

RESOLUTION NO. 2021-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF FAIRFAX RECOMMENDING THE FAIRFAX TOWN COUNCIL ADOPT ORDINANCE NO. XX ENTITLED "AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX AMENDING CHAPTER 17.020 AND ADDING SECTION 17.020.030(C) TO INCLUDE THE REQUIREMENT OF A DESIGN REVIEW PERMIT FOR CHANGES IN THE EXTERIOR COLOR OF A STRUCTURE OR THE ALTERATION OF A SIGNIFICANT DESIGN ELEMENT WHICH IS A PART OF THE DESIGN OF THE BUILDING IN ALL ZONES EXCEPT RD 5.5-7, RS 6, RS 7.5, UR 7 AND UR 10

WHEREAS, the Town of Fairfax contains a developed commercial district primarily along portions of Sir Francis Drake Boulevard, Broadway, Bolinas Road, and Center Boulevard and various multiple family developments throughout town but concentrated on Bolinas and Sir Francis Drake Boulevard; and

WHEREAS, the Design Review permitting process is a procedural tool used by the Town to ensure that exterior changes to the structures on commercial zoned and multi-unit properties compliment the neighboring commercial development and the historic nature of downtown Fairfax as viewed from major thoroughfares and surrounding hillside areas; and

WHEREAS, there is a trend throughout Town to alter existing buildings utilizing exterior color palettes that combine shades of black, grey and white; and

WHEREAS, incorporating the processing of any exterior color changes or significant exterior design changes to any building or property located on a commercially zoned property or multi-unit property, into the Design Review process is necessary in the project review phase to ensure such changes are compatible with adjacent commercial and residential development and that the changes will avoid monotony in the overall appearance of the downtown area: and

WHEREAS, Ordinance 352, which comprehensively updated the Fairfax Zoning Ordinance in 1973, contained language requiring a design review permit for "alterations or additions in all zones except RD 5.5-7, RS 6, RS 7.5 which change the exterior color or structures or alter a significant design element which is a part of the design of the building". This language was inadvertently removed with the adoption of Ordinance 688. The codification company apparently removed certain language requiring that changes in the exterior color of a structure or the alteration of a significant design element which is a part of the design of the building in all zones except RD 5.5-7, RS 6, RS 7.5, Ur 7 and UR 10 obtain a design review permit; and

WHEREAS, Ordinance 688, adopted in 2002, was meant to expand the design review ordinance to require a design review permit for all new residences and alterations to residences which constitute 50% remodels, not to eliminate the language requiring a

design review for color alterations in all zones except the single-family residential zones RD 5.5-7, RS 6, RS 7.5, UR 7, and UR 10; and

WHEREAS, staff has prepared such an ordinance, a true and correct copy of which is attached hereto as Attachment A1 (the "proposed Ordinance"), which, if adopted, will amend the Town's zoning ordinance, found at Title 17 of the Town Code; and

WHEREAS, in accordance with the State Planning and Zoning Law, the Planning Commission is tasked with considering whether any proposed amendment to the Town's Zoning Ordinance would be in conformance with the terms of the Town's General Plan. The Planning Commission determines that the proposed Ordinance would conform to the Town of Fairfax 2010 – 2030 General Plan on the basis of the following:

The proposed Ordinance will incorporate the review of exterior color changes and significant exterior design changes to any commercial buildings or any other structure located on commercially zoned properties ensuring that all renewal projects are subject to the same requirements and will comply with the following Fairfax General Plan goals, objectives, and programs:

Land Use Element Goal LU-7: Preserve community and neighborhood character.

Land Use Element Objective LU-7.1; Preserve and enhance the community's small-town scale and character.

Land Use Element Objective LU-7.1.2: New and/or renewed development in the Town Center area should preserve and enhance the village character of the Town Center area in the mix of land uses, architectural styles and ornamentation, materials, colors, and textures.

Town Center Element Goal TC-2: Maintain and preserve the historic character of the Town Center Area.

Town Center Policy TC-2.1.1: New and/or renewed development in the Town Center Planning Area should be compatible with the architectural character of the downtown in terms of height, design treatment, colors, textures, and materials.

WHEREAS, adoption of the proposed Ordinance is exempt from the California Environmental Quality Act ("CEQA"). Adoption of this Ordinance will enact only minor changes in land use regulations, and the proposed Ordinance does not constitute a "project" within the meaning of the California Environmental Quality Act of 1970 (CEQA) Guidelines Section 15060(c)(2), 15061 (b)(3) and categorical exemptions 15305 and 15378 because there is no potential that the regulations result in a direct or reasonably foreseeable indirect physical change in the environment.

WHEREAS, the Planning Commission has conducted duly-noticed public hearings to consider the draft ordinance on March 18 and April 15, 2021, heard the presentation of the staff report, and receive public comment on the matter.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Fairfax as follows:

SECTION 1. The recitals set forth above are adopted as further findings of the Planning Commission.

