town Owned Properties
  - Public / Private Open Space (OSP)
- OTHER**
- Fairfax Sphere of Influence Boundary
  - Municipal Boundaries
  - Parcel Boundaries
  - Scene Roads
  - Creeks

# TOWN OF FAIRFAX Sphere of Influence



TOWN OF FAIRFAX  
153 HUNTERS ROAD, FAIRFAX, CALIFORNIA 94039  
(415) 951-1544 FAX (415) 951-1618

Figure LU-3  
General Plan Map created by L&K Associates, LLC Dec 2016



RESOLUTION NO. \_\_\_\_\_

**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 June 16, 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 39 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, the adoption of a Planned Development District ordinance, a parcel map, a density bonus agreement, 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. The MND is attached hereto and incorporated herein as Exhibit 'A'; 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 the State Clearinghouse for a twenty-day review and comment period beginning on November 30, 2016, and ending on December 20, 2016, pursuant to Public Resources Code section 21091(b); and

**WHEREAS**, pursuant to State CEQA Guidelines section 15097, the Town has prepared a Mitigation Monitoring Program, which is attached hereto as Exhibit 'B'; 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 December 15, 2016, at a regularly-scheduled Planning Commission meeting, the public was afforded an opportunity to comment on the Project and the MND/Initial Study, and the Planning Commission discussed and considered the Project and the 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 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 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 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 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 MND. The Planning Commission finds that the 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 Mitigated Negative Declaration.** The Planning Commission

hereby recommends that the Town Council approve and adopt the 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 'B'.

**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 and the State Clearinghouse 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 15th day of December, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

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Laura Kehrlein, Chair

ATTEST:

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Planning and Building Services Director

**Exhibits:**

A – Mitigated Negative Declaration

B - Mitigation Monitoring Program

PLEASE TAKE NOTE THAT THE EXHIBITS NOTED IN RESOLUTION  
NUMBER 16-34, THE MITIGATED NEGATIVE DECLARATION AND THE  
MITIGATION MONITORING PROGRAM, ARE LOCATED ELSEWHERE IN  
THIS PLANNING COMMISSION PACKET BUT WILL BE ATTACHED TO THE  
DOCUMENT IF IT IS APPROVED PRIOR TO FINAL SIGNATURE OF THE  
COMMISSION CHAIR

EXHIBIT # A, B

## Linda Neal

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**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

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**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 replanting of trees)

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



## Linda Neal

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**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

## Linda Neal

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**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 housing .....unlikely 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**

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**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](mailto:susannechaney@me.com)>  
**Date:** December 4, 2016 at 2:08:46 PM MST  
**To:** [larry@lakassociates.com](mailto: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)

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

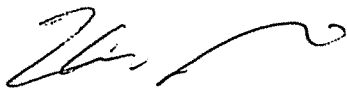
I am writing to express to express my opposition to this project as it is currently proposed.

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]







## Fairfax Open Space Committee

August 10, 2016

TOWN OF FAIRFAX

AUG 11 2016

RECEIVED

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

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

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](mailto:michael.ardito@sbcglobal.net)

Cell phone: 415-298-8405

cc: Alicia Klein, Resources for Community Development

## EXHIBIT "A"

### CONDITIONS OF APPROVAL

#### General Conditions

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

8. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the Town of Fairfax to the Permittee that the ninety (90) day period in which the Permittee may file a protest has begun under California Government Code Section 66020(d)(1).
9. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the project to the sole satisfaction of the Town. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. Permittee shall pay all required fees and charges to Town at the rate in effect at time of building permit issuance, or, the rate in effect when the fees and charges are due and paid in full to Town. There is no vesting of any fees or charges with the adoption of this Resolution.
10. Conditions. Each and every condition set forth in this Exhibit shall apply to the project and continue to apply to the project so long as the Permittee is operating the project under the permits and approvals in this Resolution.
11. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies.
12. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the Town's choosing, and hold harmless Town, its Town Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) Town's approval of the project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the Town's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the Town, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, Town, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the Town for all of Town's costs, attorneys' fees, and damages which Town incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the Town upon demand or, as applicable, to counsel of Town's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition.
13. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with the Fairfax Town Code.
14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable.
15. Permittee shall develop the approved project in conformance with the approved plans approved by the Town Council on \_\_\_\_\_, in accordance with these Conditions of Approval.

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

16. Response to Conditions of Approval. Permittee shall provide a written response to comments upon submittal for building permit application. The responses should clearly indicate how each condition of approval has been addressed in the plans and shall note the appropriate plan sheet.
17. Fire. The project/development shall comply with the requirements of the Ross Valley Fire Department and the California Fire Code, as may be amended by the Town of Fairfax. Changes to the site plan and/or internal circulation shall be reviewed and approved by the Ross Valley Fire Department.
18. Easements. Permittee shall dedicate on the final map necessary public service utility easements, street easements, public access easement (over private streets and walkways) and easements for water and sanitary sewer purposes.  
  
Prior to recordation of the parcel map, Permittee shall provide all necessary easements for construction, access, and maintenance of the debris barriers called for in the Geotechnical Site Investigations prepared by Herzog Geotechnical (December 2012, May 2016 and August 12, 2016, as attached to and incorporated into the MND) and the tentative map.
19. Geotechnical Report. Permittee shall provide a final summary report by the project geotechnical engineer providing that all necessary inspections were completed and that the project work was found to satisfy the requirements of the geotechnical reports identified above, as well as the requirements of the project's licensed geotechnical engineer.
20. Site Improvement. Prior to issuance of any building permit, Permittee must pay all applicable development fees, including but not limited to building permit fees. These fees are collected as part of the secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials.
21. Utilities Undergrounded. With the exception of any transformers, Permittee shall underground all utilities serving the project.
22. Parkland Dedication In-Lieu Fee. Permittee shall be subject to parkland dedication in-lieu fee per the requirements of the Fairfax Town Code § 16.24.100. Prior to issuance of Certificate of Occupancy, Permittee shall pay a parkland dedication in-lieu fee of \$\_\_\_\_.
23. Construction Storm Water Quality. Permittee shall comply with the requirements of the National Pollution Elimination Discharge System (NPDES) permit as administered by the California State Water Resources Control Board (State Board) and the San Francisco Bay Regional Water Quality Control Board (Regional Board). Prior to the issuance of any building, demolition, or grading permit, Permittee shall submit an Erosion and Sediment Control Plan (Erosion Control Plan) as a part of the improvement plan submittal. The erosion control plan shall show all construction best management practices (BMPs) and shall comply with the requirements of the NPDES, the guidance provided by the Marin County

