



TOWN OF FAIRFAX

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TO: Planning Commission
FROM: Ben Berto, Planning and Building Services Director
SUBJECT: Work Program Priorities

March 15, 2018

Commissioners:

This report provides the draft 2018 work program priorities that your Planning Commission achieved consensus on at your February 15 meeting. The work program reflects the following:

-) Two large work program priorities independent of General Plan Implementing Programs.
-) Finalized list of General Plan programs, showing the Commission's consensus ranking of priorities, ranked 1 through 10.
-) Zoning ordinance streamlining amendments precedent to General Plan work (separate report this agenda)

Once the Town Council has provided direction on work program priorities, staff will report back to the Commission and begin implementation of the work program.

Work Program Priorities

Marinda Heights Subdivision of the Wall Property

As the largest undeveloped privately property in Fairfax, and one which is of major importance to the Town, review of the Marinda Heights Subdivision will involve a substantial amount of staff time in the coming weeks, and the Planning Commission's work in the coming months.

The application is still incomplete. Staff is scheduled to issue a project status determination memorializing the project's completion status in the next two weeks. Once any incompleteness items have been addressed, the project will enter into an environmental review phase involving preparation of an Environmental Impact Report (EIR). An environmental consultant charged with the preparing the EIR will be selected. A public scoping session will be scheduled early in the environmental review process.

Staff is scheduled to discuss applicable aspects of this project before the Fairfax Open Space Committee (FOSC) at a special meeting in the Women's Club on March 22 (see Town's and FOSC webpages for more information). A public notice should be circulated soon by the applicant informing neighbors of the FOSC meeting.

Cannabis regulations

Several Town Council discussions and a special workshop have already taken place on cannabis. Another special meeting will be scheduled shortly, where it is anticipated that a consultant specializing in governmental cannabis programs will be featured. The consultant will provide information and guidance to the Town Council, and possibly Planning Commissioners in a joint meeting.

The Town Council's most recent agenda discussion of cannabis occurred on March 7, where they began the process of providing broad cannabis program parameters to staff and the Planning Commission as we begin the process of developing policies and regulations.

The Town is currently operating under a commercial cannabis business moratorium (with limited exceptions, including medical cannabis dispensaries). That moratorium is due to expire on October 31 of this year. Staff hopes that the Town will be well along the way to completing its review and development of appropriate Town policies and regulations by that time.

General Plan Implementation

Following are the ten highest priorities established by Commission consensus at its February 15 meeting. The General Plan (implementing) Programs are listed in terms of the Commission's overall ranking (highest first). Staff believes that these priorities, having emerged from 300+ such planning-assigned General Plan Programs over multiple Planning Commission review and screening meetings, highly deserve work program efforts this fiscal year and the next. The relative ranking is probably not critical. Staff thanks Planning Commissioners for their hard work in bringing General Plan Programs into the nuts-and-bolts realm of what the Commission and staff hope to work on in the next year.

One of the Commission's top ten priorities, priority #4 (General Plan Program H-1.1.4) seems to best reflect the Commission position in its title - *Preserve Low Income Housing*. The rest of the text of H-1.1.14 as it appears in the Housing Element refers to deed restricted units, of which the Program acknowledges Fairfax doesn't have any.

A General Plan and its programs are intended to be living breathing documents (metaphorically speaking) – meaning in this case that the context of preserving low income housing has broadened to include other topics, and that's appropriate. In this case, the Commission has voiced concern that existing duplexes, triplexes, and accessory dwelling units should be

preserved from removal or conversion to fewer, larger units. Thus this program's intent relates also to 'no net loss' of housing, irrespective of whether or not a unit is deed-restricted.

Summary rationales follow the recommended General Plan Implementing Program priorities. The General Plan Element in which the Program is found is listed first, in underlines.

The importance and functional intent evolution of this program will be explained to the Town Council, and incorporated into follow-up efforts, should this be determined to be a work program priority.

Following are the ten (twelve actually, two Programs were tied for votes) highest Planning Commission General Plan Implementing Program priorities:

1. Conservation Program CON-8.2.1.1-Establish an ordinance for protecting, maintaining, rehabilitating, and enhancing historical and cultural resources within the Fairfax Planning Area.

