

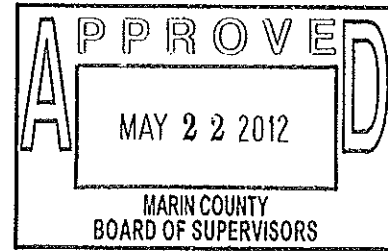
COMMUNITY DEVELOPMENT AGENCY

Brian C. Crawford
DIRECTOR

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Marin County Civic Center
3501 Civic Center Drive
Suite 308
San Rafael, CA 94903
415 473 6269 T
415 473 7880 F
415 473 2255 TTY

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903



SUBJECT: Regulatory Improvements to Development Review Process

Dear Board Members:

RECOMMENDATION:

Conduct a workshop to:

- 1) Consider appropriate methods to facilitate review of development projects that are consistent with the Countywide Plan, and
- 2) Provide staff with direction.

Building and Safety
Environmental Health Services
Planning
Federal Grants
Redevelopment Agency

www.marincounty.org/cda

SUMMARY:

At your Board's recent hearing to review the Community Development Agency (Agency) budget, Supervisor Kinsey suggested the formation of a working group to identify and evaluate strategies for facilitating the review of development projects that are consistent with the Countywide Plan (CWP). The focus of the group could include several areas discussed below. In general, the impetus behind the first three items is to reduce bureaucracy, achieve a more timely process for reviewing development proposals, and allow for greater consumer choice and flexibility for permit-related services. Together, these objectives reflect the Agency's ongoing initiative to create and improve efficiencies in the entitlement review process and to provide procedural incentives to applicants whose projects implement important CWP goals. The last item regarding fees would allow your Board to consider expanding the current policy of reducing fees for certain types of land use proposals that promote the CWP and targeted industries in Marin.

Scope of Review. Staff has identified four possible areas of the County's land use and regulatory programs that could be critically evaluated for possible improvements.

- California Environmental Quality Act (CEQA)

The procedures for implementing CEQA are dictated by State legislation that local agencies are required to follow through their project approval processes. While case law and legislative amendments have increased the complexity of CEQA over the past 40+ years since the law was originally adopted, the interest in reforming the statute has grown and recently resulted in the passage of Senate Bill 226. Promoted heavily by Governor Brown, the new law is intended to help infill development by narrowing the scope of CEQA review if the project was covered by a programmatic Environmental Impact Report for a General Plan Update or a Specific Plan. Advocacy for CEQA reform has also occurred recently from a collaboration of the American

Planning Association and the Association of Environmental Professionals and regional groups such as the Bay Area Council and North Bay Leadership Council. The County could also consider CEQA reforms as part of its annual legislative plan. In addition, the County's Environmental Impact Review Guidelines could be reviewed for potential improvements to the effectiveness and efficiency of implementing CEQA within unincorporated Marin.

- Permit Review Efficiencies

During the past several years, the Agency has promoted amendments to the County's zoning regulations that create efficiencies in the permit review process while upholding our Countywide Plan and other important public policy objectives. These code changes have centered around smaller single-family residential projects, which represent the most common type of permit request, and affordable housing projects. For example, small residential expansions previously subject to a low level design review process can now proceed directly to the building permit stage if environmental buffers, green building and other qualifying criteria are met. Similarly, the time and expense of obtaining planning approval for accessory buildings with minor deviations from development standards have been reduced by replacing a use permit and public hearing with an administrative design review process. Affordable housing projects that exceed the zoning density no longer need a rezoning approval if the project fits within the density range of the Countywide Plan.

Looking forward to the Agency's work program for fiscal year 2012-13, the Building and Safety staff is working on an initiative aimed at providing customers with more choice and flexibility in permitting options, such as express (over-the-counter) permitting and digital photo-documented inspections for certain projects. Workflow management should also improve with the ongoing implementation of the Agency's automated permit tracking system. Other opportunities for improving the efficiency and effectiveness of the permit review process could be explored to further the County's and Agency's goal of improving customer service.

- Countywide Plan

The 2007 update of the Marin Countywide Plan (CWP) was a significant achievement for the County in its comprehensive and innovative approach to integrating the principles of sustainability into the Agency's programs and other aspects of county government. The CWP is also very ambitious in the number of programs adopted to implement its policy objectives (the plan includes approximately 800 programs). Since adoption of the CWP, the slow pace of the economic recession and its constraints on available resources for the Agency have prevented the County from keeping pace with the approved implementation schedule. It would therefore be appropriate to reevaluate the programs both with respect to more contemporary and realistic timelines for implementation. In addition, certain programs could be reexamined and possibly revised to facilitate the review process for projects that clearly implement CWP policy objectives. By way of example, the environmental assessment process could be made more efficient for proposals designed to avoid or minimize impacts on riparian resources. This approach is similar to existing permit efficiency measures that require compliance with the County's

Single Family Residential Design Guidelines, Green Building Ordinance, and CWP as incentives to reducing the number of steps and processing time for projects.

- Fees

Over the past three years your Board has adopted updated fee schedules and fee recovery policies for the Building, Planning and Environmental Health divisions of the Agency. In general, the current fees are based on the cost of providing services and average fees from comparable jurisdictions. The current Planning and Building fee schedules allow a waiver of up to 100% of fees for affordable housing projects and a 35% fee reduction for community-based projects from non-profit or community organizations that result in public benefits. The County has also adopted rebate programs for solar installations and EPA certified wood burning fireplaces. Additional land uses that reflect major public policy goals and targeted industries could be reviewed for similar fee adjustments.

Process. The process of identifying and evaluating regulatory reforms would benefit from a diversity of viewpoints and experience. In that regard, staff recommends that your Board consider establishing an advisory committee composed of individuals who represent key interests with relevant experience. Your Board could delegate to the Agency Director the responsibility for selecting representatives from the following interest groups (in no particular order of priority):

- Community advisory organization
- Social equity
- Building industry
- Planning Commission
- Environmental organization
- Sustainability
- Business
- Affordable housing
- Architect/Engineer

Through a series of regular meetings, the committee would review the above issues and discuss recommendations for changes to policies or procedures. Recommendations coming out of the committee would be forwarded to your Board for consideration. Staff recommends setting out a predetermined schedule of six to eight monthly meetings with a definitive end date to ensure the timely completion of the committee's work. The Agency Director would have authority to make minor deviations from the schedule if needed. County staff would be assigned to work the committee; however, staff recommends that an outside consultant be retained to assist with managing and facilitating the committee's work subject to the future approval of a consultant contract proposal.

FISCAL/STAFFING IMPACT:

Funds would be required for an outside consultant to assist with managing this effort. The amount of funding would be subject to a separate action by the County at the time a contract proposal is considered for authorization. The Agency would work with the County Administrator's Office to identify an appropriate source of funding.

REVIEWED BY:

<input type="checkbox"/>	Auditor-Controller	<input checked="" type="checkbox"/>	N/A
<input type="checkbox"/>	County Counsel	<input checked="" type="checkbox"/>	N/A
<input type="checkbox"/>	Human Resources	<input checked="" type="checkbox"/>	N/A

SIGNATURE:



Brian C. Crawford
Director