Stormwater Pollution Prevention Program (MCSTOPPP), and the Town's storm water and urban runoff pollution control standards and guidelines (Town's Clean Water Program). Permittee shall ensure that all contractors and subcontractors install and regularly maintain all construction BMPs as required by the approved erosion control plan, the Fairfax Town Code, and the Town's Clean Water Program.

24. Construction General Permit Compliance. Permittee shall comply with the requirements of the Construction General Permit as administered by the State and Regional Boards. Permittee shall obtain a Construction Activities Storm Water General Permit (State Permit) from the State Board. Prior to any construction activities and prior to the issuance of any building, demolition, or grading permit, Permittee shall submit:

- A. a complete Storm Water Pollution Prevention Plan (SWPPP) with the project Waste Discharge Identification Number (WDID) displayed on the cover,
- B. a copy of the approved Notice of Intent (NOI) from the State Board, and
- C. an erosion control plan and a site monitoring plan meeting the satisfaction of the Town Engineer.

Permittee shall ensure that all contractors and sub-contractors install and regularly maintain all storm water quality control measures as required by the approved SWPPP, the approved erosion control plan, the MMC, and the Town's Clean Water Program.

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

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

26. The tentative map shall be prepared in accordance with state and local laws, as set forth in Fairfax Town Code Chapter 16 ('Subdivisions').

27. Tree Removals. Any tree removal for which permission of the Town is required shall be reviewed and subject to approval by the Fairfax Tree Committee, per Fairfax Town Code Chapter 8.36 ('Trees').

28. Prior to recordation of the parcel map, the final storm drain improvements needed for the site 100 year storm drain storm flow capacity shall be guaranteed.

29. Density Bonus. Approval of the project is issued in compliance with the state density bonus law (California Government Code § 65915). The project qualifies for said density bonus based on its provision of 53 dwelling units affordable to households of certain income levels. Permittee shall enter into and cause to be recorded in the official records of Marin County a

density bonus agreement with the Town to document the provision of dwelling units that are rent-restricted as to qualifying candidates under California Government Code § 65915. Said agreement shall guarantee the affordability of 53 of the project dwelling units as required by California Government Code § 65915 and shall likewise set forth the concessions and/or waivers granted to the project.

#### Prior to Construction Plan Submittals

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

30. Modifications: The Site Plan dated \_\_\_\_\_ is subject to change during the plan check stage based upon Town's previous comments and conditions stated herein.
31. Solid Waste and Recycling Handling Plan: Permittee shall submit a final solid waste and recycling handling plan for Town's review and approval. The plan shall show calculations of waste generation volumes and how materials will be transferred from the waste generation areas to the trash enclosure/external collection point; demonstrate how recycling shall have a separately maintained process from garbage handling; address other requirements such as waste generation and compactor sizing, chute shut-off and property management responsibility for bin management and litter control; and procure sufficient service frequency.
32. Stormwater Control Plan: Permittee shall submit third party certified final Stormwater Control Plan (SWCP) for the review and approval of the Town Engineer.
33. Submittal Requirements: Permittee shall ensure that all plan check submittals are in accordance with Town's submittal check list for each permit type.

#### PRIOR TO FINAL MAP APPROVAL/RECORDATION

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

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

34. Demolition of Existing Buildings/Facilities: Permittee shall demolish any existing buildings/facilities that are in conflict with the new property lines.
35. Subdivision Improvement Agreement and Securities: Permittee shall execute a Subdivision Improvement Agreement and provide improvement securities in accordance with the Fairfax Town Code, and submit all other supplemental documents as stipulated in the Improvement Agreement (such as certificate of insurance).
36. Grading: Site grading work shall comply with Fairfax Town Code requirements, including those set forth in Chapter 12.20 ('Excavations Generally'), and shall be guaranteed prior to recordation of the map.
37. Permittee shall submit a Storm Water Control plan that incorporates best management practices (BMPs) for treatments of storm water run-off from all parcels. The Storm Water Control plan shall incorporate source control, site design and storm water treatment requirements consistent with MRP requirements with BMPs such as the use of bio-treatment areas into the landscape design elements and the use of permeable pavement BMPs compliant with the current California Stormwater Quality Association (CASQA) BMP handbooks. The site plan shall be consistent with the final Storm Water Control plan to the satisfaction of the Town Engineer.
  - a. Permittee shall submit a final Storm Water Control Plan package for review and approval with the building permit submittal.
  - b. The Plan shall be prepared by a licensed Civil Engineer qualified and trained professional with storm water treatment process and certifies that measures specified in the report meet the MRP requirements.
  - c. Prior to issuance of Certificate of Occupancy, the Permittee shall submit a Storm Water Control Operation and Maintenance (O&M) Plan, acceptable to the Town, describing operation and maintenance procedures needed to insure that treatment Best Management Practices (BMPs) and other storm water control measures continue to work as intended and do not create a nuisance (including vector control). The treatment BMPs shall be maintained for the life of the project. The storm water control operation and maintenance plan shall include the Permittee's signed statement accepting responsibility for maintenance until the responsibility is legally transferred.
  - d. Permittee shall provide the Town with an annual inspection report of the Storm Water Control Plan post-construction compliance with the National Pollutant Discharge Elimination System (NPDES) requirements.
  - e. Prior to final occupancy, the Permittee shall execute and record an Operations and Maintenance Agreement with the Town for the operation, maintenance and annual inspection of the C.3 treatment facilities.

PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE

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



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

PRIOR TO BUILDING PERMIT ISSUANCE

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

43. Final Map Recordation: Permittee shall record the final map.
44. Water Efficient Landscapes: Permittee shall comply with Fairfax Town Code Chapter 17.32 ('Water Conservation') for landscape design.
45. Dewatering. If dewatering is needed during construction, Permittee shall obtain any permits required by law for discharging groundwater to a sanitary sewer system.
46. Solid Waste and Recycling Facility Design: Permittee shall comply with all applicable Town design guidelines/details associated with haul route, turning radius, vertical and horizontal clearance, trash enclosure, staging area, and storage areas.
47. Construction Demolition and Debris. Permittee shall comply with the provisions of Fairfax Town Code Chapter 8.14 ('Collection, Recycling, and Disposal of Waste Generated From Construction, Demolition, and Renovation Projects').
48. Development Fees. Permittee shall pay the following development fees. The information listed in items "a" through "d" are based upon current fee rates; however, those fee rates are subject to change. The exact fee amount shall be determined at the time of building permit fee payment.
  - a) General Plan Maintenance fee at 5% of building permit over \$10,000
  - b) Technology Improvement fee at 5% of building permit fee

- c) Infrastructure fee at 5% of building permit fee
- d) Road impact fee at 1% of building valuation over \$5,000

**DURING CONSTRUCTION**

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

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

**PRIOR TO FIRST OCCUPANCY**

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

- 50. **Completion of Public Improvements:** Permittee shall complete all public improvements, including but not limited to all Sir Francis Drake and Mitchell Drive frontage improvements, as shown on Town-approved plans, as well as all improvements for soil hazard protection.
- 51. **Stormwater Management Facilities O&M Agreement:** Permittee shall execute and record a Stormwater Management Facilities Operation and Maintenance (O&M) Agreement associated with the SWCP O&M Plan, including perpetual maintenance of treatment areas/units, as reviewed and accepted by the Town.
- 52. **Record Drawings:** Permittee shall submit record drawings in pdf format for Town records.

**NOTICE OF RIGHT TO PROTEST**

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

**AGREEMENT**

*Permittee/Property Owner*

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Permittee



**EXHIBIT 'B'**

**MITIGATION MONITORING PROGRAM**

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

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

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

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|--|--|--|---|---|-------------------|
| <p>5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</p> <p>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</p> <p>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>8. A publicly visible sign shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p> <p><b>MIM AIR-2:</b> Selection of equipment during construction to minimize emissions. Such equipment selection would include the following:</p> <ul style="list-style-type: none"> <li>All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall meet, at a</li> </ul> | <p>Require as a condition of approval</p> <p>Project sponsor obtains</p> | <p>Department of Public Works</p> <p>Building Division</p> | <p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate</p> | <p>Deny issuance of building permit</p> |                   |

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

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|---|--|---------------------------|--|---|-------------------|
| <p>minimum, U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent and</p> <ul style="list-style-type: none"> <li>All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously shall be equipped with CARB-certified Level 3 Diesel Particulate Filters or filters that are considered to be more effective.</li> </ul>   | <p>approvals from appropriate agencies prior to issuance of building permits</p>   |                           | <p>approvals obtained prior to issuance of building permit</p>   |   |                   |
| <p><b>IV. BIOLOGICAL RESOURCES</b></p> <p><b>MM BIO-1a:</b> Prior to submittal for demolition, grading, or building permit, the project sponsor shall hire a qualified botanist to conduct a late-season (mid-summer) survey during the applicable blooming period to confirm presence or absence of streamside daisy and pale-yellow hayfield tarplant, and California bottle-brush grass in accordance with standard protocol. Should streamside daisy and pale-yellow, hayfield tarplant, or California bottle-brush grass species be present on the subject property, the following measures shall be implemented:</p> <ol style="list-style-type: none"> <li>Avoidance: If streamside daisy and pale-yellow, hayfield tarplant, or California bottle-brush grass are found to be present on the Property and within the development envelope, the project sponsor shall redesign or modify the buildings or site improvements, as may be appropriate to avoid direct and indirect impacts to the plants, if feasible. Further, any special status plant species occurrences present near the proposed project grading and development envelope shall be protected by environmentally sensitive area fencing (orange construction barrier fencing) installed around the special status species populations. The environmentally sensitive area fencing (orange construction barrier fencing) shall be installed at least 50 feet from the edge of the population where feasible. If that is infeasible, then</li> </ol> | <p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p> | <p>Planning Division</p>  | <p>Incorporate as condition of project approval</p> <p>Planning Division verifies appropriate surveys conducted obtained prior to demolition, grading, or building permit.</p> | <p>Deny issuance of demolition, grading, or building permit</p> |                   |

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

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



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

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

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

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|--|--|---------------------------|--|------------------------------------|-------------------|
| <p>Construction Nesting Bird Surveys and submitted to the Planning Director.</p> <ol style="list-style-type: none"> <li>Protocol Northern Spotted Owl surveys and pallid bat surveys shall be conducted to determine if the species is present within the California bay forest surrounding the subject property.</li> <li>If construction is planned during the nesting season, a nesting bird survey shall be conducted a maximum of three days prior to the removal of vegetation and/or initiation of construction to determine absence or presence of nesting bird species. If active nests are present, then an approved biological monitor shall remain on site to ensure that nesting birds are not impacted by construction. Seasonal restrictions limiting construction to occur outside the avian nesting season which typically extends from March through July.</li> <li>A no-disturbance buffer zone shall be established around any active nests. The biological monitor would consult with CDFW to determine the extent of the no-disturbance buffer. If construction is planned during the raptor nesting season — March through July — a nesting raptor survey shall be conducted a maximum of three days prior to the removal of vegetation and/or initiation of construction to determine absence or presence of nesting raptors. All trees surrounding the subject property will be surveyed.</li> <li>If active raptor nests are present within trees bordering the subject property, then an approved biological monitor will remain on site to ensure that nesting birds are not impacted by construction. A no-disturbance buffer zone of 250 feet will be established</li> </ol> | <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p> |                           | <p>Planning Division verifies appropriate surveys conducted obtained prior to demolition, grading, or building permit.</p> | <p>grading, or building permit</p> |                   |

