

The Terrapin Crossroads Project: What is the Public Process for Considering this Project?

The Terrapin Crossroads project will need the following entitlements from the Town: (1) conditional use permit, (2) parking variance, (3) height variance due to features of subterranean structure and possibly (4) a driveway separation variance. (Note: additional entitlements may be required as the project design process proceeds.) In order for the Terrapin Crossroads entitlement application to be deemed "complete" and move forward for Planning Commission, Design Review Board and Town Council public hearings, the Applicant is being required to complete what is called an "Initial Study" as part of what is required under the California Environmental Quality Act (aka, CEQA).

The Initial Study process involves a detailed assessment by professionals of potential environmental impacts in these areas: (1) Aesthetics, (2) Agricultural Resources, (3) Air Quality, (4) Biological Resources, (5) Cultural Resources, (6) Geology and Soils, (7) Hazards and Hazardous Materials, (8) Hydrology and Water Quality, (9) Land Use and Planning, (10) Mineral Resources, (11) Noise, (12) Population and Housing, (13) Public Services, (14) Recreation, (15) Transportation/Traffic, (16) Utilities and Service Systems; all resulting in a matrix known as "Mandatory Findings of Significance," which lists whether there is a (a) Potentially significant impact, (b) Less than significant impact with mitigation incorporation, (c) Less than significant impact, or (d) No impact - for any of the sixteen categories above.

Once the Initial Study is completed, if there are no environmental impacts or any potential impacts have been "mitigated" to less than significant, it is filed with the County as a draft Negative Declaration (or Mitigated Negative Declaration, as the case may be), deposited in specific public places for public review, and circulated for a thirty (30) day period with all pertinent public agencies for review and comment. The (Mitigated) Negative Declaration will then be considered for certification at the Planning Commission (PC), which is a prerequisite to approval of the project entitlements by the PC, the Design Review Board (DRB) and Town Council. Importantly, if any potential impacts cannot be mitigated to less than significant levels, then the applicant would be required by CEQA to prepare an Environmental Impact Report (aka, EIR).

The final stop in the entitlement process, unless there is an appeal to Town Council of any decisions at either the PC and/or the DRB is with the Town Council for final approval of the (Mitigated) Negative Declaration and the Traffic Impact Permit.

Please note that in the Town of Fairfax, for a project of this nature, a "Traffic Impact Permit" is also required as part of the entitlement application process. As the first step, per Town Code, the applicant is required to obtain Town Council approval of the methodology to be used in the traffic analysis that it prepares as part of the application process. Typically, this is in the form of the "Scope of Service" to the agreement between the applicant and their traffic consultant conducting the transportation/traffic analysis - before commencing the analysis. Once the methodology is approved by the Council, the study is commenced and the report is written for review by the Planning Commission and Design Review Board public hearings on the Use Permit application. Finally, assuming the project is approved at both of those public hearings, the Town Council is required to approve the final professional analysis after a peer review by a traffic consultant retained and directed by the Town (at the applicant's expense).

Therefore, the first step in the public participatory process has been scheduled for the Town Council meeting on August 17, 2011 at 7:00 pm at the Women's Club located at 46 Park Road to approve the Scope of Service (i.e., the "methodology") for the Traffic Analysis.