SECTION 2. The Planning Commission has reviewed the draft ordinance attached hereto as Attachment A1 and finds that it is consistent with the Town General Plan, as set forth above.

SECTION 3. The Planning Commission hereby recommends that the Town Council amend Title 17 of the Fairfax Town Code as set forth in Attachment A hereto to incorporate the requirement for a public hearing and design review permit for changes in the exterior color of a structure or the alteration of a significant design element which is a part of the design of the building in all zones except RD 5.5-7, RS 6, RS 7.5, UR 7 and UR 10.

The forgoing Resolution was duly passed and adopted at a regular meeting of the Planning Commission of the Town of Fairfax held in said Town on the 15th day of April 2021 by the following vote, to wit:

AYES: Fragoso, Green, Newton, Swift, Chair Rodriguez

NOES: None



Michele Rodriguez, Chair

ATTEST: 

Ben Berto, Planning Director

ORDINANCE NO. XXX

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX AMENDING CHAPTER 17.020 AND ADDING SECTION 17.020.030(C) TO INCLUDE THE REQUIREMENT OF A DESIGN REVIEW PERMIT FOR CHANGES IN THE EXTERIOR COLOR OF A STRUCTURE OR THE ALTERATION OF A SIGNIFICANT DESIGN ELEMENT WHICH IS A PART OF THE DESIGN OF THE BUILDING IN ZONES EXCEPT RD 5.5-7, RS 6, RS 7.5, UR 7 AND UR 10

WHEREAS, the Town of Fairfax contains a small but colorful downtown area filled with small, one and two story commercial buildings; and

WHEREAS, the community of Fairfax values “the small-town feel” of the commercial areas; and

WHEREAS, the exterior color and structural design components of the commercial buildings create and maintain the small-town character and historical nature of the commercially developed properties including but not limited to those along Sir Francis Drake Boulevard, Broadway, Bolinas, and Center Boulevard; and

WHEREAS, being able to guide development, restoration, and improvements to the existing structures to maintain the historic, small town, character of the downtown area is essential. Incorporating into the design review process the review of exterior color changes and significant exterior design element changes is essential to maintaining the diversity and unique character of the commercial areas; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on March 18, 2021 and April 15, 2021 to consider the draft ordinance; and

WHEREAS, adoption of this Ordinance is consistent with and will further the following Fairfax General Plan Goals, objectives, policies, and programs of the Town’s General Plan:

1. Land Use Element Goal LU-7: Preserve community and neighborhood character.
2. Land Use Element Objective LU-7.1; Preserve and enhance the community’s small-town scale and character.
3. Land Use Element Objective LU-7.1.2: New and/or renewed development in the Town Center area should preserve and enhance the village character of the Town Center area in the mix of land uses, architectural styles and ornamentation, materials, colors, and textures.
4. Town Center Element Goal TC-2: Maintain and preserve the historic character of the Town Center Area:
5. Town Center Policy TC-2.1.1: New and/or renewed development in the Town Center Planning Area should be compatible with the architectural character of the downtown in terms of height, design treatment, colors, textures, and materials; and

WHEREAS, the Town Council conducted a duly noticed public hearing on XX, XX, XXXX to consider the draft ordinance, heard the presentation of a staff report, and received public comment on the matter.

NOW, THEREFORE, the Town Council of the Town of Fairfax does ordain as follows:

SECTION 1: Section 17. 020.030 (“APPLICABILITY”) OF THE Fairfax Municipal Code, Chapter 17.020 (“Design Review Regulations”), is revised to include subsection “(C)” as follows:

§ 17.020.030(C) Changes in the exterior color of a structure or the alteration of a significant design element which is a part of the design of the building in all zones except RD 5.5-7, RS 6, RS 7.5, UR 7 and UR 10. Significant design element alterations include but are not limited to height, color, signs, landscaping and appurtenances.

SECTION 2: Adoption of the proposed Ordinance is exempt from the California Environmental Quality Act ("CEQA"). Adoption of this Ordinance will enact only minor changes in land use regulations, and the proposed Ordinance does not constitute a "project" within the meaning of the California Environment Quality Act of 1970 (CEQA) Guidelines Section 15060(c)(2), 15061(b)(3) because there is no potential for either a direct physical change on the environment, or a reasonably foreseeable indirect physical change in the environment and categorical exemptions 15305 and 15378 because the code amendment will not result in any changes in land use density, is not a project, and is in compliance with the Fairfax 2010-2030 Fairfax General Plan; and

SECTION 3: Severability. If any section, subsection, sentence, clause, phrase, or work of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The Town Council of the Town of Fairfax hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or work thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or work might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation; and

SECTION 4. Effective Date and Posting. This Ordinance shall become effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices. 2. Bulletin Board, Fairfax Post Office; 3. Bulletin Board, Fairfax Women's Club building.

The foregoing Ordinance was introduced at a regular meeting of the Town Council of the Town of Fairfax on the XX day of XXX, 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

BRUCE AKCERMAN, Mayor

ATTEST: _____
Michele Gardner, Town Clerk