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

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

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

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

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

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

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

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

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

| Mitigation Measure   | Implementation Procedure           | Monitoring Responsibility | Monitoring / Reporting Action & Schedule     | Non-Compliance Sanction/Activity          | Signatures /Notes |
|--|------------------------------------|---------------------------|--|---|-------------------|
| <ul style="list-style-type: none"> <li>• dark, almost black, soil with a "greasy" texture that may be associated with charcoal,</li> <li>• ash, bone, shell, flaked stone, groundstone, and fire-affected rock; or,</li> <li>• human remains.</li> </ul> <p>If any find is determined to be significant, representatives from the Town and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the Town shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations.</p> <p>If avoidance is infeasible, other appropriate measures (e.g. data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.</p> |                                    |                           |  |   |                   |
| <p><b>MM CULT-3:</b> Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be halted immediately within 50 feet of the discovery. The Town of Corte Madera Planning Department shall be notified</p>  | Require as a condition of approval | Planning Division         | Incorporate as condition of project approval | Stop Project/ alert proper agency contact |                   |

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

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

**VI. GEOLOGY AND SOILS**



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

| Mitigation Measure   | Implementation Procedure  | Monitoring Responsibility                                  | Monitoring / Reporting Action & Schedule   | Non-Compliance Sanction/Activity        | Signatures /Notes |
|--|---|--|--|---|-------------------|
| <p><b>MM GEO -1:</b> Prior to grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer. Design criteria of new structures and foundations shall be in accordance with the provisions of the 2013 California Building Code or subsequent codes in effect when final design occurs. Recommended seismic design coefficients and spectral accelerations shall be consistent with the findings presented in the Conclusions of the May 25, 2016 Herzog report.</p>             | <p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of grading or building permits</p> | <p>Building Division</p>                                   | <p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of grading or building permit</p> | <p>Deny issuance of building permit</p> |                   |
| <p><b>MM GEO-2:</b> Prior to grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer. Foundation design shall account for settlements due to possible liquefaction within the fill and colluvial/alluvial soils. Foundation support designs shall extend into competent materials below the liquefiable zone as recommended in the May 25, 2016 Herzog report. Foundation supports for sloping areas shall be designed to resist forces imposed by lateral spreading.</p> | <p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of grading or building permits</p> | <p>Building Division</p>                                   | <p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of grading or building permit</p> | <p>Deny issuance of building permit</p> |                   |
| <p><b>MM GEO-3:</b> Prior to grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation including criteria for buttress, catchment and/or diversion facilities. This report shall be prepared by a qualified and licensed geotechnical engineer. It will be necessary to provide debris catchment facilities upslope of improvements. The catchments may consist of earthen berms, structural walls, or high-energy ring net barriers (GeoBrugg®, or equivalent). Runoff and debris from</p>  | <p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to</p>   | <p>Department of Public Works</p> <p>Building Division</p> | <p>Incorporate as condition of project approval</p> <p>DPW and Building Division verifies appropriate approvals obtained prior to issuance of</p>                    | <p>Deny issuance of building permit</p> |                   |

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

| Mitigation Measure   | Implementation Procedure   | Monitoring Responsibility                               | Monitoring / Reporting Action & Schedule   | Non-Compliance Sanction/Activity             | Signatures /Notes |
|--|--|---|--|--|-------------------|
| <p>the swales may also be channeled to detention basins utilizing diversion walls or berms. It will be necessary to periodically remove accumulated material from behind the catchment facilities and detention basins to maintain adequate storage capacity. Alternatively, slide areas located on the subject property may be over-excavated and reconstructed as compacted and underdrained fill buttresses that are keyed into competent bedrock.</p> <p><b>MM GEO-5:</b> Prior to grading or building permit submittal, the project sponsor shall prepare a design-level drainage plan including criteria for a site drainage system to collect surface water and discharging it into an established storm drainage system. New retaining walls should be properly back-drained to prevent the buildup of hydrostatic pressure behind the walls, and foundation drains should be installed around the perimeter of new structures to reduce seepage beneath the improvements. A qualified and licensed civil engineer shall be responsible for designing the site drainage system and, an erosion control plan shall be developed prior to construction per the current guidelines of the California Stormwater Quality Association's Best Management Practice Handbook (2003).</p> | <p>issuance of grading or building permits</p>   | <p>Department of Public Works<br/>Building Division</p> | <p>grading or building permit</p>  |  |                   |
| <p><b>MM GEO-5:</b> During site preparation and construction, the project sponsor shall ensure that soils should be moisture conditioned to above the optimum moisture content during site grading and maintained at this moisture content until imported aggregate base and/or surface flatwork is completed. Moisture conditioned soils shall be consistent with recommendations by a licensed geotechnical engineer</p>   | <p>Require as a condition of approval<br/>Project sponsor obtains approvals from appropriate agencies prior to issuance of grading or building permits</p> | <p>Department of Public Works<br/>Building Division</p> | <p>Incorporate as condition of project approval<br/>On site construction manager to provide construction updates during site grading</p> | <p>Stop project/<br/>issue warning/fines</p> |                   |
| <p><b>MM GEO-5:</b> During site preparation and construction, the project sponsor shall ensure that soils should be moisture conditioned to above the optimum moisture content during site grading and maintained at this moisture content until imported aggregate base and/or surface flatwork is completed. Moisture conditioned soils shall be consistent with recommendations by a licensed geotechnical engineer</p>   | <p>Require as a condition of approval<br/>Project sponsor obtains approvals from appropriate agencies prior to issuance of</p>                             | <p>Department of Public Works<br/>Building Division</p> | <p>Incorporate as condition of project approval<br/>On site construction manager to provide construction updates during site grading</p> | <p>Stop project/<br/>issue warning/fines</p> |                   |