As part of the Planning Commission's efforts to preserve the historic character of the downtown, the Commissioners expressed strong support to pursue General Plan Program CON-8.2.1.1. At the October 19, 2017 Planning Commission meeting, Cassidy DeBaker, Fairfax resident and archaeologist, provided the Commissioners with an overview of the historical significance of the downtown area and proposed to begin the process of examining the historic fabric of the downtown by developing a list of buildings with potential historical significance. Ms. DeBaker graciously offered to take the lead on the inventory and proposed to work with property owners as well as the resources and information available from the Fairfax Historical Society and other sources to develop the list. Upon approval by the Town Council, staff will coordinate with Ms. DeBaker to begin the downtown inventory. The information generated from this effort will be used to establish an ordinance for the protection and maintenance of the Town's historical structures and character.

2. Land Use Program LU-1.2.1.1 Evaluate existing Visually Significant Areas on the Visual Resources Map and update as appropriate

The graphical Visual Resources Map found on page OS-4 of the General Plan's Open Space Element dates from the 1970's. It is a competent piece of work for the period and undoubtedly reflects diligent work by the consultant and the Town staff and citizenry that were involved in its development and production. However, certain challenges are inherent in hand-drawn maps that are only modestly connected to real physical features located in space. Applying its designations to real world features, boundaries, and projects is challenging.

General Plan Program LU-1.2.1.1 acknowledges the limitations in the document, and recommends updating as appropriate. With the Marinda Heights subdivision of the Wall Property currently being processed and involved with this map, the time has come to update it.

Staff has been working with GIS consultants to achieve an updated, real-world georeferenced Map of Visual Resources, and will be applying it to relevant projects.

3. *Open Space Program OS-3.2.2.1 Update Fairfax Ordinance 17.060 to clarify conditions surrounding development near ridgelines and encourage the County of Marin to align the Marin County Ridgeline Ordinance, as it exists as of the date of approval of this General Plan, with the Fairfax Ordinance 17.060.*

Chapter 17.060 of the Zoning Code, Ridgeline Development, contains applicability language relating to the Town's Visual Resources Map (see #2 above), and review criteria and findings. The County of Marin's Ridgeline and Upland Greenbelt development regulations contain similar provisions. Fairfax's Ridgeline Development regulations are applicable to the proposed Marinda Heights Subdivision of the Wall property, so efforts to clarify Fairfax's regulations and align the Fairfax's and the County's ridgeline development regulations is topical.

4. *Housing Program H-1.1.1.5, Preserve Existing Low Income Units. The Town has 2 deed restricted housing projects, Bennett House and part of Creekside, but does not currently have any deed-restricted "at-risk" units at this time. Should there be affordable units at risk in the future, the Town will work with property owners of deed-restricted units that are at risk of converting to market rate housing to preserve the lower-income housing by providing funding from the Town's trust fund, working with the County to target Section 8 vouchers for the units or providing other funds for improvements.*

Implementing the literal interpretation of this Program would require the drafting of an ordinance for review and approval of the Commission and Town Council. Staff could research ordinances from other jurisdictions to determine how this would look going forward. A more broad and current interpretation of this program would be to focus going forward on developing code provisions to prevent owners of existing duplexes or triplexes, or owner of single-family residences with ADU's, to be converted to a single-family residence only.

5. *Housing Program H-4.1.2.1 Enact Density Bonus Zoning and Other Incentives. Town staff will prepare amendments to the Zoning Ordinance, for review and approval by the Planning Commission and Town Council, to encourage an increase in the supply of well-designed housing for extremely low-, very low- and moderate-income households. The amendments will include adoption of a density bonus ordinance consistent with the State Density Bonus Law (GC Section 65915 et seq.). In addition, staff and decision makers will evaluate the following:*
 - *Implementation of additional elements of a density bonus program (above and beyond those required by GC Section 65915 et seq.), including establishing simplified density bonus provisions.*
 - *Inclusion of financially equivalent incentives, such as use of trust fund resources,*

expedite processing by Planning and Building Services, and waived or reduced fees to the extent possible for lower-income housing.

