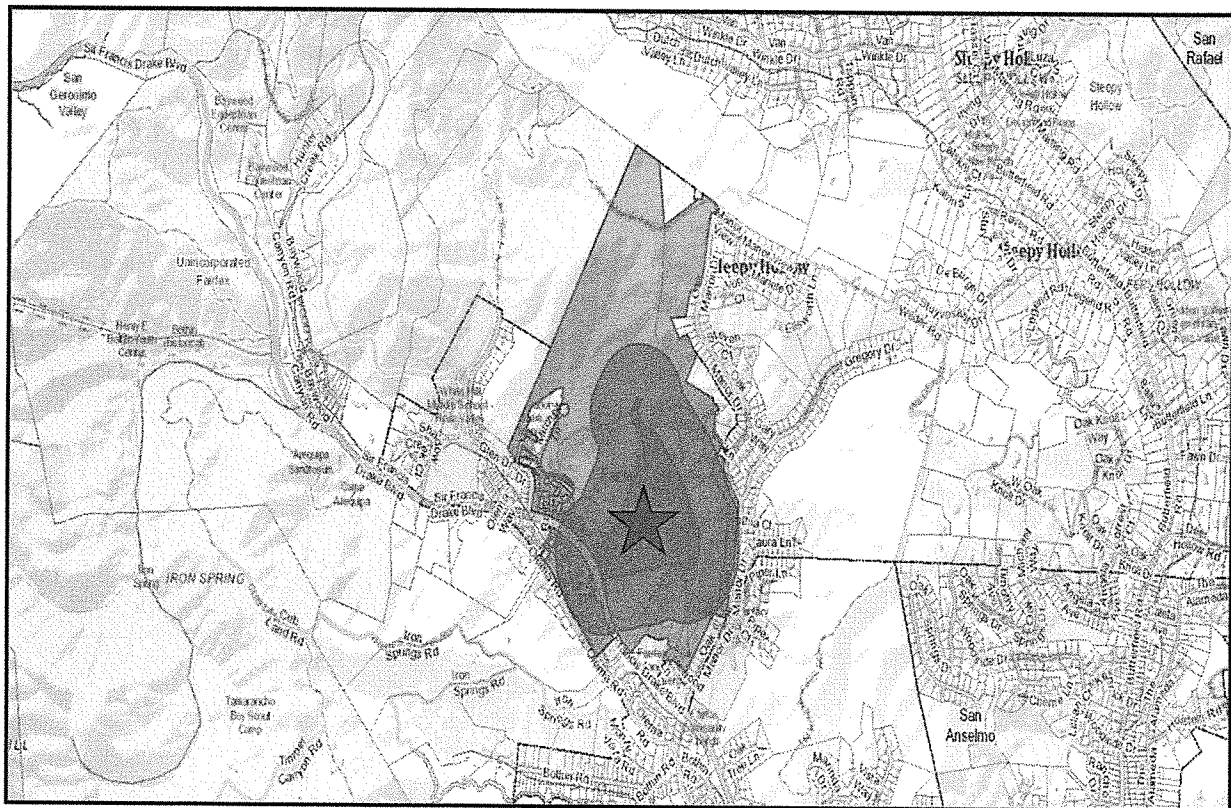


**TOWN OF FAIRFAX
STAFF REPORT**
Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: April 20, 2017
FROM: Garrett Toy, Town Manager
Sean Kennings, Contract Planner
Katy Wisinski, Deputy Town Attorney

LOCATION: 2626 Sir Francis Drake Boulevard, Fairfax, CA 94930
ZONING: UR-7
PROJECT: Victory Village Senior Housing project
ACTION: Recommend for Town Council Approval
APPLICANT: Resources for Community Development (RCD)
OWNER: Christ the Victor Lutheran Church
CEQA STATUS: Mitigated Negative Declaration



2626 SIR FRANCIS DRAKE BOULEVARD
Victory Village Senior Housing Project

PURPOSE OF TONIGHT’S MEETING

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

UPDATES SINCE PLANNING COMMISSION REVIEW ON MARCH 16, 2017

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

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

OVERVIEW

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

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

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

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

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

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

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

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

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

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

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

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

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

BACKGROUND

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

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Town designated as capable of accommodating affordable housing.

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

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

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

PROJECT DESCRIPTION

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

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

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

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

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

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

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

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

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

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

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

DISCUSSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other Agency Comments/Conditions

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

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

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

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

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

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

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

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

Ministerial Actions

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

CEQA

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

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

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FINDINGS

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

RECOMMENDATION

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

ATTACHMENTS

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