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

| Mitigation Measure   | Implementation Procedure  | Monitoring Responsibility                                  | Monitoring / Reporting Action & Schedule  | Non-Compliance Sanction/Activity   | Signatures /Notes |
|--|---|--|---|------------------------------------|-------------------|
| <b>VIII. HAZARDOUS MATERIALS</b>   |   |  |   |                                    |                   |
| <b>MM HAZ-1:</b> Prior to submittal for a demolition permit, the project sponsor shall use a qualified and licensed professional to prepare a hazardous building materials survey for all structures proposed for demolition or renovation as part of the project. All lead-based paint and asbestos-containing materials (ACM) shall be abated by a certified contractor in accordance with local, state, and federal requirements. All hazardous materials shall be removed from buildings prior to demolition in accordance with California Division of Occupational Safety and Health (DOSH) and California Department of Toxic Substances Control (DTSC) regulations. A completion of abatement activities report shall be prepared by a qualified professional and submitted to the Town prior to permit approval. | grading or building permits<br><br>Require as a condition of approval<br><br>Project sponsor submits report requiring approvals from appropriate agencies prior to issuance of demolition permits | Planning Division<br><br>Building Division                 | Incorporate as condition of project approval<br><br>Planning/Building Division verifies appropriate approvals obtained prior to issuance of building permit                   | Deny issuance of demolition permit |                   |
| <b>IX. HYDROLOGY AND WATER QUALITY</b>   |   |  |   |                                    |                   |
| <b>MM HYDRO-1:</b> Pursuant to Fairfax Code Section 16.24.160(c) and prior to submittal for demolition, construction and grading permits for the project, the project sponsor shall provide construction detail level drainage and stormwater plans including a storm water system designed for the 10 to 100-year storm event. The drainage plan shall require Fairfax Town Engineer review and approval.<br><br>The project sponsor shall also demonstrate compliance with the Construction General Permit and Town requirements, including the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to address stormwater runoff during project construction. The project sponsor shall also comply with all Town stormwater requirements in   | Require as a condition of approval<br><br>Project sponsor obtains approvals from appropriate agencies prior to issuance of grading or building permits  | Planning Division<br><br>Building and Engineering Division | Incorporate as condition of project approval<br><br>Building and Engineering Division verifies appropriate approvals obtained prior to issuance of grading or building permit | Deny issuance of building permit   |                   |

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

| Mitigation Measure  | Implementation Procedure   | Monitoring Responsibility | Monitoring / Reporting Action & Schedule  | Non-Compliance Sanction/Activity        | Signatures /Notes |
|---|--|---------------------------|---|---|-------------------|
| <p>accordance with guidance provided by the Marin County Stormwater Pollution Prevention Program (MCSTOPPP), including preparation and implementation of a Stormwater Control Plan (SCP) containing BMP's measures to address retention and treatment of stormwater runoff, operations and maintenance of all stormwater treatment facilities, and prevention of hydro-modification during project operations.</p> <p>The SCP shall address all buildings and impervious surfaces created by the project, including impervious surfaces related to temporary buildings and construction parking and staging areas.</p>  |  |                           |   |   |                   |
| <p><b>XII. NOISE</b></p> <p><b>MM NOI-1a:</b> Mechanical equipment shall be selected to reduce impacts on surrounding uses to meet the Town's noise level requirements. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise.</p> <p>Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and/or installation of noise barriers such as enclosures and parapet walls to block the line-of-sight between the noise source and the nearest receptors. Design planning should take into account the noise criteria associated with such equipment and utilize site planning to locate equipment in less noise-sensitive areas. Other controls could include, but shall not be limited to, fan silencers, enclosures, and screen walls.</p> <p>The implementation of the reasonable and feasible controls outlined above would operational noise levels to 45 dBA L50 or less.</p> | <p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p> | <p>Building Division</p>  | <p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p> | <p>Deny issuance of building permit</p> |                   |