- *Updates to fee schedules to reduce and/or defer fees, to the extent possible, for lower-income housing.*
- *Establishment of streamlined processing procedures and other mechanisms to fit with funding requirements and to facilitate desirable lower-income projects that have a significant portion of their total floor area committed to housing*

According to the Town Attorney, the Town can adopt its own Density Bonus ordinance setting forth tiers identifying which density bonus concessions are preferable, which might be accepted and which are not preferred. It would be helpful to let developers know which concessions are acceptable or not to the Town. The ordinance can be used to clarify some of the policies in the General Plan, for example, the General Plan policy indicating that the Town will consider reducing parking standards for affordable housing. The ordinance can make it clear that the parking reduction would not be acceptable on top of a project already using reduced parking as a concession. Including a tier system and clarifying the specifics of what is meant by certain GP policies would give the Town more control over project attempting to use density bonus and concession regulations to decrease amenities and/or increase the number of project units.

6. *Land Use Develop and adopt an ordinance to preserve neighborhood scale and character to rebuild structures when wide-scale destruction has occurred.*

Marin residents have an unfortunate but very informative real-world example next door of the numerous challenges faced when attempting to rebuild after a catastrophic event causes wide-scale destruction. To an extent, this policy and the Sonoma-Napa County firestorm is prescient of what could occur in Fairfax under similar circumstances (i.e., red flag high-wind conditions). In essence this policy is describing developing a post-disaster recovery ordinance, which would include decisions about preserving future neighborhood scale and character.

7. (a). *Seismic Safety Program S-1.1.3.4 Based on inventories and evaluations conducted in S-1.1.3.1 through 1.3.3.3, design and implement a seismic retrofit program to address the highest priority structures. Make information readily available to the public.*

The Town created a seismic safety inventory of its commercial buildings in 1986-87 and since that time, all the at-risk masonry buildings in the commercial zones have been retrofitted. It isn't clear the extent to which non-unreinforced masonry buildings, including government or other public buildings, or historic structures such as the Pavilion, have been evaluated and retrofit work conducted. Even some of the larger private multi-family residential buildings may be at risk if they have space-framed parking areas on the first floor, which at least some appear to.

A review of what seismic inventory and retrofit work has occurred would be a good start at developing a program to identify and make safe highest priority structures. Additional funding would be necessary to implement this program in a comprehensive manner. Another option for private buildings would be to create a set of voluntary guidelines advising owners what they can do to improve the seismic safety of their homes.

(b) . Conservation Program CON-6.1.2.3, Incorporate lighting restrictions for proposed new commercial development, replacement street lighting and residential landscaping.

This would be relatively straightforward to implement. Involving a new lighting ordinance, it would include features such as what would trigger the requirement for lighting upgrades (electrical service upgrades or significant remodels?). The Town is already in the process of upgrading its street lights to energy efficient fixtures. The Planning Commission is tentatively scheduled to hear in April a night sky presentation relating to outdoor lighting. This could provide a good overview of general issues relating to the impacts of night lighting on animals.

8. (a) Safety S-4.4.1.2 *Establish a Fire Hazard Abatement District.*

Although outside the purview of the Planning Commission and planning staff, this is a Town priority and will be recommended to the Town Council as such.

(b) Open Space OS-1.4.2.1 If development plans are presented to the Planning Commission for parcels on the [open space] inventory list, the commission should encourage clustered development on a small segment of the parcel, with the provision of an easement on the undeveloped portion to create Designated Open Space.

This Program speaks for itself, and to an extent is already in effect in previous Commission discussions with the developer of the Wall Property and in the development plans that have subsequently been submitted for the Marinda Heights Subdivision of the Wall Property. Provision of easements, etc would be part of the overall review of this and other vacant property development projects.

9. Safety S-4.4.1.2 *Develop a fire evacuation plan for the highest fire hazard areas, including those areas with limited access/egress, dead-end roads, one-lane roads, and steep canyons. Plan should include: potential evacuation routes and signage, including alternate routes on pedestrian walkways, bikeways, and trails, design and installation of a warning system, and public education and training.*

This is another Program outside the purview of the Planning Commission and planning staff (similar to Priority 8 (a)). However, this is a Town priority and will be recommended to the Town Council as such.

