

TOWN OF FAIRFAX
STAFF REPORT
Department of Planning & Building Services

TO: Planning Commission

DATE: November 17, 2011

FROM: Jim Moore, Director of Planning and Building Services

SUBJECT: Consideration of Resolution No. 11-06, draft amendments to Chapter 17.020 Design Review Regulations, and various other design review related sections of the Town Code in order to combine the functions of the Design Review Board and the Planning Commission; through the adoption of Ordinance No. ____.

CEQA: CEQA Guidelines Section 15282.h statutorily exempt from environmental review.

BACKGROUND

Detailed design review regulations for projects in Fairfax are set by Section 17.020 of the Town Code. Section 2.40 of the Town Code establishes the Design Review Board (“DRB”) as a separate body to sit as the decision-making body for design review. Under section 17.020.080 of the Town Code, design review cannot be considered by the DRB until the Planning Commission has acted on the other entitlements for the project.

DISCUSSION

Design review is an integral part of the consideration of any potential project which, in practice, is difficult if not impossible to keep separate from the consideration of other entitlements. As a result, the Town’s process (i.e., a separate DRB, which acts only after the Planning Commission acts) has at times led to practical complications. For example, the Planning Commission is often in the position of having to make decisions about a project without knowing what the design will look like, and therefore is forced to speculate. Sometimes the DRB’s ability to require changes is limited where the entitlements already granted will not permit those changes.

Applicants or neighbors who wish to advocate for or against a project must attend multiple hearings that seem to address the same issue. Significantly, in order to accommodate the time limitations of the Permit Streamlining Act, the schedule of both the Planning Commission’s and DRB’s review must be expedited, which can have the effect of shortening both bodies’ time to consider the project. In addition, having separate bodies reviewing projects at different times creates additional staff work during a time of staff cutbacks.

Planning Staff raised these concerns earlier this year, and the Council directed that staff bring

back a draft ordinance and draft changes to the Town Code in preparation for possible changes to the process. Subsequently, staff has analyzed the code and reviewed the requirements of other jurisdictions.

In most small cities in California, design review is administered by the Planning Commission and not by a separate DRB. Where there is a separate DRB, it typically deals with design review before the Planning Commission issues the other entitlements. Critically, a municipality has no greater authority to approve or deny a project with separate planning and design review processes than it does where they are combined.

In reviewing the Chapter 17.020 “Design Review Regulations” of the Town Code, there are numerous references to the design review process that that have been revised for your consideration (see Exhibit A).

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Adopt Resolution No. 11-06. Relating to Ordinance No. ____: an Ordinance deleting Chapters 2.40 and amending various sections of Chapter 17 of the Fairfax Town Code to modify the design review regulations and procedures; and makes the recommendation that the Town Council adopt the ordinance change.

ATTACHMENTS

Exhibit A - Redlined Chapter 17.020 Design Review Regulations
Exhibit B – Clean Chapter 17.020 Design Review Regulations
Exhibit C - Ordinance No. ____: Design Review Regulations Revisions
Exhibit D - Resolution 11-06.