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

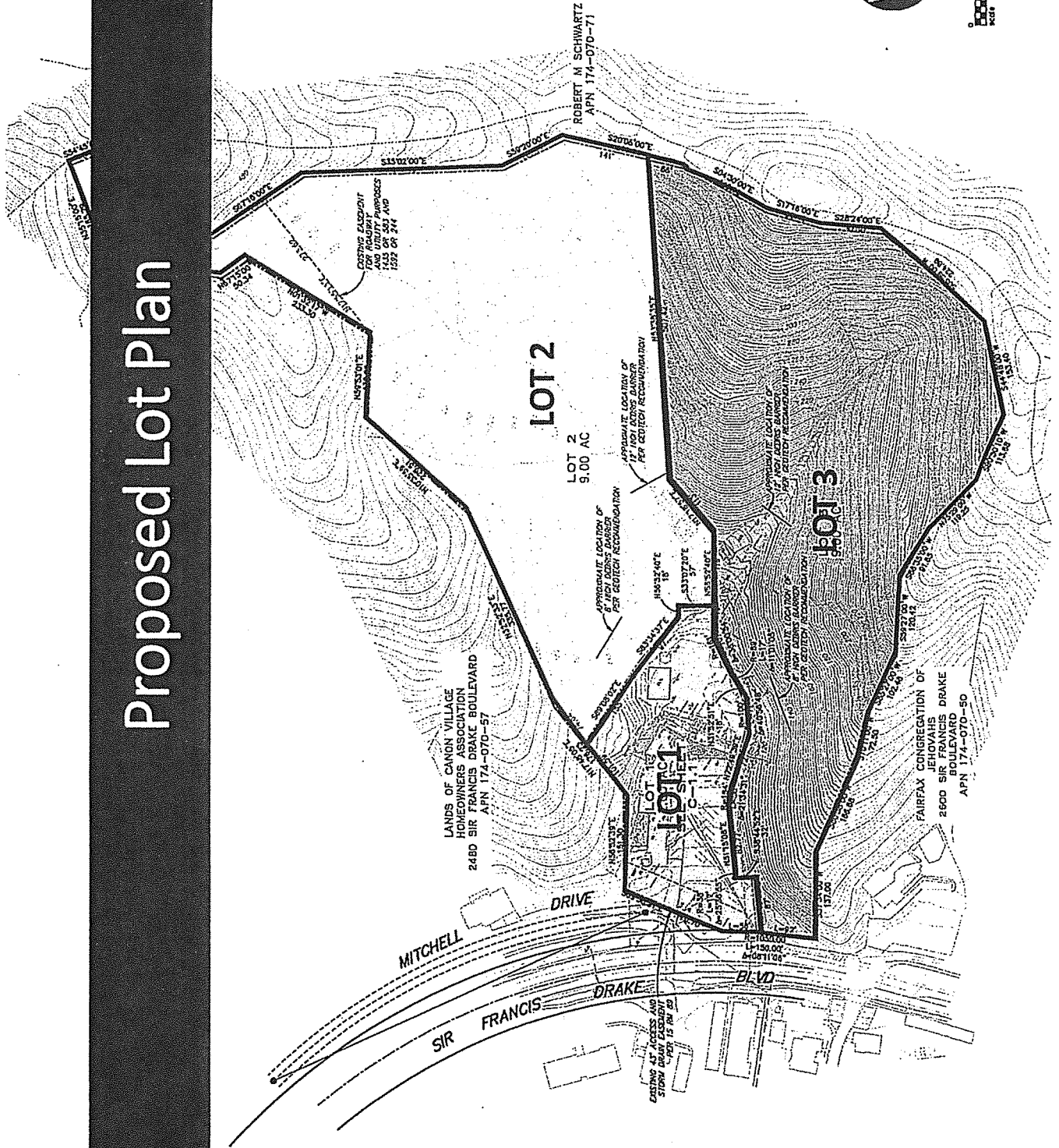
| Mitigation Measure   | Implementation Procedure   | Monitoring Responsibility | Monitoring / Reporting Action & Schedule  | Non-Compliance Sanction/Activity                                     | Signatures /Notes |
|--|--|---------------------------|---|--|-------------------|
| <p><b>MM NOISE-2:</b> The project sponsor shall incorporate the following construction control measures:</p> <p>a) Limit construction to the hours of 8:00 a.m. to 5:00 p.m. on weekdays, and 9:00 a.m. to 4:00 p.m. on Saturdays, with no noise-generating construction on Sundays or holidays.</p> <p>b) Control noise from construction workers' radios to the point where they are not audible at existing residences that border the Project site.</p> <p>c) Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.</p> <p>d) Utilize quiet models of air compressors and other stationary noise sources where technology exists.</p> <p>e) Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.</p> <p>f) Prohibit unnecessary idling of internal combustion engines.</p> <p>g) Notify residents adjacent to the Project site of the construction schedule in writing.</p> <p>h) Designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., starting too early, bad muffler) and institute reasonable measures warranted to correct the problem.</p> | <p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of demolition, grading, or building permits</p> | <p>Building Division</p>  | <p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of demolition, grading, or building permit</p> <p>Provide neighbors with contact information</p> | <p>Stop Project/alert proper contact</p> <p>issue warnings/fines</p> |                   |

**Victory Village Senior Housing Project, 2626 Sir Francis Drake Boulevard, Fairfax, CA 94930**  
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|--|--|--|---|---|-------------------|
| <p>Conspicuously post a telephone number for the disturbance coordinator at the construction site.</p>   |  |  |   |   |                   |
| <p><b>XVI. TRANSPORTATION/TRAFFIC</b><br/> <b>MM TRAF-1:</b> For approval of the alternate driveway access and prior to submittal of a demolition, grading, or building permit, the project sponsor shall design a two-way left-turn pocket prepared by a licensed professional civil engineer. The turn lane design shall also incorporate high resolution lane striping and/or warning signs alerting drivers to the presence of opposite direction traffic turning conflicts. The two-way left turn lane pocket shall be submitted to the Director of Public Works for review and approval. If the alternate access is not needed, the project sponsor shall submit the appropriate authorization documents to the Director of Public Works indicating that the current access of Mitchell Drive will continue as configured.</p> | <p>Require as a condition of approval<br/>                     Project sponsor submits plan requiring approvals from appropriate HOA or agencies prior to issuance of demolition, grading, or building permits</p> | <p>Department of Public Works<br/>                     Building Division</p> | <p>Incorporate as condition of project approval<br/>                     DPW/Building Division verifies appropriate approvals obtained prior to issuance of building permit</p> | <p>Deny issuance of demolition, grading, or building permit</p> |                   |

**EXHIBIT 'C'**  
**PARCEL MAP**

# Proposed Lot Plan





**PROJECT DATA**

| Building Area Summary |              | Unit Count |           |
|-----------------------|--------------|------------|-----------|
| Floor                 | Area (sq ft) | Bedroom    | Studio    |
| Floor 1 (L1)          | 11,141       | 7          | 4         |
| Floor 2 (L2)          | 11,141       | 8          | 10        |
| Floor 3 (L3)          | 11,141       | 13         | 15        |
| <b>TOTAL</b>          |              | <b>28</b>  | <b>29</b> |

| Parking Summary |           |
|-----------------|-----------|
| Category        | Count     |
| Bedroom Parking | 42        |
| Studio Parking  | 42        |
| <b>TOTAL</b>    | <b>84</b> |
| Parking Ratio   | 0.78      |