10. (a) Conservation CON-3.1.2.1 *Develop a Creek Master Plan with implementing programs and funding sources for restoring the creeks and protecting habitat in the Planning Area.*

To accomplish this program, staff would research how other municipalities have tackled similar master plan efforts, work with Marin County's Watershed Department to learn of studies and work that have already been completed (e.g., creek restoration projects) and draw upon this information for the purposes of master plan development, further review the "Geomorphic Assessment of Town of Fairfax Project Sites-Final Report, July 31, 2006" prepared for the Town by Fluvial Geomorphology Consulting, and research how potential modifications to the current creek ordinance and creek setback ordinance could further protect creeks and associated riparian habitats.

(b) Housing H-4-1.1.4 Review and Update Parking Standards. Town staff will review and consider updating parking standards, for review and possible approval by the Planning Commission to allow for more flexible parking requirements to allow facilitate infill, transit-oriented, and mixed-use development. The Town will require and consider reducing the parking space requirements for one-bedroom units. Recommendation will be made based on the review and action taken on the recommendations.

The Town of Fairfax has not updated the town parking ordinance since 1982. Many things have changed since then. How many vehicle each family owns has generally increased, there are an increasing number of electric vehicles that require charging facilities, smaller vehicles are being marketed and the State of California has adopted Accessory Dwelling (ADU) regulations that prohibit local jurisdictions from requiring covered parking and/or prohibiting requiring parking at all in some circumstances. Autonomous vehicles along carefully-mapped routes may be a part of the transportation mix before long – transport via cellphone.

The Commission should review and discuss the Town Parking Ordinance including but not limited to considering allowing 1 or more of the required 3 parking spaces to be a compact 8 foot 16 foot spaces, a reduction in the number of spaces, location of charging stations with respect to the property lines (whether or not to require a setback), elimination of the covered parking requirements, etc.

RECOMMENDATION

Review and comment on the individual work program priorities and summaries, for recommendation to the Town Council. The Town Council is tentatively scheduled to hear this item at their May 2 meeting (the Director and two Planning Commissioners will be at the Planning Commissioner's Training Academy on the date (April 4) of the next Town Council meeting.

Attachment: Planning Commission Prioritized General Plan Implementing Program matrix from 2/15/18 Planning Commission meeting

Work Program priorities 031518 rpt

Commission Priorities (2/15/18 PC Meeting)	PC Category	General Plan Program	Resources Required		General Plan Timeline	Planning Staff Comments
			Staff	Cost		
1	HP/TO-1	CON-8.2.1.1: Establish an ordinance for protecting, maintaining, rehabilitating and enhancing historical and cultural resources			Ongoing	
2	E-2	LU-1.2.1.1: Evaluate existing Visually Distinctive Areas on the Visual Resources Map and update as appropriate			Upon adoption of Open Space Element	
3	E/TO-1	OS-3.2.2.1: Update Fairfax Ordinance [re] development near ridgelines, and encourage the County to align the Marin County Ridgeline Ordinance			Every 5 years after approval	
4	H-12	H-1.1.1.5: Preserve Existing Lower-income Units			Ongoing	
5	H/TO-11	H-4.1.2.1: Enact Density Bonus Zoning and Other Incentives			2013	
6	N/TO-1	LU-7.2.5.2: Develop and adopt an ordinance ... when wide-scale destruction has occurred			1st year after adoption	
7a	N-10	S-1.1.3.4: Based on the inventories and evaluations ..., design and implement a seismic retrofit program to address the highest priority structures			2013	
7b	E-58	CON-6.1.2.3: Incorporate lighting restrictions for commercial, replacement street lighting, residential			Within 3 years	
8a	N-22	S-3.1.2.5: Establish a Fire Hazard Abatement District			2012	

Commission Priorities (2/15/18 PC Meeting)		PC Category	General Plan Program	Resources Required	General Plan Timeline	Planning Staff Comments
		Staff		Cost		
8b	E/H-1	OS-1.4.2.1: ... Planning Commission ... should encourage clustered development on a small segment of the parcel			PC	
9	N-46	S-4.4.1.2: Develop a fire evacuation plan for the highest fire hazard areas ...			2011	
10a	E-44	CON-3.1.3.1: Develop a Creek Master Plan, with implementing programs and funding			Within 1 year	
10b	T/H/TO-1	H-4.1.1.5: Review and Update Parking Standards			2014	