



TOWN OF FAIRFAX

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TO: Planning Commission
FROM: Ben Berto, Planning and Building Services Director
SUBJECT: Workshop results

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Commissioners:

This report reviews the preliminary overall work program discussion at the January 20 workshop/retreat and makes recommendations for the Planning Commission's 2018 draft work program. Your Commission should review the report and recommend your work program priorities to the Town Council, who in turn will provide direction on its priorities to the Planning Commission and staff.

At the January 20 public workshop/retreat, staff provided a staff report on the following general topical areas for discussion at the workshop. The general topics represent a compilation of the eight General Plan Elements: Land Use, Circulation, Housing, Town Center, Open Space, Conservation, Safety, and Noise. Reorganization of the implementing programs from the eight elements followed prior Planning Commission recommendations to ensure that topical themes and programs that crossed over more than one element were considered in tandem (Attachment 1 – Workshop Matrix).

General Plan Implementation-related

- *Natural disaster and safety preparedness, education, and recovery*
- *Historic preservation*
- *Environment*
- *Transportation*
- *Housing*
- *Town ordinances*

Other work program items

- *Cannabis regulations*
- *Marinda Heights (aka Wall Property) subdivision*

Out of the general discussions at the workshop, your Commission made informal suggestions for staff to follow up on, to be brought back to your Commission for specific work program recommendations. The General Plan discussion follows the same topical category format used at the workshop and referenced above.

GENERAL PLAN

Staff started the process of prioritizing General Plan Implementation programs with the Commission at the October 19, 2017 meeting. At the time, staff and the Commission used the General Plan Implementation Program matrix previously prepared by General Plan Implementation Committee (GPIC) (see Attachment 1). The GPIC matrix listed 319 Programs to which the General Plan assigned responsibility to the Planning Commission, planning staff, or both. In evaluating the many responsibilities assigned to planning, persons familiar with the process acknowledged that Staff and/or Commission assignments had sometimes occurred for lack of an alternate candidate.

Regardless of the background, it was fairly obvious that such a large number was too unwieldy, and had to be dramatically reduced. In order to do so, prioritization had/has to occur.

As can be seen from the attached matrix (see Attachment 2) staff has restructured the General Plan Implementation matrix to highlight the General Plan implementing programs that received multiple consensus nods from Commissioners at the 1/20 workshop. The revised list now shows 24 Implementing Programs, organized in the topical categories of Natural Disaster and safety preparedness, education, and recovery, Historic Preservation, Environment, Transportation, Housing, and Town Ordinances. Below is a discussion of each general topic, focusing on the 24 Implementing Programs, with options for Commission review.

It should be noted that even with the substantial (prospective) winnowing of General Plan Implementing Programs that has occurred to date, the 24 Implementing Programs represents extreme challenges on which to even begin work, let alone develop and proceed with a work program. Staff considers it incumbent on the Town to achieve staff work streamlining and efficiencies in order to realistically work on even a fraction of those Programs. Streamlining options are considered in more detail in the latter portion of this report.

General Plan implementation topics

Natural disaster and safety preparedness, education, and recovery

Programs in this category were understandably considered a high priority by Commissioners. The importance of Items such as developing an ordinance to address the aftermath of widespread destruction, developing a seismic retrofit program, establishing fire hazard abatement districts, and developing fire evacuation plans seems evident after last fall. However, many of these items are not generally within the purview of the Planning Commission and planning staff.

Rather than spend considerable Commission and Staff resources in areas for which other

departments and agencies (specifically Fire) typically have primary responsibility, staff recommends that the above be forwarded to the Town Council as areas that should receive attention and support, regardless of which agency is responsible.

Post-disaster recovery ordinance. Developing a Post-Disaster Recovery Ordinance is a work item that would provide an opportunity for a multiple issue approach that Disaster planning in general, and the Town's Disaster and Safety Implementing Programs specifically, seemingly demand. Such an ordinance would address and tie together diverse topics including developing and adopting a definition of "wide-scale neighborhood destruction" (LU-7.2.5.1) to "developing an ordinance to neighborhood scale and character" when such widespread destruction has occurred (LU-7.2.5.2). It also provides an opportunity to discuss improving community safety and resiliency.

Historic Preservation

Although only one historic preservation-related Implementing Program received multiple Commission votes at the workshop, the fact that it was the highest individual vote getter reflects the popularity of including historic preservation as a high-priority work program item. There appears to be a qualified individual (Cassidy DeBaker) willing to assume much of the responsibility for initiating and stewarding such work - a big help. Consistent with prior organizational direction, historic preservation also offers the opportunity to achieve several goals simultaneously (for example, preserving the character of the downtown).

