



TOWN OF FAIRFAX

STAFF REPORT

May 2, 2018

TO: Mayor and Town Council

FROM: Ben Berto, Director of Planning and Building Services *GB*

SUBJECT: Review/consider the Planning Commission's work program and priorities for Fiscal Year 2018-19

RECOMMENDATION

Review the Planning Commission's recommended work program and provide direction on the work program and priorities for FY18-19.

BACKGROUND

The Fairfax 2010-2030 General Plan, adopted by the Town Council in April 2012, listed over 300 programs for which the Planning Commission (PC) and planning staff were assigned responsibility for implementing (see attachment C - General Plan Planning Program matrix).

Work on several General Plan implementing programs such as the zoning for Victory Village, affordable senior housing project, were undertaken by staff, the PC, and the Town Council since 2012. Over 300 programs remain.

The Planning Commission and staff have been working since last September to systematically organize and prioritize the highest priority General Plan Implementing Programs.

DISCUSSION

In addition to the General Plan work program priorities, the Planning Commission is also recommending amendments to the Town's Zoning Code to provide more clarity and/or simplify the process for applicants such as residents seeking approval for minor home remodels. The PC also noted that there are two current major work program topics which will impact their ability to implement their workplan: review of the Marinda Heights subdivision of the "Wall" Property and cannabis regulations.

General Plan Work Program

Below are the implementing work program priorities that the Planning Commission is recommending, as developed at its February, March, and April 2018 meetings. The proposed General Plan implementing programs listed below represent the PC's top ten priorities, but are not listed in the order of preference. In addition, the PC recognizes it would be unrealistic to believe the PC could undertake all the actions listed below within the fiscal year. The rationales for each General Plan implementing program are provided in Attachment A.

The Planning Commission is seeking guidance as to the Council's top priorities. The following General Plan Programs are listed verbatim as shown in the General Plan.

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.
2. Land Use Program LU-1.2.1.1 Evaluate existing Visually Significant Areas on the Visual Resources Map and update as appropriate
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.
4. Housing Program H-1.1.1.4, Preserve Existing Lower-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.
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:
 - a. 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.
 - b. Inclusion of financially equivalent incentives, such as use of trust fund resources, expedited processing by Planning and Building Services, and waived or reduced fees to the extent possible for lower-income housing.
 - c. Updates to fee schedules to reduce and/or defer fees, to the extent possible, for lower-income housing.
 - d. 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.
6. Land Use Program LU-7.2.5.2 Develop and adopt an ordinance to preserve neighborhood scale and character to rebuild structures when wide-scale destruction has occurred.

7. Conservation Program CON-6.1.2.3, Incorporate lighting restrictions for proposed new commercial development, replacement street lighting and residential landscaping.
8. Open Space Program 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.
9. Conservation Program 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.
10. Housing Program 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.

Zoning Amendments

The rationales behind the zoning changes recommended by the Commission are listed in Attachment B. Taken together, once enacted, these amendments would “free up” the time needed for staff and the Planning Commission to undertake its General Plan work program.

Developing these zoning amendments constitutes a significant work program item for the PC. The Council's direction on these zoning amendments will allow staff and the Planning Commission to focus on those with a higher Council priority. *As mentioned above, these proposed amendments to the Town's Zoning Code will provide more clarity and/or simplify the approval process for applicants, especially for residents seeking approval for minor home remodels/improvements.*

The zoning amendments recommended by the Planning Commission are:

1. Limit the time a development application can remain incomplete.
2. Revise regulations concerning a) Covered Parking b) Tandem Parking
3. Allow administrative review for parcels that are substandard in width
4. Allow the PC or staff to solely approve Tree Permits under specific circumstances
5. Allow ministerial review of certain applications
6. Establish expiration dates for discretionary permit approvals

On-going Major Work Program Task

There are two current major work program topics which will impact the PC's ability to implement their General Plan work program:

- Marinda Heights Subdivision of the Wall Property

The proposed Marinda Heights Subdivision of the Wall Property will involve a substantial amount of staff and Planning Commission work/time in the coming months. The application is still incomplete, as memorialized in a project status letter dated March 23, 2018 (link to the letter follows):

https://www.fairfaxbuildingplanning.org/uploads/1/7/2/9/17296328/project_status_letter_w_attachments_032318.pdf.

After the incomplete items have been addressed, the project will enter into its Environmental Impact Report (EIR) phase.

- Cannabis regulations

A special Town Council-Planning Commission meeting featuring a consultant specializing in governmental oversight of cannabis businesses is tentatively scheduled for May 30, 2018. Regulating commercial cannabis businesses is one of the Town's highest work program priorities. Staff and the Planning Commission await direction from the Town Council on what aspects of commercial cannabis regulation should be their work focus.

FISCAL IMPACT

We anticipate most of the work product can be performed in house with assistance from the Town Attorney.

ATTACHMENTS

- A. General Plan implementing program rationales
- B. Zoning Amendment rationales
- C. General Plan program matrix for Planning