**SHEET NOTES**

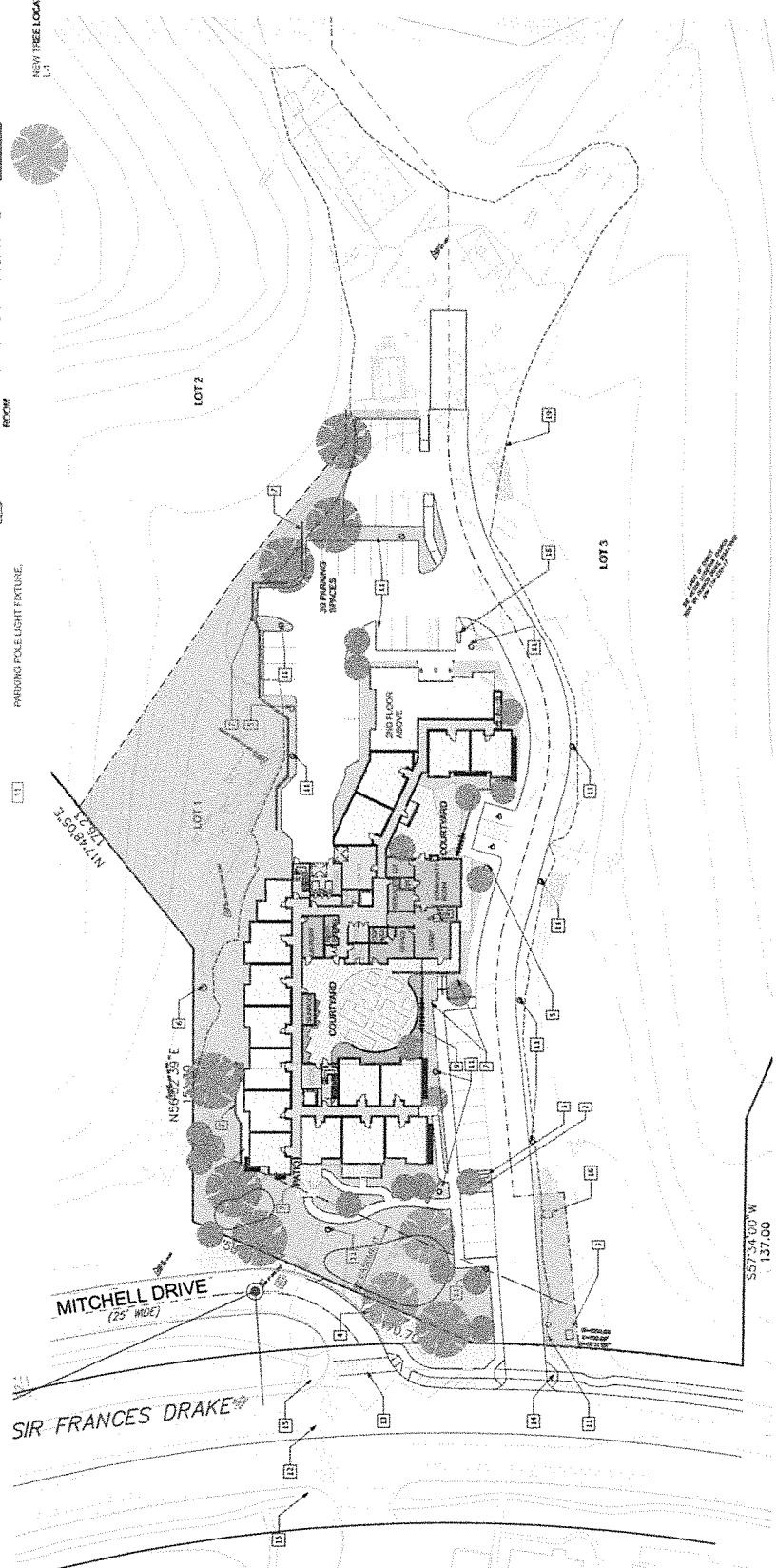
- 1.1 FIRE CONNECTION
- 1.2 BACK-FLOW PREVENTERS
- 1.3 PAD MOUNTED TRANSFORMER
- 1.4 EXISTING HYDRANT
- 1.5 NEW HYDRANT
- 1.6 ELECTRIC UTILITY POLE
- 1.7 CONCRETE RETAINING WALL
- 1.8 LOW STEEL FENCE WITH WOOD RAIL
- 1.9 RAISED ACCESSIBLE PLANTERS
- 1.10 METAL DEER FENCE
- 1.11 PARKING POLE LIGHT FIXTURE

**LEGEND**

- (E) CROSSWALK
- NEW CROSSWALK
- EXTEND SIDEWALK, CURB AND GUTTER TO PROPERTY LINE AS SHOWN
- EXISTING RESIDENTIAL CROSSING
- EMPALEMENT SOCIAL WITH FLASHING LIGHT BOTH SIDES OF SIR FRANCIS DRAKE
- STORM DRAIN
- ROUGHENED CHANNEL, SEE CIVIL DRAWINGS
- DESIGNATED SMOKING AREA WITH BENCH DEVELOPED AREA
- DASHED LINE REPRESENT PREVIOUSLY DEVELOPED AREA
- DECOMPOSED GRANITE PAVEMENT TO MECHANICAL ROOM

- PROPERTY LINE
- (M) METAL FENCE
- BOUNDARY OF PREVIOUSLY DEVELOPED AREA
- ACCESSIBLE PARKING SPACE
- RESIDENTIAL
- CIRCULATION MAINTENANCE
- COMMON AREAS