Environment

The Environment category provides the opportunity to complete several potentially straightforward Implementing Programs, for example, updating the General Plan Visual Resources Map (LU-1.2.1.1). Creating Ridgeline Development standards (OS-3.2.2.1) wouldn't take too much staff time. Outdoor lighting standards (CON-6.1.2.3) could advance dark sky principles. Developing a Creek Master Plan (CON-3.1.3.1) and creek restoration, while more involved, could tier of prior studies (the Creek Morphology Plan) and make substantial improvements for our vulnerable salmonid populations. Better protection and regeneration of native tree forests (CON-5.1.2.7) could be evaluated in cooperation with the Tree Committee and Town Arborist.

Transportation

Insofar as certain State regulations appear to be assuming a vehicle-less future while ignoring the present, updating a parking study (TC-3.2.6,1) may be timely.

Housing

Preserving existing low-income units (H-1.1.1.5) could benefit from a "no-net loss" ordinance. Enact some of the potential housing programs, for example enact density bonus zoning (H-4.1.2.1), should be evaluated in light of existing State requirements and pre-emptions. Staff is in the process of conducting its annual Housing Element Review (h-7.1.1.1)

POTENTIAL ZONING CODE AMENDMENTS

Staff continues to be fully subscribed working on a variety of projects, some of which (e.g. Marinda Heights subdivision and cannabis regulations) promise to be major work program priorities this year. Given the background work load, and the implied scope of a number of other work priorities, it will be very difficult to develop and implement non-mandatory General Plan Implementing Programs until and unless streamlining can occur with respect to how certain development applications are currently processed.

Following up on the Commission's workshop discussion on desired Zoning Code amendments, the following are staff's recommended priorities for zoning amendments that, once adopted, would enable more streamlined processing of planning applications, thus freeing up staff time for additional work program priorities. The recommendations are taken from the list that the Planning Commission reviewed at the workshop (See Attachment 3.).

(1) Incomplete Application time limits for completion received the most (6) votes and would be a relatively simple and non-controversial code change. It would entail expiring projects which have been nonresponsive in completing submittals, despite repeated attempts by staff to have the applicants do so. For example, the oldest application currently found in the active planning files of the Planning Department was submitted in 2011. Despite numerous communications between staff and the applicant, the owner has not completed the application submittal. Such 'stale' applications result in inefficient processing, and potential changes of reviewers over time, never a desirable situation.

Recommendation: Amend the Code to automatically deem incomplete applications as expired after lapse of a given period of time.

(4) Substandard Parcels. The current code currently requires any modifications on non-conforming (substandard) parcel or structures to obtain either a Use Permit or a Hill Area Residential Development (HRD) permit from the Planning Commission. This has resulted in bathroom and closet additions requiring Planning Commission approval. Commission noticing, report preparation, etc. creates a substantial work load on planning staff, and results in a lengthy and arduous process for owners who simply want to perform minor additions or remodels.

Recommendation: Modify the applicable code provisions, found in the all the different Residential Zoning Districts sections, so that projects which are below some threshold (e.g. Less than 50% remodel, 250 square foot additions) and that otherwise conform to zoning regulations (including parking), be processed administratively by staff. Public noticing would be the same as for a Planning Commission-reviewed application.

(5a) Tree Regulations. Town Code currently requires a tree removal permit for dead trees and trees that are in danger of damaging structures. There are ISA certified arborists that provide only tree health assessments and then make recommendations for pruning and removal. They do not provide pruning or tree cutting services.

Recommendation: Amend the Tree Ordinance to enable staff to issue a tree permit if the application is accompanied by a report by an ISA certified arborist (one that does not provide tree pruning or removal services) indicating a tree is dead, or is an "immediate danger" to

persons or properties safety, or other compelling evidence is present that one of these two circumstances is present.

(5c) Common Agenda Items. A percentage of projects the Planning Commission currently reviews involves simple projects and permits such as Encroachment permits, fences, signs, and small additions on sites with 10% or less slope and stable soils. Standards could be developed to ensure that projects are consistent with Town character.

Recommendation: Amend the Zoning Code to change these projects/permits to ministerial review for compliance with adopted standards.

General Plan Executive Summary key initiatives

Staff notes that the General Plan's Executive Summary mentions several key initiatives. These include: a public process for a new Town Center Plan, zoning changes to preserve the character of the downtown area, reducing automobile use and encouraging alternative transportation, a Climate Action Plan, and zero waste by 2025. Some of these are incorporated in Implementing Programs already discussed, others have been taken up already, others function more as guideposts than work program items for 2018.

RECOMMENDATION

Staff recommends that the Commission review the work program items discussed in this report and attached materials and provide staff with recommended work program priorities for 2018.

Attachments:

1. General Plan Implementation Committee Implementing Program Matrix
2. General Plan Implementing Program list from 1/20/18 Planning Commission public workshop.
3. Commission List Of Zoning Ordinance Amendments To Discuss And Consider