NEW TREE LOCATION, SEE SHEET L-1



1 SITE PLAN  
A-10 SCALE: 1" = 30'



**Fairfax Senior Housing | PROPOSED SITE PLAN AND PROJECT DATA**

**VAN METER  
WILLIAMS  
POLLACK**

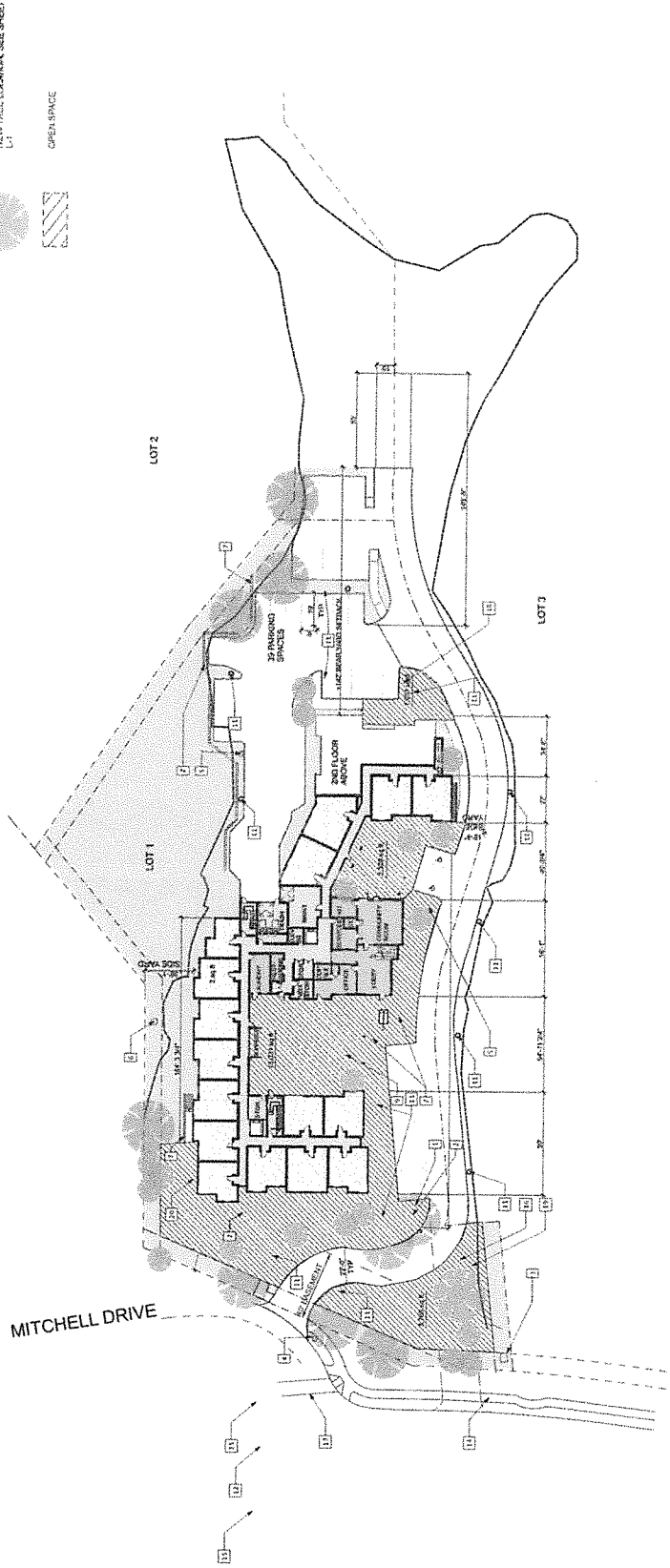
Fairfax, California | 01/11/2017 | Resources for Community Development | #1429

**SHEET NOTES**

- 1 FIRE CONNECTION
- 2 BACK FLOW PREVENTERS
- 3 PAD MOUNTED TRANSFORMER
- 4 EXISTING FFPORANT
- 5 NEW HYDRANT
- 6 ELECTRIC UTILITY POLE
- 7 CONCRETE RETAINING WALL
- 8 LOW STEEL FENCE WITH WOOD RAIL
- 9 RAISED ACCESSIBLE PLANTERS
- 10 METAL DEER FENCE
- 11 PARKING POLE LIGHT FEATURE
- 12 (E) CROSSWALK
- 13 NEW CROSSWALK
- 14 EXTEND SIDEWALK CURB AND GUTTER TO RESIDENTS DRIVE WAY - SEE CIVIL DWG.
- 15 POTENTIAL PEDESTRIAN CROSSING FROM DRIVEWAY TO DRIVEWAY LIGHT BOTH SIDES OF SAN FRANCISCO DRIVE
- 16 STRAIN DRAIN
- 17 AGULCHISED CHANNEL - SEE CIVIL DRAWINGS
- 18 DESIGNATED SMOKING AREA WITH BENCH
- 19 ALTERNATE ACCESS LOCATION FROM SRT FRANCIS DRIVE BOULEVARD, SHOWN DASHED
- 20 DECOMPOSED GRANITE PAVI TO MECHANICAL ROOM

**LEGEND**

- PROPERTY LINE
- (M) METAL FENCE
- BOUNDARY OF PREVIOUSLY DEVELOPED AREA
- ACCESSIBLE PARKING SPACE
- RESIDENTIAL
- CIRCULATION MAINTENANCE
- COMMON AREAS
- NEW TREE LOCATION, SEE SHEET 14
- OPEN SPACE



1 SITE PLAN  
SCALE: 1" = 30'

**Fairfax Senior Housing | A-1 PROPOSED SITE PLAN WITH OPEN SPACE**

Fairfax California 12-8-2016 - Resonance for Community Development - 1425

**VAN NETER  
WILLIAMS  
POLLOCK**

## Linda Neal

---

**From:** Sean Kennings <sean@lakassociates.com>  
**Sent:** Thursday, December 15, 2016 9:46 AM  
**To:** Linda Neal; 'Katy Wisinski'  
**Cc:** Garrett Toy; 'Larry Kennings'  
**Subject:** Victory Village - RVSD comments

I just got off the phone with Jim Smith at the RVSD – they had a draft letter from August – but never sent it.

His general comments:

- The RVSD will serve the property
- The on-site sanitary infrastructure will need to meet the RVSD standards
- The off-site sanitary infrastructure will need to meet the RVSD standards
  - A pipe running under Sir Francis Drake is 6" and will need to be upgraded to 8"
  - A pipe from SFD to a distance down system from the project is 6" and needs to be upgraded to 8"
  - Pipe improvements would be required for about 400' linear feet (approx. \$200k in upgrades)
  - Improvements in SFD would require lane closures, etc to dig up street – and or directional drilling or some form of alternative to avoid road impact
- The project will need to pay connection fees – appr \$10k/\$11k per unit
  - He mentioned the board may have the authority to credit fees for affordable?
- The project can offset required fees with the construction upgrades required for the new pipe sizes

In general he said there are no real red flag issues – but that there will be impacts due to the size of the project and the applicant should be expected to pay their fair share.

Katy – did you have general conditions for sanitary – if so, I could forward to him for his review.

**Sean Kennings**  
planning consultant

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Corte Madera, CA 94976  
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sean@lakassociates.com  
www.lakassociates.com/home